

**City of Baldwin City  
PO Box 68  
Baldwin City, Kansas 66006  
Council Meeting Agenda**

**Baldwin City Public Library  
800 7th Street  
Baldwin City, KS 66006**

**TUESDAY  
August 15, 2017  
7:00 PM**

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**A. Call to Order- Mayor Marilyn Pearse**

**B. Consent Agenda**

1. Minutes of the August 01, 2017 Regular Meeting
2. Special Events -
  - a. Bluegrass & BBQ
  - b. Festival of Lights

**C. Public Comment:**

*Members of the public are welcome to comment on items relating to City business not listed on this Agenda. Please stand and wait to be recognized by the Mayor. As a general practice, the comments may or may not be acted upon by the Council during the meeting, or Council may refer the items to staff for follow up.*

*If you wish to comment on an item listed on the Agenda, a **sign-up sheet** is provided for you to sign in and provide your address. You will be called on when the Agenda item of interest is under discussion by the Council.*

**D. Special Reports or Presentations**

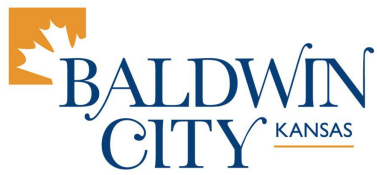
1. Retreat follow-up - John Divine
2. Senior wheels - Bill Neuenswander

**E. Old Business**

1. Resolution 2017-12 review
2. Ordinance 1378- zoning text amendment

**F. New Business**

1. Economic Development Corporation funding



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**G. Committee and/or Commission Reports**

1. Budget and Finance/Kathy Gerstner, David Simmons
2. Community Development Committee/A.J. Simmons, Tony Brown
3. Public Health and Safety Committee/David Simmons, Kathy Gerstner
4. Public Works Committee/Christi Darnell, A.J. Simmons
5. Utilities Committee/ Tony Brown, Christi Darnell

**H. City Administrator and Staff comments**

**I. Council & Mayor Comments**

**J. Executive Session**

1. Attorney-Client privilege

**K. Adjourn**

**City of Baldwin City**  
**Minutes from the 08.01.2017**  
**Regular Council Meeting**

The Baldwin City Council met in Regular Session at 7:00 p.m. at the Baldwin City Public Library, 800 7th Street, with Mayor Marilyn Pearse presiding.

Present were Council Members: Tony Brown, David Simmons and Kathy Gerstner. Also, attending: Glenn Rodden-City Administrator; Ed Courton, Community Development Director; Laura Hartman, City Clerk; Brad Smith, Finance Director; Gregg Schiefelbein, Police Department; Jake Montney, Police Department; Ken Hoffman, Codes Administrator; Kenny Oshel Public Works Director; Chris Croucher, Director of Utility Distribution and City Attorney, Matt Hoy. A.J. Stevens and Christi Darnell were absent.

A. Call to Order:

Mayor Pearse called the regular council meeting to order at 7:00 p.m.

Mayor Pearse called for the Public Hearing for the 2018 Budget. Ted Brecheisen, 207 Silverleaf Lane requested to consider to cut the mill increase. Council thanked Ted for his comments. Mayor Pearse closed the public hearing of the 2018 Budget.

Christi Darnell arrived at 7:06 p.m.

B. Consent Agenda: Council considered Minutes of the 07.18.2017 regular meeting.

Kathy Gerstner moved and Christi Darnell seconded to approve the consent agenda. Motion carried with a vote of 4 yes and 0 no.

C. Public Comment: No public comment on items not listed on the agenda.

D. Special Reports or Presentations – Jeannette Blackmar, Director of Chamber of Commerce shared highlights from June 2016 - July 2017 of the Baldwin City Chamber of Commerce.

E. Old Business: Council reviewed the updates in language to Resolution 2017-12, benefit district improvements. Mayor Pearse said she and Glenn attended the township meeting. The township has agreed to 10% of the project, not to exceed \$43,000. Shane Starkey, 201 Signal Court asked for some clarifications previously discussed. Council ensued discussion. Terry Braun, 1515 N 1st Street made inquiries concerning the process. David Simmons moved and Kathy Gerstner seconded to approve Resolution 2017-12, benefit district improvements. Motion carried with a vote of 4 yes and 0 no.

F. New Business: Council had a first reading of Ordinance 1378, zoning text amendment. Ed Courton elaborated on his notes to Council regarding Ordinance 1378, zoning text amendments.

