

CITY COUNCIL  
JUNE 6, 2022  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on June 6, 2022, with Mayor Mike Rawlings presiding. Council present were Eric Birk, Bob Bailey, Mike Huddleston, Tom Leffler, Jeff Brown and Ron Reavis. Councilmembers Kip Richardson and Jake Marr were absent. Also present: City Attorney Andrew Marino, City Manager Josh Shaw, Assistant City Manager Cody Sims and City Clerk/Director of Finance Erica Jones. Staff Present: Director of Public Safety Todd Ackerman, , Susan Smith, Susie Geiger, Anthony Craft, Ray Seif, and Rob Cooper. Visitors: Connie Thurman, Eric Grooms, Lora Grooms, Donna Markley, Randy Johnson, Bill Morris, Dalton Patterson, Angie Johnston, Diana Burris, Shelby Smith, Heather Smith, Terry Alley, Matt Engels, Sarah Dennett, Sue Jones, Katie Roggenbaum, Jeff Weide, David Carr, Elizabeth Foster, William Skaer, Catherine Skaer, John Bullinger, Jon Probasco, Don Klausmeyer, Ross Vogel, Mike Schrader, Jane Lewis, and Randy Johnson.

Pledge of Allegiance

Prayer: Mayor Rawlings gave the invocation.

Minutes: Reavis made a motion to approve the minutes from the May 16, 2022 City Council meeting. Bailey seconded the motion. Motion carried without opposition.

Ordinance: Leffler made a motion to approve Ordinance #5A dated 5/25/2022. Brown seconded the motion. Motion carried without opposition.

Visitors:

Donna Markley, 2804 Birchwood, addressed the governing body regarding reinstatement to the Neighborhood Revitalization Program (NRP). Markley stated that when she purchased her property the property taxes had not been paid since 2012. Just prior to closing the sale the prior owner paid the delinquent taxes up to 2016. Markley stated she received a letter in 2016 stating that she would not receive her NRP payment because taxes were previously delinquent. She stated that it was the prior owner that did not pay the taxes, not her, but that they were paid before she purchased the property. She stated she was told the person that owned it before had not paid on time, so she lost her ability to participate in the NRP. Markley stated she was able to request reinstatement into the NRP and that was granted. She stated her mortgage bank failed to pay her property taxes in May of this year so she received a letter that she is delinquent a second time and now permanently removed from the program. Markley stated the second time was her bank's fault, but the first time was not her fault and was caused by the prior owner and paid before she bought the property. She asked the Council to consider reinstating her into the program a second time. Brown asked her to provide a letter from the bank stating that it was their error and proof from the County that the taxes have been paid. Sims stated he believes it is reasonably a Council conversation and decision to be made. Leffler stated he would also like to see a letter from the Bank and the County. Mayor Rawlings asked Markley to provide those documents to staff and the Council will consider it at the next meeting.

Chuck May, representing the City Engineer with Schwab Eaton, addressed the governing body and the public regarding the details of the North Ohio reconstruction project, the detour routes, how the project is sequenced and how it impacts the length of the construction, and confusion to the public. May stated that once you establish a traffic pattern it is easier to try to stick to a traffic pattern. He stated that the project was broken into four phases at one point but it was evaluated and determined

to be better and more efficient to break it into two phases. May stated that there was no way to allow for two way traffic without constructing a temporary pavement lane and there would be a lot of cost involved in that. He stated the decision was made to carry one-way traffic heading south into town. May stated they also looked at the general traffic and determined it was mostly local traffic and that they would find the route they were comfortable with. He stated there is no parallel street to route traffic through as a detour. He stated if there was a detour assigned he would recommend diverting traffic from Highway 54 to Santa Fe Lake Road or Highway 54 to Haverhill Road. May stated he believes the sequencing of the project and the traffic control will allow for this road to be completed with substantial completion by December of this year. He stated that from an engineering standpoint it would not be reasonable to assign a dirt road as a detour and there is not a residential street identified as a detour.

