

CITY COUNCIL  
JANUARY 17, 2023  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on January 17, 2023, with Mayor Mike Rawlings presiding. Council present were Mike Martin, Bob Bailey, Mike Huddleston, Tom Leffler, Kip Richardson, Jeff Brown and Ron Reavis. Councilman Eric Birk was absent. Also present: City Attorney Andrew Marino, City Manager Josh Shaw, and City Clerk/Director of Finance Erica Jones. Staff Present: Director of Public Safety Todd Ackerman, Shawna Cortez, and Susan Smith. Visitors: Connie Thurman, Lori Heppler, Shawn Davis, and Lonny Pace.

Pledge of Allegiance

Prayer: Mayor Rawlings gave the invocation.

Minutes: Richardson made a motion to approve the minutes from the January 3, 2023 City Council meeting. Martin seconded the motion. Leffler asked for the amounts to be included in the minutes that he cited during the discussion regarding the El Dorado Take or Pay and Animal Control Contract. Motion carried with Reavis voting in opposition.

Ordinance: Richardson made a motion to approve Ordinance #12B dated 12/26/2022. Brown seconded the motion. Motion carried without opposition.

Visitors:

Lori Heppler and Shawn Davis were present to request approval for the Butler County Spring Festival. Reavis made a motion to approve the 1<sup>st</sup> Annual Butler County Spring Festival to be held on April 22, 2023 contingent on providing insurance coverage for the event. Brown seconded the motion. Motion carried without opposition.

Business:

Resolution No. 2023-02 Calling and Providing for the Giving of Notice of a Public Hearing on the Advisability of Creating a Community Improvement District in the City of Augusta, Kansas and Undertaking and Financing of Certain Community improvement District Projects Therein; and Providing for the Giving of Notice of Said Haring: Reavis made a motion to accept the petition submitted to the City Clerk's office on Thursday, January 5, 2023 by Lonny Pace requesting the creation of a Community Improvement District for the Holiday Bowl property located at 310 North State Street. Leffler seconded the motion. Motion carried without opposition.

Leffler made a motion to approve Resolution No. 2023-02 scheduling a public hearing to take place on Monday, February 20, 2023 at 7:00 p.m. at Augusta City Hall to take public input on the creation of a Community Improvement District for the Holiday Bowl property. Richardson seconded the motion. Motion carried without opposition.

Fourth of July Fireworks Production Contract with Rainbow Fireworks: Richardson made a motion to approve a fireworks production contract in the amount of \$10,000 with Rainbow Fireworks for the annual 4<sup>th</sup> of July fireworks show at Augusta City Lake. Martin seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

City Manager: Leffler made a motion to schedule a work session at 6:00 p.m. on January 30, 2023 to discuss the City Lake dam repair project. Martin seconded the motion. Motion carried without opposition.

Huddleston: Huddleston stated he understands one of the downtown buildings with concerns has been sold and asked for an update on the second building. Shaw stated that one building has sold and that he has been through it and the new owner is making improvements. Shaw stated staff reached out to our structural engineering firm regarding the second property, but they had a conflict as they have worked with the property owner privately before. He stated staff is working on locating another structural engineering firm so we can evaluate the property.

Reavis: Reavis asked if there is a consensus from the Council to have staff prepare some info and cost estimates to have a special ballot and put the trail proposal and the cost out to the public for a special vote. Leffler stated he has received a call regarding a petition to stop it and that he didn't want to discourage the caller, but he didn't think a petition would do any good. But he said more people were against it as they hear more about it. Huddleston stated since the Council has already taken action to move forward, individuals if interested could petition for a vote on it. Shaw stated there is a petition process in statute that citizens could ask for a vote on it. Huddleston stated he would leave it up to the people to petition for a special vote if they think the Council has made the wrong decision. Reavis stated we have agreed to the engineering but not the construction costs. Richardson stated we have voted 3 to 4 times and we have received over \$3 million in funding from the State. He stated there are people on the Council that do not want it but he does not see spending all that time and money when we have already voted on it. Mayor Rawlings stated he would reiterate what Richardson said. He stated the City has received the funding to put the first bridge in over the highway and once that is done hopefully that would assist with receiving more funding for the second bridge. Mayor stated he has heard a couple people very upset about it, but that he has heard from more that are in favor of the project. Martin asked if anyone has heard from the engineer yet. Shaw stated they are actively working on the surveying for that work. Huddleston inquired about the next step. Shaw stated the engineer will complete the survey and submit the preliminary engineering to KDOT to receive feedback regarding the scope and what they will allow for the pillars, embankment, requirements on bridge height, etc. He stated the initial study will clarify the scope of the engineering so they can bring it back to us for approval of the remainder of the engineering of the project. Shaw stated that in February a KDOT Cost Share is opening up and he is working on getting support for filing for that and securing letters support from Jerry Moran, Ron Estes, Representative Kristey Williams and other bicycle groups. Richardson asked what it would mean to the State if we turn down their funding. Shaw stated if that was the decision the Council was going to make then we should not have gone after the grants. He stated this was the largest grant issued by the state and he would suspect it would have a negative impact on us if applying for grants in the future.

