

CITY COUNCIL
OCTOBER 18, 2021
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on October 18, 2021, with Mayor Mike Rawlings presiding. Council present were Eric Birk, Jake Marr, Mike Huddleston, Tom Leffler, Kip Richardson, Ron Reavis and Bill Slade. Also present: City Attorney Andrew Marino, City Manager Josh Shaw, Assistant City Manager Cody Sims and City Clerk Erica Jones. Staff Present: Director of Public Safety Bob Sage, Director of Public Utilities Tim Johnson, Human Resource Manager Makala Navarro, Susan Smith, Travis Combes and Susie Geiger. Visitors: Pastor Loy Hoskins, Shane Scott, Bill Morris, Bob Bailey, Randy Henderson, Richard Kennedy, Doug Law and Aaron Wells.

Pledge of Allegiance

Prayer: Pastor Loy Hoskins, First Christian Church, gave the invocation.

Minutes: Richardson made a motion to approve the minutes from the October 4, 2021 City Council meeting. Slade seconded the motion. Motion carried without opposition.

Ordinance: Richardson made a motion to approve Ordinance #10 dated 10/13/2021 with the Cypress Facility Services payment for October in the amount of \$1,115.00 removed. Slade seconded the motion. Motion carried without opposition.

Oath of Office: City Clerk Erica Jones administered the Oath of Office to Bob Bailey who was sworn in as Council member for Ward 2 to fill the unexpired term of Jamie Crum.

Visitor:

Bill Morris, representing American Legion Post 189, was present to request approval of a temporary sign permit for a sign to be located in the City-owned lot south of Community National Bank & Trust to advertise donations for the planned Veteran's Memorial project. Reavis made a motion to approve a temporary sign permit for a sign to be located in the City-owned lot south of Community National Bank & Trust to advertise donations for the planned Veteran's Memorial project. Marr seconded the motion. Motion carried without opposition.

Randy Henderson, Executive Director with the Kansas Association of Chiefs of Police, presented Director of Public Safety Bob Sage with a Lifetime Membership plaque to the Kansas Association of Chiefs of Police for his many years of service to the general public and all of us in this profession. City Manager Josh Shaw stated that Sage is retiring at the end of this month.

Business:

Conduct Public Hearings for the Condemnation of a Single-Family Residential Structure and Detached Residential Garage Structure Located at 234 East Broadway: Sims stated he has spoken with an attorney with South Law representing the mortgage holder for the property. Sims stated that the owners still technically own the property but a judgement for foreclosure has been approved by the court but a sale date has not been identified at this point. He said the current property owner will still be responsible for the property until the property changes hands and the mortgage holder takes possession of the property. Sims stated the mortgage holder is working to get a land only appraisal for the property and working to secure demolition bids. He stated that by approving the resolutions tonight it will start the process and give the governing body leverage to move forward if the property is not repaired or removed.

Mayor Rawlings opened the public hearing to consider the condemnation of a single-family residential structure located at 234 East Broadway pursuant to the provisions of K.S.A. 12-1750 et seq. Mayor Rawlings closed the public hearing after no one came forward with comments.

Leffler made a motion to approve Resolution 2021-23 authorizing the condemnation of a single-family residential structure located at 234 East Broadway Avenue pursuant to the provisions of K.S.A. 12-1750 et seq. Huddleston seconded the motion. Motion carried without opposition.

Mayor Rawlings opened the public hearing to consider the condemnation of a detached residential garage structure located at 234 East Broadway pursuant to the provisions of K.S.A. 12-1750 et seq. Mayor Rawlings closed the public hearing after no one came forward with comments.

Leffler made a motion to approve Resolution 2021-24 authorizing the condemnation of a detached residential garage structure located at 234 East Broadway Avenue pursuant to the provisions of K.S.A. 12-1750 et seq. Richardson seconded the motion. Motion carried without opposition.