Bill Skaer, owner of a farm on Shumway between 70<sup>th</sup> to 80<sup>th</sup> Street, addressed the governing body and stated if they have not driven on that segment of Shumway they need to. He stated the increased traffic from the project has ruined the road. Skaer stated to let the public go where they think they should go is not reasonable. He stated the City should put up notices that it is local traffic only because it is ruining the road and their way of life. Skaer also stated that the County and Township are very upset with the City.

Catherine Skaer, who lives on Shumway, addressed the governing body. She stated it is a safety issue and that there are no speed limits posted on Shumway. She stated her house is right off the street and that they almost got hit getting the mail. Skaer stated that someone is going to get killed and the roads will be destroyed. She stated the people using that road have no respect. She also stated that Shumway is really the only route to go to take north to 21<sup>st</sup> Street.

John Bollinger, who lives on Shumway, addressed the governing body. He stated he will probably get killed getting his mail. He stated there was a Lexus driving 60 to 70 mph down Shumway. Bollinger stated he had a question for the engineer and stated that no solution is not a part of the design process. He stated leaving it up to the public is not a solution. Bollinger asked if we have to block off the whole amount of Ohio. He stated that engineers are paid really well and need to do their job.

Sarah Dennett, residing on Ridgecrest, addressed the governing body. She stated she has the same question about a plan to avoid confusion. She stated that all they are witnessing is confusion from the public with no idea where to go. She stated that people are furious because they cannot find a way out of town and that this is a faulty plan.

Jeff Weide, 610 Stonegate Circle, addressed the governing body and stated his appreciation that the council is accommodating the request to be heard. Weide stated the project has an impact on him, his family and their neighborhood. He stated the road closure has disabled their access to those locations and diverted traffic throughout residential roads that are winding and hard to see. He stated that these roads were not meant to handle the capacity of traffic that are now on them. Weide stated that kids play in this area and that drivers are confused and angry and so is he. He stated that a gravel or temporary road would allow for traffic both ways.

Katie Roggenbaum, residing at 7297 SW Shumway, addressed the governing body. She stated that 6,800 people per day use north Ohio and that hundreds of cars per day are now using Shumway to go north. Roggenbaum stated that she has three children and have told them that they cannot play out front so they don't get hit. She stated that trash trucks are now using Shumway. Roggenbaum stated that she spoke to Sims and he said they had been in talks with the County about the township

roads. She stated that the township said the first time they heard from Sims was that afternoon. She stated that the County Commissioners were not aware of the project and that the County worked for months on the Rose Hill roundabout.

Sue Jones, 1817 Meadowlake Dr, addressed the governing body. She stated this has been a project that has been poorly planned and poorly communicated to the public. She stated disappointment in the fact that the City allowed an engineering firm to dictate the traffic control. Jones stated that the Council should consider alternatives that were mentioned tonight and at least communicate with the Township and County to address the issues that this will cause on Shumway over the next 6 months. She stated this is not a safe situation and that directing traffic to Santa Fe Lake Road and Haverhill Road is not a solution.

Brown stated that he doesn't have the answers, but obviously something needs to happen between the City, the County and the township.

David Carr addressed governing body. He stated that he has lived here all his life and this is affecting all of us. He stated it should have been done a whole lot different than it was. He said signs were put up a couple weeks ago about finding an alternate route but asked what is the alternate route. Carr stated that with all the rain the dirt roads have been washed out and that he doesn't want to tear his truck up. He stated that isn't important though, that the safety of these people is what is important.

Huddleston stated there are two problems taking place. He stated it is the people taking Shumway and the people taking the residential roads to get around. He asked if the road at Shumway and David can be barricaded and designated for local traffic only. He stated the signage is not very explicit about what is expected from them and that it is confusing. Huddleston stated it was poor planning and he understands that and admitted that he feels the same way. He stated there should have been more foresight and planning done. Huddleston asked staff if our trash trucks are taking Shumway. Sims stated that this is the first time he has heard that and he will stop it tonight.

