

CITY COUNCIL  
OCTOBER 16, 2017  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on October 16, 2017, with Mayor Matt C. Childers presiding. Council present were Jason Lowery, Cale Magruder, Jamie Crum, Paul Belt, Mike Rawlings, Tom Leffler, Ron Reavis and Justin Londagin. Also present: City Manager Josh Shaw, City Attorney Austin Parker, Assistant City Manager Cody Sims and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Olivia Haselwood, Sarah Hoefgen, Connie Thurman, Shane Scott, Clint Headley, Charley Havice, John Cox, Lisa Snyder and Kevin Cowan.

Pledge of Allegiance

Prayer: Pastor Cale Magruder, First Southern Baptist Church, gave the invocation.

At 7:02 p.m., Rawlings made a motion to recess for 5 minutes to allow staff to fix the recording equipment so the meeting can be recorded. Belt seconded the motion. Motion carried without opposition.

At 7:09 p.m., the Mayor called the meeting back to order.

Minutes: Leffler made a motion to approve the minutes from the October 2, 2017 City Council meeting. Londagin seconded the motion. Motion carried without opposition.

Leffler made a motion to approve the minutes from the October 9, 2017 City Council work session. Belt seconded the motion. Motion carried without opposition.

Ordinance 10: Rawlings made a motion to approve Ordinance #10 dated 10/04/2017. Belt seconded the motion. Motion carried without opposition.

Proclamations: Clint Headley thanked the council for the proclamation and support of the annual distribution of Buddy Poppies and of the Veterans. Mayor Childers read a proclamation designating November 4 and 5, 2017 as the days to support the annual distribution of Buddy Poppies by the Veterans of Foreign Wars.

Business:

City Council Approval of a Curb Cut in the Main Street District: Shane Scott addressed the governing body and explained his plans for expansion. Magruder made a motion to approve a request for a curb cut to accommodate new construction in the Main Street District at Sugar Shane's Café located at 430 State Street. Belt seconded the motion. Motion carried without opposition.

Resolution No. 2017-43 Authorizing Redemption and Payment of Taxable Revenue Bonds, Series B, 2000: Reavis made a motion to approve Resolution 2017-43 authorizing the redemption and payment of its taxable multifamily housing revenue bonds, Series B, 2000, (Brookside Senior Residences Project) and the sale and conveyance of certain property to Brookside Senior Residences, L.L.C. and authorizing the Mayor and Clerk to execute and deliver a special warranty deed, a bill of sale and a release of lease. Leffler seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

City Manager: Kelly & Dearborn Intersection temporary traffic light discussion. Shaw stated that this intersection has been brought up a lot on social media. He stated that during the Kelly/Ohio Project, there was a temporary light installed and that same set up would cost about \$10,000. Shaw asked what problem the governing body wants to solve at the intersection. He stated if the concern is traffic flow, he does not think anything other than a light will address that. If it is that people are not heeding at the stop sign, there are other options for addressing that. Shaw stated that new LED style stop signs with red lights around them would cost in the \$7,000 to \$8,000 range for four signs. And that would be a permanent solution. He stated another temporary option would be to add solar power flashing beacons, which would be a couple hundred dollars. Rawlings stated he personally has experienced about three close calls with people going east bound running the stop sign. He has not seen anyone run the ones going west or north or south. Rawlings stated that he does not know that a traffic light will help traffic flow and that he would like to see east and west bound stop signs to have flashing lights. Childers stated a good short-term solution would be to put flashing lights on the stop signs, but in the long term, they may want to completely remove the east and west bound stop signs. Crum suggested an alternate detour to have people move two or three blocks north. She said she travels that three or four times a day and never sees a problem. Reavis stated he would be in favor of a traffic light, but that would be a problem if there were no traffic because you will have to stop and wait for the signal to change. He said it is a no win situation. He stated if we use a stop light you would want to have it run before and after school but only flash during the day. Belt stated he worries that we will actually be holding traffic up even longer, especially people turning south off Kelly onto Dearborn. Magruder stated he would be in favor of a long-term solution with the lighted stop signs. Londagin agreed with Crum about encouraging alternate detours. He stated he is finding it weird that it is a problem now when they have been there forever. Childers stated there have been two accidents in the last four months and one back in February. Rawlings made a motion to add flashing lights on the east and west bound stop signs on Kelly. Londagin seconded the motion. Motion carried without opposition.

