

Minutes of
Regular Meeting of the Governing Body
City of Baldwin City, Kansas
Monday October 18, 2010, 7:30 p.m.
American Legion Hall, 803 High Street

Call to Order

The governing body of the City of Baldwin City, Kansas, met for a regular session at 7:30 p.m. at the American Legion with Mayor Wagner presiding. In attendance were Council Members Robin Bayer, Ted Brecheisen, Bonnie Plumberg and Mike Magers. City employees present were Bill Winegar, Greg Neis, Tina Rakes and Darcy Higgins. Also present was City Attorney Matt Hoy.

CALL TO ORDER

Consent Agendas

Mayor Wagner presented the consent agenda as follows:

CONSENT
AGENDA

- A. Consider the draft minutes of the October 4, 2010 Regular Meeting
- B. Consider Appropriation Ordinance No. 2010-10B: claims against the City for goods provided and services rendered.
- C. Award a bid to Olathe Ford for the purchase of a 2011 Ford Patrol Car in the amount of \$22,219.
- D. Consider a Proclamation regarding "BHS for Vets" Day in Baldwin City.
- E. Consider Resolution No. 2010-18 endorsing low to moderate income housing projects.

Councilmember Bayer asked to extract item C from the Consent Agenda until further information could be provided. Councilmember Magers moved to approve the consent agenda with the exception of item C. Councilmember Bayer seconded the motion. The motion carried 4-0.

Committee Reports and Presentations

- A. Councilmember Plumberg provided a report of the Community Development Committee. The committee discussed the increase in fees for cemetery operation. The committee also discussed the rezoning of 913 Ames Street from commercial to single-family residential. Councilmember Plumberg said uses for the Quality of Life sales tax were discussed as the grant for walking trails was not approved. The committee discussed increasing parking at the pool and parks, putting restrooms in the parks, a community shelter and a skate park.
- B. City Clerk Darcy Higgins provided a report of the Public Health & Safety Committee. The committee discussed parking along Bull Pup Drive and Elm Street from Bull Pup to Lawrence Street. Councilmember Bayer asked that the committee defer the no parking issues to the Chief of Police as has been done in the past.

COMMUNITY
DEVELOPMENT
COMMITTEE

PUBLIC HEALTH &
SAFETY
COMMITTEE

Unfinished Business

Mayor Wagner presented for second reading Ordinance No. 1257 adopting a Net Metering policy and Interconnection Standards relating to customer-owned renewable energy sources. Councilmember Brecheisen moved to adopt Ordinance No. 1257. Councilmember Magers seconded the motion. Councilmember Bayer asked the minutes to reflect that this policy was recommended by the Public Works and Utility Committee. The motion passed 4-0 in roll call vote.

NET METERING &
INTER-
CONNECTION
POLICIES

New Business

- A. Mayor Wagner presented for first reading an ordinance updating regulations related to the operation of the Oakwood Cemetery. Councilmember Plumberg moved to approve the first reading of the ordinance. Councilmember Bayer seconded the motion. The governing body approved the first reading of the ordinance by a vote of 4-0.
- B. Mayor Wagner presented for first reading an ordinance approving the Planning Commission's recommendation to rezone property at 913 Ames from commercial to single-family residential. Councilmember Brecheisen moved to approve the Planning Commission's recommendation to rezone the property at 913 Ames. Councilmember Magers seconded the motion. Councilmember Brecheisen said the owners of the property spoke to him about the issue and he is in favor of rezoning the residence. Councilmember Plumberg asked that the proposal go back to the Planning Commission so they could tell the council how they came to their recommendation. Councilmember Magers would like to see a process put in place for dealing with this type of situation in the future in the event other homes in the area ask for the same condition. Councilmember Bayer said the property is a legal nonconforming use as it stands today and that he

OAKWOOD
CEMETERY FEES

REZONING OF 913
AMES STREET

would like to uphold the current zoning as it stands. Councilmember Bayer provided a subsidiary motion to refer this matter back to the Planning Commission with instructions asking for specific reasons for their rezoning recommendation in the context of the city's adopted comprehensive plan. The motion was seconded by Councilmember Plumberg. Greg Wright, property owner, spoke about the property and the conditions placed upon selling or buying the property as it is filed commercial, and acknowledged that he knew the property was zoned commercial when he purchased it. The motion to refer the proposal to the planning commission passed 3-1 with Councilmember Brecheisen opposed.

- C. Mayor Wagner presented for consideration authorizing the City Administrator to coordinate with Douglas County to submit an application to the KDOT Corridor Management Project Funding program for a project at US56 Highway and E 1600 Road, recognizing the requirement to share in funding the local match requirement. Councilmember Bayer moved approval of the request and Councilmember Magers seconded the motion. Councilmember Bayer provided background on the agenda item. Councilmember Brecheisen questioned entering into an agreement that did not have a cap on the cost to the city stating that the city could be held liable, in conjunction with the County, for anything over \$1M. Mayor Wagner felt there was advantage to the city participating as it offers protection to our citizens on a dangerous corner. Councilmember Bayer moved to amend the motion by adding that the cost to the City of Baldwin City would not exceed \$50,000. The motion was seconded by Councilmember Magers. Councilmember Plumberg asked if there was time to hold a discussion with USD348 asking to include them in the project. Councilmember Bayer withdrew his amendment. Councilmember Brecheisen moved to amend the motion by adding that the cost to the City of Baldwin City not exceed \$25,000. The motion was seconded by councilmember Bayer. The motion to amend failed 3-2 with council members Magers and Plumberg opposed, council members Brecheisen and Bayer in favor of and Mayor Wagner breaking the tie with a vote in opposition. The original motion failed by a vote of 1-3, with council member Bayer in favor, and council members Brecheisen, Plumberg and Magers opposed.

KDOT CORRIDOR
MGMT PROJECT
FUNDING FOR
US56 HIGHWAY
AND E 1600 RD

- D. Mayor Wagner presented for consideration the purchase of a patrol car from Olathe Ford in the amount of \$22,219. Councilmember Bayer moved to award the bid to Olathe Ford for \$22,219. Councilmember Magers seconded the motion. Chief of Police Greg Neis provided background on the bid process. The vehicle will be ordered and we will expect delivery in January, 2011. Funds budgeted in FY2011 will be used for the purchase. Chief Neis also discussed a private business from Lawrence which has offered to purchase the 2005 patrol car instead of trading the vehicle in to Olathe Ford. The motion to approve the purchase of the vehicle carried 4-0.

PURCHASE OF
PATROL CAR

Schedule and announce upcoming Council Committee Meetings and other events.

- A. Community Development Committee: 4:00pm, November 8 at City Hall
- B. Public Health & Safety Committee: 4:30pm, November 18 at City Hall

Adjournment

Councilmember Bayer moved to adjourn the meeting. Councilmember Magers seconded the motion which carried 4-0. The meeting adjourned at 8:38 p.m.

Darcy Higgins, City Clerk