Reavis stated there are three people on this council affected by this project. He stated that no one should be using Shumway and the only people using the residential area are people who have to use those areas to access their residential area. Reavis stated that when going to Wichita he used to go north to 70<sup>th</sup>, but since the construction he goes south through town to 7<sup>th</sup> and goes to K-96 or Santa Fe Lake Road. He stated it is just what you have to do. He stated as it is we can get it done in 6 months or break it in to pieces and take 2 years to complete it.

Mike Schrader, 502 Country Lane, addressed the governing body. He stated that he spoke to a construction worker who stated that Ohio is wide enough we could build a temporary road to allow traffic both ways but that it would cost \$150,000 and that money is being used for the Skate Park. He said if there is a fire in Lakepoint or Country Hills and a fire truck cannot get there in time other houses could catch on fire and people will get injured and a lawsuit against the City will make that \$150,000, look like chump change. Rawlings clarified that the money for the skate park has been set aside from other funds for years and money is not coming from the Street project funds for the skate park. He stated the Ohio Street project was bid and the original bid specifications were two lanes and adding a third lane would have cost way more than what was available in our budget. Rawlings stated it was approved by a 5-3 vote by the Council twice for two lanes.

May stated that using a third lane to allow traffic to continue from both directions would require additional widening of the street costing more for materials and drainage. May stated he is a civil engineer and has been doing this for over 30 years. He stated he provided a list of things to consider. He

stated he did not assign Shumway as a detour as it is not an adequate road for a detour. Mayor Rawlings stated he appreciated those that came to share their concerns but they cannot agree to anything tonight. He stated that the City is tied to a budget and that this is where we are at. He stated the Council will see what we can work out and if we can figure out a better detour or better signage. He stated everything we do from here out will cost more money than what has been allotted for the project.

Brown asked if we can reach out to the County and Township to see what they have to say. Shaw stated Butler County EMS was present at the pre-construction meeting and they had questions about the township roads and he believes that was when the first contact was made. He stated that Sims had spoken to Nick McClure with the township and to County Engineer Daryl Lutz and stated that we are willing to participate and assist them with the road. He stated he doesn't know if they will have an ask or not. Shaw stated that we do not want to send people that way, but that people are taking that route regardless. Sims stated we want to help the County to make sure the road remains in a safe, drivable condition.

Huddleston asked if we can contact the Sheriff's office to see if they can step up their enforcement out there. Shaw stated we cannot enforce it but we can reach out to them. Brown asked if we can put up a detour sign. Shaw stated not without involving all the parties and coordinating with the contractor, city engineer and the other jurisdictions. Brown asked what the Township had to say. Sims stated he had a good conversation with McClure and they were receptive to the conversation as was Daryl Lutz. Anthony Craft stated he spoke to Jason Winter with the township. Brown encouraged the residents to have the township reach out to the City if they have concerns.

Sims stated he has asked Craft to drive the township roads weekly to check on the condition. Bailey asked if there is any signage on 7<sup>th</sup> indicating that Ohio was closed to let people who are not from the community know that the road is closed and there is no direct route out of town to the north. Reavis stated the only people that need to be north of Belmont are the people that live up there, otherwise they should be taking a paved road. Huddleston asked if the City can provide maps. Brown stated Mainsgate and Pembroke is a very dangerous intersection and inquired about stop signs or other directional signs for residents and people visiting local businesses. Shaw stated he spoke to May about putting signage up on 7<sup>th</sup> Avenue.

Shaw asked May if he heard anything that he sees as a usable option to make some of this better without changing the scope of the project. May stated flaggers or automated stoplights will not work due to the number of access points. He stated there are 29 access points between Belmont and the north city limits. He stated it would be the same issue with a pilot car. May stated they talked about signage on 7<sup>th</sup> Avenue saying north Ohio is closed and that may mitigate some of it but he suspects most of the traffic is likely local traffic so it may not be as effective. He stated that assigning a detour is not easy because Ohio does not connect directly to Highway 54. May stated he we continue to work with staff and evaluate the comments and see what other alternatives can be considered. He stated there is not an easy way to maintain two way traffic without adding additional cost and time to the project.