CTB Grant for Wichita Children's Theater: Huddleston made a motion to approve the Convention & Tourism Bureau's recommendation for approval of a grant and payment of \$1,000 to the Augusta Arts Council for their Wichita Children's Theatre event. Reavis seconded the motion. Motion carried without opposition.

2021 Standard Traffic Ordinance and Uniform Public Offense Code (UPOC): Richardson made a motion to approve Ordinance No. 2179 adopting the 2021 Standard Traffic Ordinance with amendments and to approve Ordinance No. 2180 adopting the 2021 Uniform Public Offense Code. Slade seconded the motion. Roll Call: Huddleston Yes, Birk Yes, Reavis Yes, Richardson Yes, Bailey Yes, Leffler Yes, Slade Yes, Marr Yes. Motion carried.

Model Railroad Club Lease Agreement: Council reviewed and discussed the model railroad club lease agreement for space within the city hall complex and provide direction to city staff regarding a new lease. Leffler suggested a two or three year contract. Mayor Rawlings stated he would like the City to help them find a bigger space and extend this lease for 3-5 years to give time to find another facility. Huddleston stated he would like to see something in the agreement that shows they are available to the public. Richard Kennedy, President of the Model Railroad Club, stated they are open to the public on Thursdays and they are working to increase their exposure through advertising. Huddleston stated his other concern is related to the utilities and that the public is paying the utilities for them to occupy the space. He stated we might also want to clarify who is responsible for the maintenance and we need to adjust the term to something shorter than a full five years. Marr asked if the lease can be reviewed on an annual basis. Shaw stated it could be done but it might be cumbersome for the club due to the uncertainty. Kennedy stated it wouldn't be an issue for them as they have an annual board meeting.

Consensus of the governing body was for a three year term with an annual review, retain the termination clause and for staff to complete an analysis on the utilities to ensure we are recouping the cost and for staff to verify the insurance clause. Shaw stated that staff will draft something and have it back to the Council in November for their review. Kennedy stated there will be an open house on October 30th from 11 a.m. to 3 p.m. to coincide with timeframe of the Trick-or-Treat Street event.

Butler County Redbud Trail Notice of Interim Trail Use (NITU) Discussion: Council discussed and provided direction to city staff regarding Butler County's proposed action to terminate their NITU on the Redbud Trail between Augusta and Andover. Reavis stated this is low on his radar as far as city projects. He stated that based on the return on investment this is a losing proposition. Leffler agreed with Reavis. He stated that the bridge over the Whitewater River is a big problem. He stated he is responsible for the City of Augusta taxpayers and not other cities. Leffler stated that the ROI to the taxpayers is not there and it would be tough for him to say he would go along with it. Leffler stated he is curious to see what the County ends up saying about it on November 2nd. Shaw agreed we technically do not know what action the County will take on it. Leffler stated he will try to attend the November 2nd meeting if his schedule allows. Marr stated as far as representing the City Shaw needs an A plan and a B plan for the meeting on November 2nd. Marr stated that Plan A would be we want them to continue to maintain it, but we need to have a Plan B if they chose not to do that. He stated he represents the taxpayers of the City, including the taxpayers that have asked him to support the project. He stated it isn't a personal preference but balancing those that he represents. Shaw stated if the Council is an absolute no then we need to tell the County, but if we are not there and need time then we need to figure out how to get more time. Shaw stated if we are a yes then we need to go ahead and commit to getting the NITU. He stated that the slow play is we let the County talk to see where they stand then discuss our options. Shaw stated he doesn't want to speak against what the Council wants, but asked if the Council is comfortable with seeing how it plays out.

Leffler made a motion to extend the work session scheduled for Monday, October 25th at 6 p.m. and add a discussion about the report regarding bridge funding for the NITU. Reavis seconded the motion. Motion carried without opposition.

At 8:54 p.m. Richardson made a motion to take a 10 minute break. Huddleston seconded the motion. Motion carried without opposition.

