

**City of Baldwin City**  
**Minutes from the February 15, 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 Mayor Marilyn Pearse presiding.

Present were Council members Tony Brown, David Simmons, Kathy Gerstner, Christi Darnell and Steve Bauer.

Also present were Glenn Rodden, City Administrator, Brad Smith, Finance Director, Laura Hartman, City Clerk, staff members Tina Rakes, Chris Croucher, Bill Winegar, Rob Culley, David Flipse, Greg Neis and Gregg Schiffelbein.

A. Call to Order:

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

Mayor Pearse made a couple of changes to the agenda order:

Agenda item E. Old Business, move item number 2 to number 1 and number 1 to number 2.

Move Agenda item J. Executive Session up in the agenda when Council Attorney, Matt Hoy arrives.

B. Consent Agenda:

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

C. Public Comments

None at this time.

D. Special Reports or Presentations

None at this time.

E. Executive Session: Tony Brown moved and Kathy Gerstner seconded to go into Executive session for Attorney-Client privilege that we return to open session at 7:24 p.m. Matt Hoy was invited into the session. Motion carried with a vote of 5 yes and 0 no.

F. Old Business

1. Ordinance 1335, Animal Control and Regulation was brought to Council for review and a first reading. Chief Neis explained what changes were made to the ordinance. This ordinance updates the old ordinance which does away with the name of the breed of dog, and would also allow the prosecutor to make a decision and be able to handle it without a special court. Kathy Gerstner moved and Christi Darnell seconded to approve the first reading of Ordinance 1335, Animal Control and Regulation. Motion carried with a roll call vote of: Tony Brown-Aye, David Simmons-Aye, Kathy Gerstner-Aye Christi Darnell- Aye and Steve Bauer- Aye.

2. Mayor Pearse let the public and Council know what is on the table regarding Ordinance 1338, Rezoning 700 Ridge Lane. She stated this is a re-zoning issue before us; no discussion about what may or may not be placed on the property is to occur. The Mayor asked for Public Comment at this time.

Richard Austin of 1667 N 400 Road, addressed the council saying he is one of the neighbors within 1000 feet and is the Pastor of Lighthouse Baptist Church which is the owner of property. Richard said it is not his desire for any of the potential negatives stated before, and it is appropriate for council to think about those things. Richard said he doesn't believe anyone can accurately predict any of those things. He continued to talk about what additions would be going in place. Richard stated there will be several houses going in the area. This property is somewhat unique in where it is separated by a creek. Building in this space and saying this will affect the neighborhood is overstated in his opinion. The type of housing being suggested is something that is in desperate need for Baldwin City. Richard stated Section 42 housing has a very good track record, has been around for decades. Richard believes the homes will be attractive and thanked the council for their consideration.

Joel Austin of 304 Baker Street, says the rezoning will allow people like himself to afford this type of building. He said he appreciates Council consideration of the re-zoning.

Joy Slavens of 720 Flameway, says she is within 200 feet. Joy stated she has 16 years experience in real estate. Joy stated she has firsthand experience of sales of homes depreciating value because of duplexes being built. Joy said Baldwin has taken a huge hit since 2003. The next phase for Firetree is right next to this property in question. Our neighbors are dedicated to the City of Baldwin City. In her professional opinion Joy states that building multi-family units will not bring up values in the homes currently in Firetree. Joy said she feels this leaves it wide open to several what ifs.

Hank Booth – Chamber Commerce – The passion of the groups that have spoken has been remarkable and is Baldwin City. Going forward, Hank said the re-zoning needs to happen, if not at this location, at another. The developers need to take a re-zoning and build in Baldwin City. Hank stated the City needs this type of housing. With the regard to re-zoning, Hank urged the council to find a place to take on this re-zoning. If we say no now, there may not be another opportunity in the near future.

Beth Sansome of 616 Flameway shared that we are a typical middle class family as are most of my neighbors. She stated concerns about traffic issues with units that would house 30 families. What is the solution to encourage the traffic flow to not drive in my neighborhood? She was told there would be larger homes built in the empty lots. We choose to live here, we to have too commute but still chose to live here for the schools, family and we like Baldwin City.

Arlena McLaren of 502 Flameway said she reiterated what Joy and Beth have said. She has spoken to the neighbors and they are all against duplexes. She also has a concern about value. She asked to please vote against re-zoning.

Jennylyn Jensen of 620 Flameway said they built 13 years ago and was told it would be estate housing. Jennylyn is concerned about value. Jennylyn said there are 150 houses in Firetree, all single family. That is what we all bought into and what we perceived was going to continue. Our family loves Baldwin and we both also have to commute to our jobs. It is not a great location, but loves it enough to have done so for 13 years. This goes against the mission of the Community and Planning Commissions mission statement. Jennylyn expressed concern about not knowing about the re-zoning. Jenny spoke about the Golden Factors put forth to the Planning Commission.

Carrie Barth of 514 Flameway stated she loves Baldwin and loves the community. She brought a document that shows a plat of what they were told would be built when they built their home. She shared the devaluation of her home they sold in Florida as a result of duplexes going in place. Carrie is concerned about the safety of the community. Carrie gave examples of what has happened with the current traffic issues. She believes this is solely a business proposition. She thinks the council should look elsewhere. Carrie owns land in Baldwin, but not within the city. She has a for sale sign in her yard and is concerned of the impact on the sale if this goes through. She said the duplexes at the entrance were there before, and really can't speak of those. We already knew of those before we built, we do not know what is going in on the space in question. The right thing to do is to protect my property.

