

CITY COUNCIL
MARCH 7, 2016
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on March 7, 2016, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Jamie Crum, Paul Belt, Tom Leffler, Mike Rawlings, Justin Londagin and Ron Reavis. Also present: City Manager Josh Shaw, City Attorney Austin Parker, Assistant City Manager Cody Sims, Public Works Director Jaime Goering, Director of Electric Utility Bill Webster, Electric Production Superintendent Jim Sutton, Parks Foreman Brian Alfaro, City Inspector Dan Allen, Sergeant Chad McCluskey, Officer Mat Meckel and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Sarah Hoefgen, Lori Jones, David Jones, Mike Galbraith, Brian Prentice, Connie Thurman, Bill Morris, Lane Bevan, Goldie Kingsley, Erik Birk, Keith Cross, and David Slaughter.

Pledge of Allegiance

Prayer: Pastor Keith Cross, First Christian Church, gave the invocation.

Minutes: Rawlings made a motion to approve the minutes from the February 16, 2016 Council meeting and February 29, 2016 Work Session. Lowery seconded the motion. Motion carried without opposition.

Ordinance 2A: Leffler made a motion to approve Ordinance 2A in the amount of \$1,131,981.72. Reavis seconded the motion. Motion carried without opposition.

Proclamation:

Mayor Childers read a proclamation celebrating 48 years of Fair Housing and recognizing the month of April as Fair Housing Month.

Visitors:

Bill Morris, Representing Downtown Augusta, Inc., was present to provide a progress report on their recent activities and events.

Council considered a request from Life Church for use of the stage and surrounding area at Garvin Park on Saturday, March 26th from 11 a.m. to 3 p.m. for their annual Easter Eggstravaganza. Reavis made a motion to approve Life Church's use of the stage and surrounding area at Garvin Park on Saturday, March 26th from 11 a.m. to 3 p.m. for their annual Easter Eggstravaganza. Lowery seconded the motion. Motion carried without opposition.

Lori Jones, 6 Good Drive, was present to ask the Council for a zoning variance or to waive the Ordinance related to the number of animals that can be kept in the city limits to allow for her to keep her seven dogs. Jones stated she recently moved to Augusta and was not aware of the ordinance until notified by animal control. Mayor Childers encouraged Jones to speak to her Third Ward representatives on the Council, Mike Rawlings and Tom Leffler.

Bill Morris was present to request a wall to be added to the Depot to create two office spaces to accommodate for the Chamber of Commerce and Downtown Augusta, Inc. Morris stated that adding a wall would result in a \$2,475 change order, but that if the State won't pay for it Downtown Augusta, Inc. would be willing to help pay for it. The consensus of the Council was to make this an agenda item two weeks from now when the funding information is determined.

Business:

Public Hearing for Condemnation of Property at 636 N Santa Fe Street: A Public Hearing was conducted regarding the condemnation of property located at 636 N Santa Fe Street pursuant to procedures outlined in K.S.A. 12-1750 et seq. The Mayor closed the public hearing after no public comments were received.

Crum made a motion to approve Resolution 2016-07 authorizing the condemnation of property located at 636 N Santa Fe Street pursuant to procedures outlined in K.S.A. 12-1750. Belt seconded the motion. Motion carried without opposition.

Public Hearing for Condemnation of Property at 347 E Main Street: A Public Hearing was conducted regarding the condemnation of property located at 347 E Main Street pursuant to procedures outlined in K.S.A. 12-1750 et seq. Brian Prentice, 10312 SW Eagle Rd Augusta, addressed the governing body stating he believes the property can be completely renovated for sale or to use as a rental property. He stated he is a licensed contractor and has lived in Augusta 20 years. He stated a realistic time frame for the property to be purchased, cleaned and brought back to code would be 12-18 months.

City Attorney Parker read Section 2 of Resolution 2016-08 directing that the structure be repaired or removed and the premises made safe and secure. Parker stated if action is taken it would provide the owner of the property until April 7, 2016 to secure the necessary permits to commence the work and to diligently prosecute the same. He stated that does not require it to all be done at once, but it does require them to diligently prosecute the same. Parker stated that even if there is a significant investment made in to the property, if it is not brought up to city code that does not meet the definition of diligently prosecuting the same to completion. He stated if it does not meet city code there is still a condemnation on the table and he wants Mr. Prentice to know that up front. Parker stated that the governing body cannot take any action that promises anything different than that or in terms of timelines. He stated a 12-18 month timeline is not authorized under State Statute. Mayor Childers closed the public hearing.

Magruder made a motion to approve Resolution 2016-08 authorizing the condemnation of property located at 347 E Main Street pursuant to procedures outlined in K.S.A. 12-1750. Leffler seconded the motion. Motion carried without opposition.

