

CITY COUNCIL  
FEBRUARY 21, 2023  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on February 21, 2023, with Mayor Mike Rawlings presiding. Council present were Mike Martin, Eric Birk, Mike Huddleston, Tom Leffler, Kip Richardson, Jeff Brown and Ron Reavis. Councilmember Bob Bailey 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, Jim Sutton, Anthony Craft, Ray Seif, Rob Cooper, Shawna Cortez, and Susan Smith. Visitors: Pastor Mac Martin, Chuck May, Kevin Cowan, Benjamin Redington, Alyssa Jameson, Lonny Pace, Jake Marr, Don Snyder, Josh Maska, Lois Neufeld, Dan McPartland, Shawn Davis, Andrea Davis, and Kim Austin.

Pledge of Allegiance

Prayer: Pastor Mac Martin, First Baptist Church, gave the invocation.

Minutes: Richardson made a motion to approve the minutes from the February 6, 2023 City Council meeting and the February 13, 2023 Strategic Retreat Council meeting. Brown seconded the motion. Motion carried without opposition.

Ordinance: Richardson made a motion to approve Ordinance #2A dated 2/15/2023. Brown seconded the motion. Motion carried with Huddleston voting in opposition.

Visitors:

Josh Maska, representing Augusta Little League Baseball, was present to request approval for events on April 14-16, May 4-7, and June 1-4, 2023. Leffler made a motion to approve the request from Augusta Little League Baseball to hold events on April 14-16, May 4-7, and June 1-4, 2023 in Garvin Park contingent on presentation of current insurance certificate before the events. Huddleston seconded the motion. Motion carried without opposition.

Airport Manager Ray Seif was present to present to request from Keep It Clean Car Show City Council approval for a car show event at the Municipal Airport on September 9, 2023. Leffler made a motion to approve a Keep It Clean Car Show event at the Municipal Airport on September 9, 2023 contingent on the presentation of current insurance certificate before the event. Brown seconded the motion. Motion carried without opposition.

Business:

Conduct a Public Hearing on the Creation of a Community Improvement District for 310 North State Street; Consider Ordinance No. 2211 Creating a Community Improvement District; Consider Resolution No. 2023-04 Approving a Development Agreement Between the City of Augusta and Old Jayhawker 310 LLC (dba Holiday Bowl): Bond Counsel Kevin Cowan explained the process and actions required by the governing body. Mayor Rawlings opened a public hearing to take input on the advisability of creating a Community Improvement District for 310 North State Street. Mayor Rawlings closed the public hearing after no one came forward with comments.

Leffler made a motion to approve Ordinance No. 2211 creating a CID, authorizing certain improvement projects therein, approving the estimated costs of such projects, containing the legal description and map of the district boundaries, levying a CID sales tax, and approving a method of

financing the projects. Reavis seconded the motion. Roll Call: Huddleston Yes, Birk Yes, Reavis Yes, Richardson Yes, Leffler Yes, Brown Yes, Martin Yes. Motion carried.

Leffler made a motion to approve Resolution No. 2023-04 authorizing a Development Agreement between the City of Augusta and Old Jayhawker 310 LLC dba Holiday Bowl. Brown seconded the motion. Motion carried without opposition.

Home Rule Ordinance No. 2212 Authorizing Issuance of General Obligation Bonds for Redbud Rail Trail Bridges: Kim Austin, president of AARTI, addressed the governing body about their volunteer efforts towards this project and their help with the grant application and their partnership with the City on this project. Austin encouraged the Council to consider the strategy to get through phase one and set the project up for success for phase two.

Jake Marr, 3003 Fieldstone, addressed the governing body and spoke in favor of the project. Marr stated when he was on the council and considering this project he interviewed the community about the project and the Armory, Go Augusta!, members of Augusta Progress, Inc, Butler County Commission, AARTI, citizens, parents at schools and members of the business community were all excited and in favor of the project.

Birk made a motion to approve Home Rule Ordinance No. 2212 authorizing the issuance of general obligation bonds of the City to provide funds to finance hiking/biking trail bridges to serve the City. Richardson seconded the motion. Roll Call: Huddleston Yes, Birk Yes, Reavis No, Richardson Yes, Leffler No, Brown Yes, Martin No. Motion carried.

Resolution of Support No. 2023-05 Authorizing Submittal of an application to the Spring 2023 KDOT Cost Share Program for the Redbud Trail Project: Reavis made a motion to approve Resolution No. 2023-05 authorizing submittal of an application to the Spring 2023 KDOT Cost Share Program for the Redbud Trail Project. Huddleston seconded the motion. Motion carried with Leffler and Martin voting in opposition.