Richardson: Richardson stated he was contacted by Mrs. Don Finlay and Eric Finlay with concerns about the new location of the Skate Park. They stated they had bought their house many years ago across the street from the new proposed location and she is concerned about the traffic and issues the new location will bring. She would like the Council to consider a different location. Richardson stated he told her he would bring it to the Council. Shaw stated there was grant funding received based on the location. He stated there were several locations considered and community surveys were conducted. He stated the Park Board voted on the location and recommended this location and that local skate boarders were opposed to locating it at Shryock Park. Shaw stated that since the location was submitted for the grant he doesn't know if it can be changed it at this point.

Bailey: Bailey inquired about the vicious dog ordinance and stated that people have been bringing up chickens again. Shaw stated that whether it is chickens, exotic animals, goats, there are multi year discussions about this and have not gotten to any resolution in the past. He stated there was consensus on the breed ordinance, but when staff brought it back for council consideration it was not resolved. He stated with regard to chickens, that discussion was permanently tabled by the Council the last time it was brought up, but the Council can bring it up again if they want to. Shaw stated that if the Council wants to add those other elements, he does not know what to add because that is a value discussion. Bailey stated he would like to get this breed ordinance done. Huddleston stated there is still discussions to be refined about cats. He stated the chicken question has been a moot question for a while, but he has started to see other surrounding towns around that allow them now. Huddleston stated he would rather spend a little extra time and get a workable animal ordinance that addresses all of this and puts it to rest and addresses as many issues as we possibly can. Richardson stated we are fixing something that is not broken. He stated as many people are for it as are against it and there will always be someone unhappy. He stated there are a lot of people that aren't bringing it up at all.

Chief Ackerman agreed the ordinance needs to be resolved, but staff was told to slow down by the Council. He stated there are some of those issues that will be really large discussions and he would rather address each issue and come to agreement to fix those and move forward to the next one. He stated until staff can get a decision from the Council on the other issues we cannot move forward. Huddleston stated we worked on the UTV ordinance over a year and a half and we now have a good workable ordinance, so we could do the same on those animal ordinances. Richardson stated he does not know why we are spending all of this time on this when the council as a whole is not in favor of making these changes.

Ackerman stated we need direction from the Council whether they want us to address those four things (breeds, chickens, cats, exotic animals). Bailey stated the current ordinance is not being enforced and there are enforcement issues, so it is a problem. Richardson asked how you enforce service animals. Ackerman stated any animal can be considered a comfort animal and there is no national registry and people take advantage of it and we cannot enforce those. Huddleston stated he is in favor of protection especially of children. He stated it only takes once, so how do you err on the side of the protection of the public. Ackerman stated there is no fool proof way of ensuring it. Ackerman stated if we start enforcing the breed ban we will have to start issuing tickets and doing DNA Testing. Shaw stated we have previously relocated dogs but there have not been many that have been euthanized. Shaw provided the minutes from the last discussion on 10/3/2022. Shaw stated staff needs to know how much you wanted to tackle at this time. Huddleston stated he would like to see the whole ordinance. Shaw stated any changes would be recommendations from staff and not from any feedback from the Council.

Huddleston made a motion to have staff provide a revised draft ordinance with recommendation for changes to the animal control ordinance for the council to review including chickens and feral cats. Brown seconded the motion. Motion carried with Richardson voting in opposition.

Leffler: Leffler complimented the Safety Department for the several drug related arrests. Leffler stated we need to discuss at the next meeting about how to handle a grace period for UTV renewals and what the fine is if they go past January 1<sup>st</sup>. Huddleston stated you don't get a grace period if you do not renew your vehicle tags by the due date. Leffler stated there are grace periods for certain types of vehicles. Leffler stated they also give a 45 day notice prior to renewal. Shaw asked the Council if they wanted staff to draft a revised ordinance to include a grace period. Ackerman stated the other

question has been whether the Council wants staff to verify taxes have been paid and also whether turn signals should be included as motorcycles are not required to have turn signals. Rawlings stated that as the chief enforcement officer he would look to Ackerman for recommendation. Ackerman stated he would be in favor of leaving the turn signals requirement in there. Leffler agreed. Consensus from the council to have staff bring an updated ordinance.

Leffler inquired about red wording stating utility bill enclosed on the bill and whether that was new. He stated he liked it.

Leffler asked if it is allowable for people to dump their Christmas trees in the lake. Shaw stated it would be considered illegal dumping.

Martin: Martin stated there are some very big pot holes on the east side of the overpass and asked if the City is responsible for that. Shaw stated we are and there is currently a bid project for major repairs, but that he would have staff look at patching those areas until those repairs are completed.

Executive Session:

At 8:19 p.m. Richardson made a motion to go into executive session for 30 minutes to discuss the performance of a contract 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 and City Attorney Andrew Marino. The open meeting will resume in the City Council chambers at 8:39 p.m. Leffler seconded the motion. Motion carried without opposition.

At 8:39 p.m. Richardson- made a motion to exit executive session where no action was taken. Leffler - seconded the motion. Motion carried without opposition.

At 8:40 p.m. Richardson made a motion to go into executive session for 30 minutes to discuss the performance of a contract 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 and City Attorney Andrew Marino. The open meeting will resume in the City Council chambers at 9:10 p.m. Leffler seconded the motion. Motion carried with Huddleston voting in opposition.

At 9:10 p.m. Richardson made a motion to exit executive session where no action was taken. Leffler seconded the motion. Motion carried without opposition.

Adjourn: At 9:10 p.m., Richardson made a motion to adjourn. Martin seconded the motion. Motion carried without opposition.

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City Clerk