The Mayor spoke of how much each of us also loves Baldwin. The Mayor also shared thoughts on growth and affordable housing for new families to be able to move to Baldwin City.

Christi Darnell shared comments as to why she was opposed to the rezoning. Christi appreciated the process staff and council has gone through on the rezoning. She commented about the patrons that were present to show support and protect their property. Christi said her belief that R2 would change the character of the single family neighborhood.

Kathy Gerstner said her opinion hasn't changed. She added she appreciates the work of the planning commission and staff on this issue. She also spoke about all the area in Firetree that is single family dwelling. She feels we should keep this R-1. Working with the Golden Factors, we need to maintain what those state. The removal of restrictions would detrimentally affect the nearby neighborhood.

Tina Rakes clarified the notification rules and that notification is given to residents of the city within 200 feet and residents of the county within 1000 feet. This notice is also posted in the local newspaper as well as posted on the property.

Steve Bauer moved and Kathy Gerstner seconded we decline the recommendation of the Planning Commission for Ordinance 1338, Re-Zoning. Motion carried with a roll call vote of 3 yeas and 2 nays. Christi Darnell, yea, David Simmons, nay, Tony Brown, nay, Steve Bauer, yea, Kathy Gerstner, yea.

Lela Gruebel, North Star Housing, the developer, asked to speak to council. She stated as the applicant she should be allowed to speak and city staff told her she would be able to address the council. The Mayor denied the request saying public comment was closed.

#### G. New Business

1. Glenn explained the unexpired term for KMGGA Board of Directors appointment. Tony Brown moved and Kathy Gerstner seconded to approve the appointment of Glenn Rodden to the unexpired term of KMGGA Board of Directors. Motion carried with a vote of 5 yeas and 0 no.
2. The board had discussion regarding Ordinance 1339, Annual PCA Base Cost Adjustment. Rob Culley was present to answer any questions from council and to ask for approval of Ordinance 1339. Tony Brown moved and Kathy Gerstner seconded to approve the first reading of Ordinance 1339, Annual PCA Base Cost Adjustment. Motion carried with a roll call vote of 5 yeas and 0 nays. Christi Darnell, yea, David Simmons, yea, Tony Brown, yea, Steve Bauer, yea, Kathy Gerstner, yea.

## H. Committee and/or Commission Reports

Kathy Gerstner said the Finance Committee meeting is scheduled for 4:00 p.m. on February 25 at City Hall.

Tony Brown said the Utility Committee met Feb 2, at 7 a.m. There was discussion about non-conforming meter at the Maple Leaf Motel; discrepancies in net-metering arrangements in which the committee is still in negotiations on the ordinance; and a change to the electric rate structure.

## I. City Administrator and Staff Comments

1. Brad Smith discussed the CIP with Council. Said the CIP will be part of the discussion with the Finance Committee.
2. Glenn Rodden discussed the vacant Community Development Director position. Glenn said he was approached by a council member. Glenn discussed the value of this position. Glenn added that he would like to fill this position. The Mayor stated she received a letter from Elizabeth of the Sunflower Grant. This was the grant put in place for the trail. The Mayor commented the Sunflower folks were concerned that we had not completed the required reporting on the park trail. The Mayor also stated there were others in the community in strong favor of continuing trails. She pointed out the changes in staff but the required reporting would be provided. She added that Sunflower reassured her that at this point the non-reporting will not affect future grants but that we needed to get the report in. This position would also take someone who can write grants. Steve asked if grant writing was the main point of this position. Mayor said she has not seen the job description, but did expand on the process of writing grants. David agreed he felt like we should maintain this position. David added, this person would also be advantageous to Community Development and we just heard what patrons spoke about. David feels strongly about continuing with this position.

Christi Darnell said this was a good exercise, and we should step back and evaluate the money spent on this position. Christi asked if this is where we want to spend the money. She asked Glenn what he has had in the past. Glenn spoke that sometimes the position is shared in smaller towns, however in Baldwin and what the Council is looking towards this position should stand alone. Christi said she doesn't want Glenn to feel pressure to fill this position.

Tony Brown said the position is new and really hasn't had time to become measureable. If we look at the plans the Council has on the table and the amount of money involved, we need to have someone in place solely working towards the goal. This person would be undersold to say they are just a grant writer. There is much more to the position, more value to the City of Baldwin City. Tony said this is an investment for Baldwin City.

Kathy said she is glad we are having this discussion as well, but honestly believes we need to hit the comprehensive plan. She has faith in Glenn and where he is coming from. Kathy agreed with Tony to keep this position in place. Kathy is following Glenn's lead and supports that.

Steve said he brought it up with Glenn and met with him. Steve said he has thought about what was discussed in the meeting. Steve the only thing is concerned about at this point is a job description. Steve would like to see the job description when it is complete. Steve said he doesn't want to change it or need to approve, he would just like to see what the job description looks like.

Tony encouraged the Community Development Chair to work with Glenn on producing the job description. A meeting will be scheduled by Steve to discuss a job description.

3. Brad spoke on behalf of Chris Croucher about the next phase of dangerous meter service notice.
  
4. Bill Winegar said he put a handout on the table for council to read. It is basically just an update on the sewer project. Council had discussion about where some of the purchases are in the plan. Bill said the bar screen is the most pressing part and the belt press is not far behind.

J. Council & Mayor Comments

There were no comments.

K. Adjourn

Kathy Gerstner moved and Christi Darnell to adjourn the regular meeting. Motion carried with a vote of 5 yes and 0 no. Time 8:45 p.m.

Approved by the governing board on 3/7/16.



Laura E. Hartman, City Clerk