At 9:04 p.m. Richardson made a motion to resume the open meeting. Marr seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

Mayor: Rawlings reminded the Council about the work session scheduled for October 25, 2021 at 6 p.m. to discuss vehicle parking in yards and the Redbud Trail NITU.

Leffler: Leffler brought up a discussion about fishing and boating fees at Augusta City Lake. Leffler recently had a discussion with fisherman and one thing that came up was reviewing fees for fishing and boats. He stated he would like to have the Park Advisory Board review these to see if we are too cheap. He stated that there are several kayaks that do not have permits or stickers on their kayaks and that there are claims that there are people from outside the city and county taking a lot of fish out of our lake. Sage said they are trying to focus more enforcement efforts at the City Lake as they have free time as staffing allows. People exceed creel limits and size limits. Sage said he checked with City Attorney to see if we could enforce creel limits and size limits and that he said we do have the authority to enforce the Kansas Wildlife and Parks (KWP) rules since it is a city lake. Sage stated that Animal Control can also enforce those rules as the Council has given them that authority. Leffler stated he also heard talk that some of our bigger boats do not have Kansas registrations, so we shouldn't be allowing them on our city lake. Sage stated that out of the 21 boats registered with the larger motors, three of them are registered out of state. He stated he called KWP in Pratt and they sent information that said if they are storing and using the boat in Kansas they have to have a Kansas registration. Sage stated we can require Kansas registration and not

allow boats registered outside of Kansas on the city lake. Leffler stated he got a lot of compliments on the improvements the City has made to the lake. Rawlings stated in the spring he had a citizen complaining about out of town people fishing and the next day he was stopped and asked to see his license and he was very upset about it. Council consensus was to send the fees to the Park Advisory Board for review.

Leffler inquired about the repayment status of the CDBG loans. Jones stated they are all current. She stated the one that had missed a payment agreed to have that payment spread out over the remainder of payments before the forgiveness date so that they will be current prior to the forgiveness date.

Leffler inquired about Witches Night Out and stated he would like to see the insurance certificates included with the application for events to show that they have it.

Executive Session:

At 9:18 p.m. Richardson made a motion to go into executive session for 30 minutes to discuss issues related to the cost of employee benefits pursuant to the “personnel matters of nonelected personnel” justification for executive sessions under the Kansas Open Meetings Act, K.S.A. 75-4319(b)(1), and to invite in City Manager Josh Shaw, Assistant City Manager Cody Sims, the city’s health insurance broker Aaron Wells, and City Attorney Andrew Marino. The open meeting will resume in the City Council chambers at 9:48 p.m. Leffler seconded the motion. Motion carried without opposition.

At 9:48 p.m. Richardson made a motion to exit executive session where no action was taken. Marr seconded the motion. Motion carried without opposition.

At 9:50 p.m. Richardson made a motion to go into executive session for 20 minutes to discuss issues related to a legal settlement pursuant to the “consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship” justification for executive sessions under the Kansas Open Meetings Act, K.S.A. 75-4319(b)(2), and to invite in City Manager Josh Shaw, Assistant City Manager Cody Sims, Director of Public Utilities Tim Johnson, and City Attorney Andrew Marino. The open meeting will resume in the City Council chambers at 10:10 p.m. Marr seconded the motion. Motion carried without opposition.

At 10:10 p.m. Richardson made a motion to exit executive session where no action was taken. Marr seconded the motion. Motion carried without opposition.

Richardson made a motion to approve a Consent Agreement between the City of Augusta and the United States Environmental Protection Agency (EPA) Docket No. CWA-07-2021-0091 and the payment of a civil penalty in the amount of \$8,340 and to authorize City Manager Josh Shaw to sign the Consent Agreement on behalf of the City of Augusta. Leffler seconded the motion. Motion carried without opposition.

Adjourn: At 10:11 p.m., Richardson made a motion to adjourn. Marr seconded the motion. Motion carried without opposition.

City Clerk