Ordinance 1379, 2018 budget - Brad explained the budget form. Kathy Gerstner moved and David Simmons seconded to approve Ordinance 1379, 2018 Budget. Mayor asked for a roll call vote - Tony Brown shared his frustration with legislatures. Tony feels the increase is unnecessary but understands we are put into a situation by the legislation. It causes us to make bad decision on a local level. Tony stated he is angry to be backed into a corner. We need to watch every dime and nickel we are laying upon the citizens of Baldwin City. Tony Brown, aye; Kathy Gerstner, aye; David Simmons, aye; Christi Darnell, aye. Motion carried with a vote of 4 ayes and 0 nays.

Jay Zimmerschied was present to discuss the recommendation for a bid for the Public Works building project.

Brad added information on the financial portion of this bid amount. Council had discussion regarding the alternates. Brian Combs, Combs Construction introduced himself. Tony Brown moved and David Simmons seconded to approve the recommended bid from Combs Construction in the amount of \$2,448,000.00 plus any/all alternates desired for inclusion in the project. Motion carried with a vote of 3 yes and 1 no.

#### G. Committee Reports:

Budget and Finance- Kathy Gerstner - no report

Community Development Committee - Tony Brown - Committee met 2 weeks ago. Discussion included housing development and brick streets. Many other items were on the agenda, including the entry sign to the City.

Public Health and Safety Committee- David Simmons - A meeting is scheduled for August 17, 2017 at 4:00 p.m.

Public Works Committee- Christi Darnell - no report

Utilities Committee- Tony Brown - no report

#### H. City Administrator and Staff Comments :

Council members were given the 2017 Cases report from the police department and the monthly financial reports. Chris Croucher said the crossing signal will be up next week.

#### I. Council & Mayor Comments

Mayor Pearse asked for 2 delegates to serve on the League of Municipality. A.J. Stevens and Ed Courton

David Simmons thanked public works, fire department and police department staff for their help at the triathlon. David added he appreciates the support of City staff.

J. Executive Session – Tony Brown moved and Kathy Gerstner seconded that the city council recess into executive session, with the City Attorney, City Administrator and City Clerk to join the Council, to discuss a privileged and confidential legal matter of the City pursuant to the attorney-client privilege exception, K.S.A. 75-4319 (b)(2). The open meeting will resume in this room at 9:30 p.m. Motion carried with a vote of 4 yes and 0 no.

Open session resumed at 9:30 p.m.

David Simmons moved and Kathy Gerstner seconded that the city council recess into executive session, with the City Attorney, City Administrator and City Clerk to join the Council, to discuss a privileged and confidential legal matter of the City pursuant to the attorney-client privilege exception, K.S.A. 75-4319 (b)(2). The open meeting will resume in this room at 9:35 p.m. Motion carried with a vote of 4 yes and 0 no.

Open session resumed at 9:35 p.m.

Kathy Gerstner moved and Christi Darnell seconded that the city council recess into executive session, with the City Attorney, City Administrator and City Clerk to join the Council, to discuss a privileged and confidential legal matter of the City pursuant to the attorney-client privilege exception, K.S.A. 75-4319 (b)(2). The open meeting will resume in this room at 9:45 p.m. Motion carried with a vote of 4 yes and 0 no.

Open session resumed at 9:45 p.m.

David Simmons moved and Christi Darnell seconded that the city council recess into executive session, with the City Attorney, City Administrator and City Clerk to join the Council, to discuss a privileged and confidential legal matter of the City pursuant to the attorney-client privilege exception, K.S.A. 75-4319 (b)(2).

The open meeting will resume in this room at 9:55 p.m. Motion carried with a vote of 4 yes and 0 no.

Open session resumed at 9:55 p.m.

David Simmons moved and Christi Darnell seconded that the city council recess into executive session, with the City Attorney, City Administrator and City Clerk to join the Council, to discuss a privileged and confidential legal matter of the City pursuant to the attorney-client privilege exception, K.S.A. 75-4319 (b)(2). The open meeting will resume in this room at 9:58 p.m. Motion carried with a vote of 4 yes and 0 no.

Open session resumed at 9:58 p.m.

E. Adjourn – Kathy Gerstner moved and David Simmons seconded to adjourn the regular meeting. Motion carried with a vote of 4 yes and 0 no. Time 9:59 p.m.

Approved by the governing board on \_\_\_\_\_, 2017.

Attest:

\_\_\_\_\_  
Laura E. Hartman, City Clerk

EXHIBIT A - Project description

RESOLUTION NO: 2017-12

Reconstruct N 1<sup>st</sup> Street/E 1750 Road from its intersection with State Lake Road (Route 12; N 400 Road) to the northeast corner of Signal Oak Estates to provide 24'-wide asphalt pavement and open ditch drainage improvements meeting current standards. Work will include grading, culvert replacements, hot mix asphalt base and surface courses, and erosion control.

