

CITY COUNCIL
AUGUST 7, 2023
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on August 7, 2023, with Mayor Mike Rawlings presiding. Council present were Mike Martin, Bob Bailey, Eric Birk, Tom Leffler, Kip Richardson, Jeff Brown, and Ron Reavis. Councilmember Mike Huddleston 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, Susan Smith, Shawna Cortez, Jim Sutton, and Chris McNutt. Visitors: Pastor Lynn Lamberty, Kristey Williams, Sean Gordon, Kevin Cowan, Connor Relph, Jayme Chapin, Connie Thurman, Shawn Davis, and Shane Scott.

Pledge of Allegiance

Prayer: Pastor Lynn Lamberty, United Methodist Church, gave the invocation.

Minutes: Richardson made a motion to approve the minutes from the July 17, 2023 City Council meeting and the July 31, 2023 City Council Work Session. Brown seconded the motion. Motion carried without opposition.

Ordinance: Richardson made a motion to approve Ordinance #7A dated July 19, 2023 and Ordinance #8 dated August 2, 2023. Bailey seconded the motion. Motion carried without opposition.

Visitors:

Kristey Williams was present to discuss a potential corporate donation for the Castle Park Playground Rebuild. Richardson made a motion to approve the application process for \$50,000 to Burlington Northern Santa Fe contingent on grant approval with Kristey Williams and going through city staff. Brown seconded the motion. Motion carried without opposition.

Connor Relph, owner of rental property at 1415 State Street. Relph stated he had a tenant move out June 6th, and utilities were put into his name until his new tenant moved in on July 6. He stated they were charged \$16 for June and then another \$16 for six days in July. City Clerk Erica Jones explained that this is the base fee that is charged with each bill that is issued and that the rate ordinance does not allow for proration of the base fee. Shaw and Jones stated they would reach out to other communities to see how they handle their base fees when there are multiple bills sent out for the same address in one month.

Business:

Presentation of 2022 Audited Financials: Leffler made a motion to accept the City's 2022 Audited Financials as presented by the City Auditor. Martin seconded the motion. Motion carried without opposition.

Resolution No. 2023-09 Requesting the State Director of Accounts and Reports Waive the Requirements of K.S.A. 75-1120A(A) for the City's 2023 Financial Statements and Reports: Leffler made a motion to approve Resolution No. 2023-09 requesting the State Director of Accounts and Reports waive the requirements of K.S.A. 75-1120a(a) with regard to the City's 2023 financial statements and reports. Richardson seconded the motion. Motion carried with Martin voting in opposition.

Notice of Hearings to Exceed Revenue Neutral Rate and Budget Hearing for the Proposed 2024 Budget: Richardson made a motion to authorize staff to publish the Notice of Hearings to Exceed the

Revenue Neutral Rate and Budget Hearing for the Proposed 2024 Budget. Bailey seconded the motion. Motion carried with Martin voting in opposition.

Charter Ordinance No. 20 Relating to Public Improvements and the Issuance of Bonds: Leffler made a motion to approve the narrow version of Charter Ordinance No. 20 exempting the City of Augusta from the provisions of K.S.A. 14-570 and K.S.A. 14-571 and providing substitute and additional provisions on the same subject relating to public improvements and the issuance of bonds for the purpose of paying for said improvements. Richardson seconded the motion. Roll Call: Birk Yes, Reavis No, Richardson Yes, Rawlings Yes, Bailey Yes, Leffler Yes, Brown Yes, Martin No. Motion carried.

At 8:15 p.m. Richardson made a motion to take a 10 minute break. Leffler seconded the motion. Motion carried without opposition.

At 8:25 p.m. Richardson made a motion to reconvene the meeting. Leffler seconded the motion. Motion carried without opposition.

Discussion/Direction Regarding Establishing a Common Consumption Area: Jayme Chapin, Executive Director of Go! Augusta, made a presentation regarding establishing a common consumption area in downtown Augusta. Council consensus was for staff to continue working on the ordinance to bring a final draft for consideration at the next meeting.

