



**City of Baldwin City  
Council Meeting Agenda**

**Baldwin City Public Library  
800 7<sup>th</sup> St 7:00 p.m.**

**Monday, October 17, 2016**

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- A. **Call to Order:** Mayor Pearse will call the regular meeting to order.
- B. **Consent Agenda:** *Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.*
1. Consider the Draft Minutes of the October 3, 2016 Regular Meeting
- C. **Public Comments:** *Members of the public are welcome to comment about any matter 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 the 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.*
- For all public comments there is a time limit.*
- D. **Special Reports or Presentations**
- E. **Old Business**
1. Ordinance No. 1353, KDHE Loan Agreement
  2. Ordinance No. 1354, Sewer Averaging
  3. Ordinance No. 1355, Repealing Ordinance No. 1347, Levying Sales Tax
- F. **New Business**
- G. **Committee and/or Commission Reports**
1. Budget and Finance/Kathy Gerstner, David Simmons
  2. Community Development Committee/Steve Bauer, Tony Brown
  3. Public Health and Safety Committee/David Simmons, Kathy Gerstner
  4. Public Works Committee/Christi Darnell, Steve Bauer
  5. Utilities Committee/ Tony Brown, Christi Darnell



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- H. City Administrator and Staff comments**
  
- I. Council & Mayor Comments**
  
- J. Executive Session**
  
- K. Adjourn**

**City of Baldwin City**  
**Minutes from the October 03, 2016**  
**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 President, Kathy Gerstner presiding.

Present were Council Members: Tony Brown, Steve Bauer, Christi Darnell, David Simmons, Glenn Rodden-City Administrator, Laura Hartman-City Clerk. Also attending were Brad Smith, Ed Courton, Bill Winegar, Kenny Oshel, Tina Rakes and Greg Scheffeibein. Attorney, Matt Hoy was also present.

A. Call to Order:

President Kathy Gerstner called the regular council meeting to order at 7:00 p.m.

B. Consent Agenda:

Christi Darnell moved and David Simmons seconded to approve the consent agenda as presented. Motion carried with a vote of 5 yes and 0 no.

C. Public Comments: No comments given.

D. Special Reports or Presentations: No reports at this time.

E. Old Business

Glenn Rodden spoke about the utility building project and how these types of projects are funded. Brad Smith explained the signature authorization document to council members. This document is part of the process for the Utility building project. Signature authorization is needed so the City Administrator may sign the agreement for the architect. Brad also elaborated on the bond payment for the project. Tom Kaleko will be present at the next Council meeting to go over the project. Jay Zimmersheid addressed council questions regarding construction administration and the costs. Kathy stated concern with creating debt we are not really aware of and what the rates will become in 2019. Tony Brown moved and David Simmons seconded to authorize the City Administrator to sign the architect agreement for the utility building project. Motion carried with a vote of 3 yes and 2 no.

Glenn Rodden talked about Ordinance No. 1353, KDHE Loan Agreement before council. Bill Winegar said this project is replacing old water lines that have been in existence since the early 1900's. Bill explained the lines that will be replaced and brought up to standard. The project will

be bid out possibly this Fall. The project should take about one year to complete. There should not be any outages during the construction.

#### F. New Business:

There was no new business at this time.

#### G. Committee Reports:

##### Budget and Finance- No Report

Community Development Committee- Steve said the committee met and discussed the Midland Railroad and their issues such as trash, vandalism and trying to get more interaction with the City. The next meeting will be October 12, 2016 at 7:00 p.m. at the library. The committee will be discussing some of those issues brought up by Midland Railroad. The committee is interested in reaching out to them because they believe they are an asset to the community. The Council work session scheduled for October 24, 2016 at 6:30 p.m. will be to discuss the NRA proposal.

Public Health and Safety Committee- David said the committee met and discussed looking at an Ordinance for mobile home parks and RV's. The committee will meet Tuesday, October 18, 2016 at 4:00 p.m. at City Hall.

Public Works Committee- There was no report, but the committee scheduled a meeting for October 17, 2016 at 6:30 at the public works building.

Utilities Committee- Tony had no report at this time. The committee will be setting up a meeting.