EXHIBIT B – IMPROVEMENT PROPERTIES

RESOLUTION NO. 2017-12

<u>No.</u>	<u>Property</u>
1	Lot Thirteen (13), Signal Oak Estates, Douglas County, Kansas.
2	Lot 14 in Signal Oak Estates, a Subdivision in Baldwin City, in Douglas County, Kansas.
3	Lot 15, Signal Oak Estates, a Subdivision in Baldwin City, in Douglas County, Kansas.
4	Lot 16, in Signal Oak Estates, a Subdivision in Baldwin City, in Douglas County, Kansas.
5	Lot 17 in Signal Oak Estates, a Subdivision of the City of Baldwin City, in Douglas County, Kansas.
6	Lot 18, in Signal Oak Estates, a Subdivision in Baldwin City, Douglas County, Kansas.
7	Lot 19, in Signal Oak Estates, a Subdivision in Baldwin City, Douglas County, Kansas.

Date: 1/20/2017

By: KAB

E 1750 Road (N. 1st Street) north of Route 12

Preliminary project cost estimate

2019 Project Cost Estimate

<u>Item</u>	<u>Cost</u>
Construction	\$ 370,000
Engineering Design*	\$ -
R/W & Easements**	\$ 5,000
Utility relocations	\$ 5,000
Const. Engineering	<u>\$ 50,000</u>
2019 Estimated Total Project Cost	<b>\$ 430,000</b>

\*Assumes designed by DCPW

\*\*Assumes most R/W donated



DOUGLAS COUNTY	0.4	\$172,000.00
BALDWIN CITY	0.3	\$129,000.00
PALMRYA TOWNSHIP	0.1	\$43,000.00
PROPERTY OWNERS	0.2	\$86,000.00
TOTAL COSTS	1	\$430,000.00

TOTAL PER RESIDENT COST		\$12,285.71
PER RESIDENT COST PER YEAR 10 YEAR ASSESSMENT		\$1,228.57

EXHIBIT E – IMPROVEMENT PROPERTIES AND ALLOCATION

RESOLUTION NO. 2017-12

<u>No.</u>	<u>Property</u>	<u>Fraction</u>
1	Lot Thirteen (13), Signal Oak Estates, Douglas County, Kansas.	1/7
2	Lot 14 in Signal Oak Estates, a Subdivision in Baldwin City, in Douglas County, Kansas.	1/7
3	Lot 15, Signal Oak Estates, a Subdivision in Baldwin City, in Douglas County, Kansas.	1/7
4	Lot 16, in Signal Oak Estates, a Subdivision in Baldwin City, in Douglas County, Kansas.	1/7
5	Lot 17 in Signal Oak Estates, a Subdivision of the City of Baldwin City, in Douglas County, Kansas.	1/7
6	Lot 18, in Signal Oak Estates, a Subdivision in Baldwin City, Douglas County, Kansas.	1/7
7	Lot 19, in Signal Oak Estates, a Subdivision in Baldwin City, Douglas County, Kansas.	1/7

RESOLUTION NO. 2017-12

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN IMPROVEMENTS TO FIRST STREET; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS, SUBJECT TO PROTEST.

WHEREAS, K.S.A. 12-6a01 et seq. (the “Act”) authorizes the governing body of any city to make or cause to be made municipal works or improvements which confer a special benefit upon property within a definable area of the city and the levying and collecting of special assessments upon property in the area deemed by the said governing body to be benefited by such improvements for special benefits conferred upon such property by any such improvements and to provide for the payment of all or any part of the costs of the improvements out of the proceeds of such special assessments; and

WHEREAS, the Act provides that before any contract is let or any work is ordered or authorized for an improvement, the governing body shall by resolution direct and order a public hearing on the advisability of the improvement, and to give notice of the hearing by not less than two (2) publications in a newspaper, such publications to be a week apart and at least three (3) days shall elapse between the last publication and the hearing; and such notice shall be given as to (a) the time and place of the hearing; (b) the general nature of the proposed improvements; (c) the estimated or probable cost of the proposed improvements; (d) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (e) the proposed method of assessment; and (f) the proposed apportionment of the cost between the improvement district and the City-at-large; and

WHEREAS, the governing body of the City of Baldwin City, Kansas (the “City”) has by Resolution No. 2017-09, directed and ordered a public hearing on the advisability of certain internal improvements in the City, pursuant to the Act; and providing for the giving of notice of said public hearing in the manner required by the Act; and

WHEREAS, a Notice of Public Hearing was duly published once each week for two (2) consecutive weeks in the Lawrence Journal-World, the official newspaper of the City in accordance with the Act; and

WHEREAS, said public hearing was duly held July 5, 2017, pursuant to such notice; and