Randy Johnson from Augusta addressed the governing body and asked how much would it cost to maintain Shumway versus the cost to add the 3<sup>rd</sup> lane on Ohio. Mayor Rawlings stated it was a lot more than \$150,000 to add a 3<sup>rd</sup> lane.

Angie Johnston, 500 Stone Lake Court, addressed the governing body. She stated with the new development project they are working on they were asked to include another access point because

it was a pretty big liability to direct everyone through the neighborhood because of the only one access point. She stated she is worried about the liability issues of the Ohio project for those same reasons.

**Business:**

**Mayoral Appointment to Augusta Airport Advisory Board:** Leffler made a motion to approve the Mayor's recommendation to appoint Kevin Miller to the Airport Advisory Board to fill a vacant term to expire in April 2023. Reavis seconded the motion. Motion carried without opposition.

**Conduct a Public Hearing to Take Public Comment on the Establishment of a Rural Housing Incentive District Within the City and Adoption of a Plan for the Development of Housing and Public Facilities in Such District; Ordinance No. 2192 Establishing a Rural Housing Incentive District and Adopting a Plan for Development for Such District:** Mayor Rawlings opened the Public Hearing to take input on the establishment of a rural housing incentive district and adoption of a development plan for such district. Mayor Rawlings closed the public hearing after no one stepped forward to speak. Leffler asked the City Attorney if he reviewed the documents to make sure everything is okay. Marino stated he has and it is okay.

Reavis made a motion to approve Ordinance No. 2192 establishing a Rural Housing Incentive District (RHID) and adopting a plan for development of such district. Leffler seconded the motion. Roll Call: Huddleston Yes, Reavis Yes, Birk Yes, Bailey Yes, Leffler Yes, Brown Yes. Motion carried.

Shelby Smith addressed the governing body and asked if this is a 25 year tax abatement and if it was for all taxing entities. Shaw stated the County and School District can nullify the project if they choose to vote on it. Smith stated he is all for the building of new homes but doesn't want to add to the taxes of the taxpayers.

**Discussion/Direction for the Proposed 2023 Neighborhood Revitalization Plan:** Council discussed the proposed 2023 Neighborhood Revitalization Plan and provided direction. Sims explained the current plan boundaries and terms of the plan.

Eric Grooms addressed the governing body. Grooms stated there was a work session with the council and he agrees with keeping the boundaries to include the entire city limits. He stated that several communities include the entire city and some even the entire county. Grooms stated that lack of residential growth is impacting enrollment in our school district and we need all the tools we can use to attract new housing and encourage people to improve the housing stock in Augusta. He stated this is one of the best plans the City has implemented. Grooms stated he would recommend moving the age of the homes to 2012 so those homes are 10 years old and that he likes moving it to a 5 year plan because 2 years is over before you know it.

Sims stated USD 402 and County would likely support a 5 year program and the College has been supportive of the County's 5 year program so they would likely support it.

Governing body consensus was in favor of the plan being city-wide, 5 years long, include property built prior to 2012 and include areas not at capacity. Sims stated he plans to have the Plan on the June 20<sup>th</sup> council agenda for consideration.

**Z2022-05/Proposed Amendment to the Adopted Zoning Regulations to Remove Distance Restrictions for Certain Uses within the C-1 Zoning District:** Reavis made a motion to approve Ordinance No. 2193

accepting the recommendation provided by the Augusta Planning Commission to approve Zoning Case #Z2022-05, proposed amendment to adopted zoning regulations, and to remove distance restrictions for certain uses within the C-1 zoning district. Brown seconded the motion. Roll Call: Huddleston Yes, Birk Yes, Reavis Yes, Bailey Yes, Leffler Yes, Brown Yes. Motion carried.