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

Glenn asked the Council to consider the Ordinance on sales tax that was passed. If the school board decides to pass a mill levy, it would be a good idea to have the two on the same ballot rather than have two separate votes. Glenn said this may come back to the council at the next meeting to amend the ordinance so we do not have a stand-alone sales tax on the ballot. The County needs 3 months' notice. Glenn said he wanted to make Council members aware of this change.

Brad spoke about the folding machine being installed tomorrow.

Glenn said 6<sup>th</sup> street is under construction and this project is not a City project. It is a County project. David asked if his street could have the millings from that project for his street. Bill said he can discuss this. Glenn added there were plans for the millings.

I. Council & Mayor Comments: None at this time.

J. Adjourn

Christi Darnell moved and Steve Bauer seconded to adjourn the regular meeting. Motion carried with a vote of 5 yes and 0 no. Time 7:50 p.m.

Approved by the governing board on \_\_\_\_\_, 2016.

Attest:

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Laura E. Hartman, City Clerk

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Approved by the governing board on \_\_\_\_\_, 2016.

Attest:

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Laura E. Hartman, City Clerk

ORDINANCE NO. 1353

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN BALDWIN CITY, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

WHEREAS, the Safe Drinking Water Act Amendments of 1996 [PL I 04-182] to the Safe Drinking Water Act (the "Federal Act") established the Drinking Water Loan Fund to assist public water supply systems in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

WHEREAS, by passage of the Kansas Public Water Supply Loan Act, K.S.A. 65-163d et seq., as amended (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Public Water Supply Loan Fund (the "Revolving Fund") for purposes of the Federal Act; and

WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and

WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Pledge Agreement (the "Pledge Agreement") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public water supply projects (the "Projects") and to pledge the Loan Repayments (as defined in the Pledge Agreement) received pursuant to such Loan Agreements to the Authority; and

WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act); and

WHEREAS, Baldwin City, Kansas (the "Municipality") is a municipality as said term, is defined in the Loan Act which operates a water system (the "System"); and

WHEREAS, the System is a Public Water Supply System, as said term is defined in the Loan Act; and

WHEREAS, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain a loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following:

Replacement of approximately 8,700 linear feet of water mains.  
(the "Project"); and

WHEREAS, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-15-50 through 28-15-65 (the "Regulations") applicable thereto necessary to qualify for the loan; and

WHEREAS, KDHE has informed the Municipality that it has been approved for a loan in amount not to exceed \$1,577,930.00 (the "Loan") in order to finance the Project; and

WHEREAS, the governing body of the Municipality hereby finds and determines that it is necessary and desirable to accept the Loan and to enter into a loan agreement and certain other documents relating thereto, and to take certain actions required in order to implement the Loan Agreement.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS:

Section 1. Authorization of Loan Agreement. The Municipality is hereby authorized to accept the Loan and to enter into a certain Loan Agreement, with an effective date of August 25, 2016, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the "Loan Agreement") to finance the Project Costs (as defined in the Loan Agreement). The Mayor and Clerk are hereby authorized to execute the Loan Agreement in substantially the form presented to the governing body this date, with such changes or modifications thereto as may be approved by the Mayor and the Municipality's legal counsel, the Mayor's execution of the Loan Agreement being conclusive evidence of such approval.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Loan Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the Loan. In accordance therewith, the Municipality shall impose and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality as will provide System Revenues (as defined in the Loan Agreement) sufficient to (a) pay the cost of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan as and when the same become due, (c) pay all other amounts due at any time under the Loan Agreement, and (d) pay the principal of and interest on Additional Revenue Obligations (as defined in the Loan Agreement) as and when the same become due; provided, however, the pledge of the System Revenues contained herein and in the Loan Agreement (i) shall be subject to reasonable expenses of operation and maintenance of the System, and (ii) shall be junior and

subordinate in all respects to the pledge of System Revenues to any Additional Revenue Obligations. In the event that the System Revenues are insufficient to meet the obligations under the Loan and the Loan Agreement, the Municipality shall levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce the amounts necessary for the prompt payment of the obligations under the Loan and Loan Agreement. In accordance with the Loan Act, the obligations under the Loan and the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the Municipality.

Section 3. Further Authority. The Mayor, Clerk and other City officials and legal counsel are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Governing Law. The Ordinance and the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

PASSED by the governing body of the City on \_\_\_\_\_ and signed and APPROVED by the Mayor.