Preliminary discussion of recruitment process for new Director of Public Safety. Shaw stated with the announcement of the Chief's retirement, Major Marbut will fill in as interim until the recruitment process for the new Director of Public Safety is complete. He would like to develop a recruitment profile for the community like what you would put together for a City Manager position. The scale of the search could be substantial or much smaller, but we need to define the goals of the community. He stated that before hiring a firm to complete the search for us he would like to get feedback from the council and the Safety Department staff. Shaw stated he does not have a timeline established yet. He stated he would like to come back with quotes from outside research firms. He stated he would try to develop something over the next couple of weeks to get feedback from the Council on their vision of the position and the needs of the community. Londagin asked how much this would be open to the citizens and how transparent it can be. Shaw stated the process varies from community to community. Shaw stated he is committed to a process that will satisfy the council and the community as well. Give him a couple weeks and he can come back with some suggestions on how to include that feedback and involvement. Magruder asked Shaw felt he has the resources needed to complete the search in house. Shaw stated that we have the resources for extensive background screening, but as far as time of staff the answer is no.

Reavis: Reavis stated he was contacted by Cooks Body shop about the loss of a substantial part of his parking lot due to the intersection and asked if it can be put back how it was before. Shaw stated what has been taken was in the City right of way and that no personal property was taken. There

are things in our zoning regulations about parking on the city right of way and that would be a violation. Shaw stated that it was probably a violation the whole time but it had not been an issue because there had not been any improvements in that area. He stated we could issue a right of way permit to allow him to construct private improvements on the City right of way fill in gap and put a curb stop in. Shaw stated he does not feel the City should pay that cost as it is for private improvements. He stated another issue would be the timing and when the improvements should be done. Reavis stated it is a City project and he would hate to see a business lose parking area and their business because of a city project. He stated that the motorcycle shop across the street is actually gaining concrete. Shaw stated we are required to pave to the property line and it happens that they will gain more concrete. Shaw stated his best presentation is that it was existing prior, but it was existing prior on the city's property. Belt asked if we are having the same issue with the car wash. Shaw stated he did not think that was an issue with them. Belt stated he was concerned that if we start it for one we will have others asking too.

Reavis stated he received a couple phone calls this summer about people complaining about their neighbors back yards. He stated that both of these people were told by Community Development that they were in the back yard and they could not enforce it. Sims stated they can address property they can see from the public right of way. If there is an alley, we can see it and we can see the front yard from the street. Parker stated the only limiting factor is access. If we cannot see into the back yard, absent an invitation from the property owner, we do not have a right to go on to the property to observe it. Reavis asked what if the neighbor invites staff onto their property to use a ladder to see over the fence. Parker stated the Supreme Court stated if you use some type of assistance to look into someone's back yard that is a search and you would need a search warrant for that. You could go to the municipal judge and request a search warrant. There is a process but it is more involved. Parker stated if that is the interest of the governing body, he could work with the prosecutor and municipal judge to make that happen. Londagin asked what happens if the neighbor removes one of their own fence pickets so staff can see the problem. Childers stated or provide a photo from their property. Parker stated we could then see the property.

Leffler: Leffler stated that this weekend we had to move the movie in the park to downtown. He stated that the Council approved the movie in the park, but not to have it downtown. He stated they did not approve the street closure etc. Leffler asked if we setting a precedence that events could be moved without council's approval. He said it is okay that they present a backup plan for approval but not moving it without approval. Childers agreed stated the event was moved to the Theatre, but agreed that Leffler was correct about the food trucks out front in the parking spaces and probably should have the approval of the governing body or the city manager. He stated the barricades were there for the food trucks to set up to slow down the traffic but still provided ingress/regress. Childers stated it turned out to be a successful event and the Community Foundation raised \$3,000 and \$500 in concessions were sold.

Belt: Belt stated we discussed in some of the work sessions about sidewalks and asked where we are on that. Childers stated we discussed using CDBG funds for sidewalks but we have to run through the sanitary sewer improvements first. Shaw stated staff planned to apply for a CDBG grant in the sewer basin since we already have the data for that. He also stated we have the sidewalk program. He said he does not know that we fully resolved the issue. Belt stated specifically that there are handicapped people trying to use 7<sup>th</sup> Street that have to hop from driveway to driveway. Parker stated if the sidewalk is not meeting standards we can address that under our current code. Belt stated there are no sidewalks there to repair. Shaw stated the council needs to resolve how they want to address that issue. Shaw stated something to consider would be a Streetscape type project along 7<sup>th</sup> Street.

Magruder: Magruder thanked Electric Distribution for getting the streetlight fixed the day he called.

Londagin: Londagin asked if we could look at a different microphone for the podium. Shaw stated he is looking at replacing it with the type we are using and that there are several other microphones in need of repair.

Adjourn: At 8:14 p.m., Londagin made a motion to adjourn. Leffler seconded the motion. Motion carried without opposition.

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City Clerk