Nuisance Abatement Resolution for 506 North Osage Street: Leffler made a motion to approve Resolution No. 2023-10 determining that a nuisance exists at 506 North Osage Street and ordering the removal and abatement of nuisances within ten days as specified by K.S.A. 12-1617e. Brown seconded the motion. Motion carried without opposition.

Electric Utility Financial Policy: Reavis made a motion to approve Policy No. 2023-01 establishing an Electric Utility Financial Policy. Martin seconded the motion. Motion carried without opposition.

Ordinance No. 2224 Establishing Requirements for Following Designated Truck Routes and Penalties for Violation Thereof: Leffler made a motion to approve Ordinance No. 2224 amending Chapter 14, Article 2, Section 14-210(b) of the Code of the City of Augusta, establishing requirements for following designated truck routes and penalties for violation thereof with three tiers of fines, \$500, \$1,000, \$2,500 and for signage to be added. Richardson seconded the motion. Roll Call: Birk Yes, Reavis No, Richardson Yes, Bailey Yes, Leffler Yes, Brown Yes, Martin Yes. Motion carried.

Fee Schedule Resolution No. 2023-11: Richardson made a motion to approve Fee Schedule Resolution No. 2023-11 establishing separate fees for the disinterment and reinternment of casket burials and cremation burials. Martin seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

Mayor: Reminder Council of the Public Safety Annual Dinner on August 19th. Reminder of Skatepark groundbreaking ceremony on August 11th at Bill Reed Park at 9 a.m.

Reavis: Reavis stated that the sequencing is off for the stop lights at State and 7th. He stated that Dave Warner said he was going to work on that and asked if he has done that yet. Shaw stated he would check with Warner to see if that work has been completed.

Reavis stated that on behalf of the WFO car guys, he is pleased with the City of Augusta and their assistance with their annual car show. He stated that staff helped with the sound system, trash receptacles, and barricades. He stated the Business community stepped up and opened up their doors and the Lion's Club had a pancake feed. Reavis stated this all helped to make it an event instead of just a car show. He stated they estimated there were 275 cars present, which is the most they have had in several years. He stated that all in all it was a good day. He said he did not hear any complaints and business owners were very pleased with the foot traffic. Reavis again thanked everyone for their support.

Richardson: Richardson inquired about the date of the budget hearings. Jones stated September 5th is the date of the hearings. Richardson thanked the Electric department for their help to restore power to the Cities of Ottawa and Winfield. He stated that he and the cities were very appreciative of their help.

Bailey: Bailey asked for an update on the vicious animal ordinance. Shawna Cortez stated that the Planning Commission Hearing to discuss chicken coops is scheduled for August 14th. She stated that staff will present the final ordinance at the September 5th council meeting.

Leffler: Leffler asked if there is a plan in place at Garvin Park for the several dead trees and several others with dead limbs. He asked if the tree trimming crew has a plan for those. Shaw stated he will follow up with them, but he has encouraged them to start planning for how to replace them but with the state they are in now they may have to be removed now. Leffler stated he is concerned about our liability if they were to fall on vehicles or people. Shaw stated he will check with staff on the plan for those.

Martin: Martin stated he received a call from a citizen about trees on Osage and 5th that are hanging down in the street and blocking vision for traffic. Martin asked if there is any way for staff to provide a map of where engine breaking is prohibited and a map of the truck routes. Shaw stated that Hwy 400 and Hwy 77 are the only truck routes within the city limits. Martin stated the engine breaking will be hard to take care of. Leffler stated he hears that up on Ohio as well when they are breaking.

Executive Session:

At 9:37 p.m. Richardson made a motion to go into executive session for 60 minutes to discuss issues related to potential legal liability related to 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 the City Manager Josh Shaw and City Attorney Andrew Marino. The open meeting will resume in the City Council Chambers at 10:37 p.m. Leffler seconded the motion. Motion carried without opposition.

At 10:37 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 10:37 p.m., Richardson made a motion to adjourn. Brown seconded the motion. Motion carried without opposition.

City Clerk