(Seal)

\_\_\_\_\_  
Marilyn Pearse, Mayor

Attest:

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

Approved as to form:

\_\_\_\_\_  
Matt Hoy, City Attorney

**ORDINANCE NO 1354**

**AN ORDINANCE AMENDING SUBSECTION 15-301 and SUBSECTION (A)(2) OF SECTION 15-338 (“SEWER RATES”) OF ARTICLE 3 (“SEWERS”) OF CHAPTER XV (“UTILITIES”) OF THE CODE OF THE CITY OF BALDWIN CITY, KANSAS PERTAINING TO SEWER RATE AVERAGING.**

**WHEREAS**, the Governing Body finds it in the best interests of the community to modify the method of calculating the residential city wide sewer rate average.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BOARD OF THE CITY OF BALDWIN CITY, KANSAS;**

Section 1. Section 15-301, entitled “Definitions,” of Article 3, entitled “Sewers,” of Chapter XV, entitled “Utilities,” of the Code of the City of Baldwin City, Kansas, is hereby amended to read as follows:

(nn) Sewer Average – For all residential customers, a sewer average will be calculated based on the water consumption during the following periods of occupancy:

<u>Date of Initial Occupancy</u>	<u>Consumption Period For Average</u>
Prior to October 1	October thru the following March
October 1 thru 31	November thru the following March
November 1 thru 30	December thru the following March
December 1 thru 31	January thru the following March

Residential customers whose initial occupancy is after January 1 will not be eligible for sewer averaging in the current year.

Section 2. Subsection (a)(2) of Section 15-338, entitled “Sewer Rates,” of Article 3, entitled “Sewers,” of Chapter XV, entitled “Utilities,” of the Code of the City of Baldwin City, Kansas, is hereby amended to read as follows:

(2) For residential contributors, monthly sewer service charges on sewer service billings distributed during the twelve months beginning in May of each year shall be based upon the Sewer Average as defined in Section 15-301. If a residential contributor has not established a Sewer Average, and until that residential contributor establishes such Sewer Average, then that residential contributor’s monthly sewer service charge shall be based upon actual water consumption during the most recent monthly billing period but allowing for the following exceptions:

(A) Any residential contributor who has not established a Sewer Average and is establishing a lawn for a newly constructed residence may apply for an exemption and a charge based on the city-wide average of 600 cubic feet of water consumption upon the city being satisfied, at the discretion of

the City Administrator, that a newly constructed residence is in need of establishing a lawn.

(B) Any residential contributor who has not established a Sewer Average and is filling a swimming pool which contains more than ten thousand (10,000) gallons may apply for an exemption and a charge based on the city-wide average of 600 cubic feet of water consumption upon the city being satisfied, at the discretion of the City Administrator, that the swimming pool would contain more than ten thousand (10,000) gallons.

Section 3. This ordinance shall be in force and effect from and after its passage by the City Council, and its approval by the Mayor of the City of Baldwin City, Kansas and its publication in the official City newspaper.

**PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS THE \_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Marilyn Pearse, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**ORDINANCE NO. 1355**

**AN ORDINANCE OF THE CITY OF BALDWIN CITY, KANSAS,  
REPEALING ORDINANCE NO. 1347 OF THE CITY.**

**WHEREAS**, the governing body of the City of Baldwin City, Kansas (the "City") heretofore passed Ordinance No. 1347 pursuant to K.S.A. 12-187 *et. seq.*, which authorized the City of Baldwin City, Kansas (the City) to submit to the qualified electors of the City the question of levying a retailers' sales tax in the City and pledging the revenue received from the tax to certain purposes of the City with the tax to be collected by the Kansas Department of Revenue and returned to the City; and

**WHEREAS**, the governing body of the City finds and determines that it is not now advisable to authorize such an election; and

**WHEREAS**, it is therefore necessary and advisable that Ordinance No. 1347 of the City be repealed.

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

**Section 1. Repeal.** Ordinance No. 1347 of the City is hereby repealed.

**Section 2. Effective Date.** This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper.

**PASSED** by the governing body of the City on \_\_\_\_\_, 2016 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

\_\_\_\_\_  
Marilyn Pearse, Mayor

ATTEST:

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

Approved to Form:

\_\_\_\_\_  
Matt Hoy, Attorney