Z2022-04/Probasco Conditional Use Permit: Reavis made a motion to accept the recommendation provided by the Augusta Planning Commission and approve Zoning Case #Z2022-04 Probasco/Conditional Use Permit, to allow a tattoo studio (Black Buffalo Tattoo), to operate at 108 W 5<sup>th</sup> Avenue, currently zoned C-1 Main Street Commercial. Brown seconded the motion. Motion carried without opposition.

Asphalt Street Maintenance Proposals: Leffler made a motion to approve the proposal submitted by ProSeal in the amount of \$54,901.50 for the application of Reclamite asphalt rejuvenation on certain street segments. Reavis seconded the motion. Motion carried without opposition.

Leffler made a motion to approve the proposal submitted by Vance Brothers in the amount of \$45,860.00 for micro-surfacing on Moyle Street from Fanny Avenue to Belmont Avenue. Huddleston seconded the motion. Motion carried without opposition.

Airport Rules and Regulations Adoption: Reavis made a motion to approve the recommendation provided by the Augusta Municipal Airport Advisory Board to adopt the Airport Rules and Regulations. Bailey seconded the motion. Motion carried without opposition.

Federal Aviation Administration Memorandum of Agreement: Reavis made a motion to approve the renewal of the Memorandum of Agreement (MOA) between the City of Augusta and the Federal Aviation Administration (FAA) granting the FAA land rights to operate and maintain four navigational aid (NAVAID) facilities at the Augusta Municipal Airport. Brown seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

Work Session: Leffler made a motion to schedule a work session at 6:00 p.m. on Monday, June 13<sup>th</sup> for the purposes of discussing the 2023 City Budget. Brown seconded the motion. Motion carried without opposition.

Huddleston: Huddleston stated that all along South Ohio the dirt is dipping several inches down. Craft stated there is a storm drain at Ohio and Main that was being repaired. He stated that other locations could be from lack of compaction from the project, but he will have to look at the areas. Huddleston stated in some areas it is as much as four inches and asked staff to take a look at it.

Reavis: Reavis asked if we can add the East side of City lake road to Street Superintendent Craft's monitoring of the gravel roads during the Ohio project. Craft stated he would.

Reavis stated the old swing structures were not removed at the Playpark and asked if the seats could be put back in so they could be used. Shaw stated that there are several feet underneath the structure where the material was removed. Sims stated it would take \$5,200 to bring in enough material to make them safe and compliant in order to use it. Shaw stated we are hoping to fast-track rebuilding the structure with grant assistance.

Rawlings: Rawlings stated that the west side of City lake is in very good shape.



Bailey: Bailey inquired about the status of the vicious dog ordinance. Shaw stated staff is doing a complete review of the animal control ordinances. Ackerman stated he has worked with the animal control officer on the animal control ordinances and that the last thing to address is the feral cat situation. He stated after that staff will have something to bring back to the council for consideration.

Leffler: Leffler asked if the material removed from the street during the Ohio project will be used on the City's gravel roads. Craft stated that they will.

Leffler thanked those that came out to speak about the Ohio project. He said it has only been a week and that it is a very important artery in our town and is way past due to be fixed. He asked that they please give time and consideration because it is not an easy project for finding alternate routes.

Leffler asked Shaw if he could provide a list of the grants that we applied for to KDOT with regard to the Ohio Project. Shaw stated he would provide that information.

Brown: Brown stated he was contacted by a lady on Ohio that said she was very impressed with the trash guys coming up to pick up her trash because she is not able to take it to the street. Brown stated she also said she cannot hear the council meetings being aired on Channel 7. Shaw stated he would recommend moving to streaming the meetings instead of using Channel 7.

Adjourn: At 9:30 p.m., Reavis made a motion to adjourn. Brown seconded the motion. Motion carried without opposition.

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City Clerk