Consider Ordinance No. 2213 Authorizing a Conditional Use Permit for a Detached Carport at 1011 West Street: Huddleston made a motion to approve Ordinance No. 2213 authorizing a conditional use permit for a detached carport at 1011 West Street as recommended by the Planning Commission. Reavis seconded the motion. Roll Call: Huddleston Yes, Birk Yes, Reavis Yes, Richardson Yes, Leffler Yes, Brown Yes, Martin Yes. Motion carried.

Agreement with Schwab-Eaton Engineering to Provide Engineering Services for Development of a New Electrical Substation at the SW Corner of 6<sup>th</sup> Street and a North-South Access Road Approximately 1000 feet West of Oak Street: Leffler made a motion to approve an agreement with Schwab-Eaton Engineering in the amount of \$15,025 for engineering services for the development of a new electrical substation at the southwest corner of 6<sup>th</sup> Street and a north-south access road approximately 1000 feet west of Oak Street. Reavis seconded the motion. Motion carried without opposition.

Agreement with WSP USA Environment & Infrastructure Inc. to Provide Floodplain Fill Permitting Services for Development of a New Electrical Substation at the SW Corner of 6<sup>th</sup> Street and a North-South Access Road Approximately 1000 Feet West of Oak Street: Leffler made a motion to approve an agreement with WSP USA Environment & Infrastructure Inc. in the amount of \$8,000 for engineering services including addendum one for the development of a new electrical substation

at the southwest corner of 6<sup>th</sup> Street and a north-south access road approximately 1000 feet west of Oak Street. Brown seconded the motion. Motion carried without opposition.

Engineering Services Agreement with Schwab Eaton for Construction Administration Services for CCLIP Project: Leffler made a motion to approve an engineering services agreement with Schwab Eaton in the anticipated maximum amount of \$17,850 with city staff providing on-site inspection services for the CCLIP project on HWY 54/400. Richardson seconded the motion. Motion carried without opposition.

Ordinance No. 2214 Amending Chapter 3 of the City Code Regarding Cereal Malt Beverage and Alcoholic Liquor: Leffler made a motion to approve Ordinance No. 2214 amending Chapter 3 of the City Code of the City of Augusta, Kansas regarding business regulations for Cereal Malt Beverage. Brown seconded the motion. Roll Call: Huddleston Yes, Birk Yes, Reavis Yes, Richardson Yes, Leffler Yes, Brown Yes, Martin Yes. Motion carried.

Kansas Municipal Energy Agency (KMEA) Director Reappointment: Richardson made a motion to reappoint Jim Sutton to serve as Director #1 representing the City of Augusta on the KMEA Board of Directors. Martin seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

City Manager: Reminder of the Strategic Retreat on Saturday February 25<sup>th</sup> at 8:00 a.m. at City Hall.

Huddleston: Huddleston inquired about the request to speak and asked about the form and the language and purpose of the forms. Shaw stated with regard to the language on the form, he believes it is perfectly fine for the council to have control over how much they converse with the other party. He stated that with regard to the element of taking action, if they are adding something that wasn't agendaized and public notice was not provided in all likelihood council will not be taking action on it that night even if they discuss it so that may not be a bad provision to have listed on the form. Shaw stated that the form is for the speaker to fill out and sets the parameters for the speaker.

Martin: Martin thanked the street crew for the patches they have been making throughout town. Martin thanked Shaw for explaining the home rule ordinance. He stated he appreciated it and would like to see more information on the numbers related to the Redbud Trail. Martin stated he has great concerns about recessions and grants. Shaw stated you can always be concerned about those types of issues, but that once we have an agreement in hand they have made a commitment to provide those funds. But when you are dealing with discretionary funding you will have to be concerned about that. Shaw stated where that could come in to play is the KDOT Federal Fund exchange happens in appropriations at the federal level, so if the government shuts that could affect the appropriation, and something could happen there. Shaw stated that has been an annual allocation for a decade or more and it has not affected it before, but it could impact it.

Executive Session:

At 9:00 p.m. Richardson made a motion to go into executive session for 15 minutes to discuss a settlement agreement 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 9:15 p.m. Leffler seconded the motion. Motion carried without opposition.

At 9:15 p.m. Richardson made a motion to exit executive session where no action was taken. Leffler seconded the motion. Motion carried without opposition.

Richardson made a motion approve a Settlement and Release Agreement with Ed Hund and agree to pay him \$20.31 in the form of a refund for a gas surcharge in addition to \$2,000 for his attorney's fees and expenses. Leffler seconded the motion. Motion carried without opposition.

Adjourn: At 9:16 p.m., Leffler made a motion to adjourn. Martin seconded the motion. Motion carried without opposition.

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City Clerk