WHEREAS, the Act provides that the governing body may, by a majority vote of the entire members-elect thereof, at any time within six (6) months after the final adjournment of the hearing on the advisability of making improvements, adopt a resolution authorizing the improvements in accordance with the findings of the governing body upon the advisability of the improvements, which resolution shall be effective upon publication once in the official City newspaper; provided, the improvements shall not be commenced if, within twenty (20) days after publication of the resolution ordering the improvement, written protests signed by both fifty-one per cent (51%) or more of the resident owners of record of property within the improvement district and the owners of record of more than half of the total area of such improvement district are filed with the City Clerk; and

WHEREAS, the governing body hereby finds and determines it to be necessary to make its findings, by resolution, as to the advisability of the proposed improvement, the general nature of the proposed improvement; the estimated or probable cost of the proposed improvement; the extent of the proposed improvement district to be assessed for the cost of the proposed improvement; the proposed method of assessment; and the proposed apportionment of the cost between the improvement district and

the City-at-large; and further finds and determines it to be necessary to authorize the making of the improvements, by Resolution, in accordance with its findings, subject to the filing of protest thereto, and to provide for the publication thereof, all as required by the Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS:**

**SECTION 1. FINDINGS THAT IMPROVEMENTS ARE NECESSARY.** The City Council finds it is advisable and necessary that certain improvements be constructed upon First Street as more fully described on the attached Exhibit A (the “**Improvements**”).

**SECTION 2. CREATION OF IMPROVEMENT DISTRICT.** The Improvements shall be constructed and provide direct primary benefit to the properties adjacent to First Street between State Lake Road (N. 400 Road) and the Northeast Corner of Signal Oak Estates located within the City limits as more fully described on the attached Exhibit B (the “**Improvement Property(ies)**”).

**SECTION 3. COSTS, ASSESSMENT, AND APPORTIONMENT.** All costs to actually construct the Improvements (the “**Costs**”) are estimated as shown on the attached Exhibit C. The Costs shall be apportioned as shown on the attached Exhibit D among the City of Baldwin City, Douglas County, Palmyra Township, and the Improvement Properties.

**SECTION 4. ASSESSMENT TO IMPROVEMENT PROPERTIES.** Each Improvement Property shall have an ad valorem assessment in an amount equal to 1/7<sup>th</sup> of the Costs to be borne by the Improvement Properties pursuant to allocation shown on Exhibit D as further illustrated on the attached Exhibit E payable over the same period of time as the City’s bonds associated with the Improvements and with interest accruing at the same rate as the City’s bond interest rate.

**SECTION 5. EFFECTIVE DATE OF RESOLUTION.** This Resolution shall be in full force and effect from and after its adoption and publication as provided by law, unless within 20 days after publication of this Resolution, written protests signed by both 51% or more of the resident owners of record of property within the improvement district and the owners of record of more than half of the total area of such district are filed with the city clerk.

Passed by the City Council this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

Published in \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2017

**ORDINANCE NO. 1378**

**AN ORDINANCE AMENDING ZONING ORDINANCE #1247 OF THE CITY OF BALDWIN CITY, KANSAS AND AS SET FORTH IN CHAPTER 16 OF THE MUNICIPAL CODE OF THE CITY OF BALDWIN CITY, KANSAS, BY AMENDING ARTICLE 24 AND ADDING A NEW ANNOTATION (H) AND AMENDING ARTICLE 25 AND ADDING A NEW SECTION, SECTION 25-103 (9), CITY OF BALDWIN CITY, KANSAS, DOUGLAS COUNTY, KANSAS**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALDWIN CITY, KANSAS, THAT:**

**SECTION 1**

Zoning Ordinance #1247 of the City of Baldwin City, Kansas, and as set forth in Chapter 16 of the Municipal Code of the City of Baldwin City, Kansas be and the same is hereby amended as follows:

1. Article 24 is hereby amended and a new annotation (h) is added as follows:

“(h) Front Yard: The depth of the front yard may be reduced from 30 feet to 25 feet in a subdivision of four or more lots created after September 1, 2017 in all residential districts, excluding Residential Low Density (RLD).”

2. Section 25-103 (9) is hereby added by the following text:

“Front Yard: The depth of the front yard may be reduced from 30 feet to 25 feet in a subdivision of four or more lots created after September 1, 2017 in all residential districts, excluding Residential Low Density (RLD).”

**SECTION 2** EFFECTIVE DATE OF ORDINANCE. This Ordinance shall take effect on its passage and upon its publication as required by law.

Passed by the City Council this \_\_\_ day of \_\_\_\_\_, 201\_\_.

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Marilyn Pearse, Mayor

ATTEST: \_\_\_\_\_  
Laura E. Hartman, City Clerk

*(Approved as to Form):*

\_\_\_\_\_  
Matthew H. Hoy, City Attorney