

CITY COUNCIL
SEPTEMBER 18, 2023
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on September 18, 2023, with Mayor Mike Rawlings presiding. Council present were Mike Martin, Bob Bailey, Eric Birk, Mike Huddleston, Tom Leffler, and Ron Reavis. Council members Kip Richardson and Jeff Brown were 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, Susan Smith, and Amanda Johnston. Visitors: Pastor Lynn Lamberty, Myrna Rogers, Gary Rogers, Shawn Davis, Roarke Gordon, Matt Catanese and Cassie Tinsmon.

Pledge of Allegiance

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

Minutes: Reavis made a motion to approve the minutes from the September 5, 2023 City Council meeting. Leffler seconded the motion. Motion carried without opposition.

Ordinance: Leffler made a motion to approve Ordinance #9 dated September 13, 2023 with the removal of the payment to Kansas Paving in the amount of \$343,020.70. Martin seconded the motion. Motion carried without opposition.

Proclamation:

Mayor Rawlings read a proclamation designating September 17 to September 23, 2023 as Constitution Week asking that the citizens of Augusta reaffirm the ideals the framers of the Constitution had in 1787.

Visitors:

Amanda Johnston, Swimming Pool Manager, was present to provide a recap of the pool season and recognize lifeguards.

Augusta Community Caring Center requested approval for a Bike-A-Thon on October 21, 2023 in Shryock Park. Leffler made a motion to approve a Bike-A-Thon in Shryock Park on October 21, 2023. Martin seconded the motion. Motion carried without opposition.

The Farm Path Tour has requested approval for the Knockwood Knockout disc golf tournament at Santa Fe Lake on October 15, 2023. Reavis made a motion to approve the Knockwood Knockout disc golf tournament at Santa Fe Lake. Leffler seconded the motion. Motion carried without opposition.

Business:

Authorize Publication of a Notice of Public Hearing for 7 p.m., October 2, 2023 to Discuss IRBS for Housing Rehabilitation at Country Club Tower: Roarke Gordon and Matt Catanese addressed the governing body to explain their plans for the Country Club Tower rehabilitation.

Leffler made a motion to authorize publication of a notice of public hearing for 7 p.m. October 2, 2023 to review the cost-benefit analysis, receive comments from the public, and take formal action on the application for industrial revenue bonds (IRBs) for Country Club Tower. Bailey seconded the motion. Motion carried without opposition.

Ordinance No. 2227 Authorizing a Conditional Use Permit for a Home School Learning Center at 9010 SW River Valley Road: Reavis made a motion to approve Ordinance No. 2227 authorizing a Conditional Use Permit for a home school learning center at 9010 SW River Valley Road (Growth area), as recommended by the Augusta Planning Commission. Huddleston seconded the motion. Roll Call: Huddleston Yes, Birk Yes, Reavis Yes, Bailey Yes, Leffler Yes, Martin Yes. Motion carried.

League of Kansas Municipalities Voting Delegate Appointment: Reavis made a motion to appoint Mike Huddleston as the City's Voting Delegate at the League of Kansas Municipalities Annual Business Meeting and Convention of Voting Delegates. Leffler seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

Leffler made a motion to authorize the City Manager to annually waive City fishing license requirements for students participating in high school outdoor activity classes. Martin seconded the motion. Motion carried without opposition.

Leffler: Leffler stated that the downtown speakers on the south end of town were not working. Josh stated a lot of it has to do with the laptop running the system. If something happens to the laptop it has to be reset. Leffler asked who they should contact if it is not working. Shaw stated that they can call him or Andrew Ebert with DAI. Shaw showed the Council the software that runs the music and the speakers downtown.

Leffler stated the car show that took place at the airport was a big success, and there were over 200 cars, there were food trucks, and it was well attended.

Leffler stated the contractor for Ideatek has been hitting a lot of underground lines. Shaw stated that is not entirely their fault. He stated the City does not always know where all the lines are and sometimes they are not correctly marked. Shaw stated they will likely continue to have problems as there are lines around that we do not where they are and are not able to locate them. Shaw stated he would provide the Council with an update on where Ideatek is with the project. Rawlings stated in January 2024 there are some major changes taking place to the Dig Safe rules that will increase the time and expense to the contractor.

Huddleston: Huddleston stated that he noticed over the weekend that the clock down at the roundabout does not work. Shaw stated he sent staff down to take a look at it.

Huddleston stated that when we have the zoning control in the growth area, the purpose of that is so if and when the city expands it is already compatible with the zoning the city has. He asked if that is the case, why is the building not required to be compatible with our building code. Huddleston stated they get their building permits from the County. He asked why cities only control the land use and not the buildings. Shaw stated the comp plan governs the land use. He stated that is not how the extra territorial jurisdiction works. Shaw stated he doesn't know how else to answer that question. He said he can try to do some research to see if it exists differently anywhere else. Shaw stated there is probably something in State statute that lays out that only the land use can be governed by the City.

Huddleston asked if he saw something in a staff report that said once the Railroad is finished with their work on the line it will increase the daily traffic by up to 80 trains a day.

Executive Session:

At 8:06 p.m. Leffler made a motion to go into executive session for 40 minutes to discuss issues related to general liability of public officers and 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, City Planner Rob Cooper, and City Attorney Andrew Marino. The open meeting will resume in the City Council Chambers at 8:46 p.m. Reavis seconded the motion. Motion carried without opposition.

At 8:46 p.m. Leffler made a motion to exit executive session where no action was taken. Reavis seconded the motion. Motion carried without opposition.

At 8:48 p.m. Leffler made a motion to go into executive session for 15 minutes to discuss issues related to general liability of public officers and 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 9:03 p.m. Martin seconded the motion. Motion carried without opposition.

At 9:03 p.m. Leffler made a motion to exit executive session where no action was taken. Reavis seconded the motion. Motion carried without opposition.

Leffler made a motion to release the \$343,020.70 payment to Kansas Paving that was previously pulled from the appropriation ordinance. Martin seconded the motion. Motion carried without opposition.

Adjourn: At 9:04 p.m., Leffler made a motion to adjourn. Reavis seconded the motion. Motion carried without opposition.

City Clerk