Discussion Regarding Neighborhood Revitalization Program (NRP) Scheduled to Expire in May 2016: Council reviewed and discussed modifications to the City of Augusta's Neighborhood Revitalization Program scheduled to expire May 2016.

Leffler made a motion to approve Resolution 2016-10 scheduling a public hearing for March 21, 2016 to take input on the proposed NRP. Belt seconded the motion. Motion carried with Londagin voting in opposition.

Emergency Water Supply Plan Update: Reavis made a motion to approve the newest version of the Emergency Water Supply Plan as required by KDHE and K.A.R. 28-15-18 (c). Leffler seconded the motion. Motion carried without opposition.

Electric Utility Easements in Support of Infrastructure Enhancements: Rawlings made a motion to accept electric utility easements located at 448 East Broadway, 442 East Broadway, 444 East Broadway, and 474 East Broadway to support infrastructure enhancements. Lowery seconded the motion. Motion carried without opposition.

Bid Award for Electric Department Vehicles: Lowery made a motion to approve the low bid from Winfield Motors in the amount of \$50,266.43 for a dual wheeled one-ton 4x4 pickup truck for Electric Production. Rawlings seconded the motion. Motion carried without opposition.

Rawlings made a motion to approve the bid submitted under the National Joint Powers Alliance (NJPA) from Altec in the amount of \$163,017.30 plus delivery charge of \$2,300 for a 2016 53' bucket truck. Leffler seconded the motion. Motion carried without opposition.

Bid Award for Community Development Department Vehicles: Lowery made a motion to approve the low bid from Shawnee Mission Ford in the amount of \$22,104 for a new 2016 Ford F-150 for the Environmental Inspector and the low bid from Shawnee Mission Ford in the amount of \$22,104 for a new 2016 Ford F-150 for the Parks & Recreation Division Foreman. Leffler seconded the motion. Motion carried without opposition.

Augusta Public Library Board Appointment: Reavis made a motion to approve the Library Board's recommendation to appoint Thurston Thies as Trustee to fill the unexpired term, April 2013 to April 2017, of Jennifer Dromey. Lowery seconded the motion. Motion carried without opposition.

Park Advisory Board Recommendations: Reavis made a motion to approve the Park Advisory Board's recommendation to open fishing at City Lake on April 1, 2016 with catch-and-release restrictions. Lowery seconded the motion. Motion carried without opposition.

Magruder made a motion to approve the Park Advisory Board's recommendation to increase fees and to dedicate revenue generated through the sale of city fishing licenses to the Special Parks Fund (Fund 6) beginning with the 2017 Budget. Lowery seconded the motion. Motion carried without opposition.

Rawlings made a motion to dedicate the revenue generated through the sale of city fishing licenses to maintenance and fish stocking at City Lake. Belt seconded the motion. Motion carried without opposition.

Belt made a motion for a 5 minute recess and return at 8:58 p.m. Leffler seconded the motion. Motion carried without opposition. The meeting reconvened at 8:58 p.m.

Leffler made a motion to approve the Park Advisory Board's recommendation to construct a splash park in Shryock Park. Lowery seconded the motion. Motion carried without opposition.

Fee Schedule Resolution 2016-09: Council reviewed, discussed, and provided direction for proposed Fee Schedule Resolution 2016-09 updating numerous fees for the City of Augusta. Council directed staff to review the fee schedule and bring it back for further consideration at a future council meeting with the exception of the fishing license fees.

Magruder made a motion to approve Resolution 2016-09 with only the updated fishing license fees. Lowery seconded the motion. Motion carried without opposition.

Matters From/For Council:

Discussion regarding allowing utility bill inserts from social service agencies if the agency pays the cost for the additional mailer. There was not a consensus from the governing body to move forward with this or drafting a policy.

Leffler: Leffler stated that the sales tax election is coming up in April and that he wanted to see some advertising done on this. Shaw stated that there wasn't a consensus after work session and that staff was not given direction to prepare anything. Leffler stated that we need to put some information out there so they understand what we are going to do with the sales tax. Council gave consensus directing staff to prepare an informational flier related to the sales tax election.

Leffler stated he received a call last week from someone in Ward 3 about parking vehicles in the front yard. Leffler stated that he told him that the Council directed staff back in January to draft an ordinance. City Attorney Parker stated he has reviewed and it should be on agenda for consideration at the next meeting.

Childers: Childers announced that the Government Finance Officers Association (GFOA) has issued the GFOA Distinguished Budget Presentation Award to the City of Augusta for its 2016 Budget. The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as a policy document, a financial plan, an operations guide, and a communications device. Childers stated a total of 24 municipalities (cities and counties) in Kansas that have received the award in the past. He stated there are a total of 776 municipalities in the State of Kansas, meaning just 3% of the municipalities in Kansas have received the award. Nationally there are a total of 1,491 municipalities that have received the award out of 19,492, roughly 7.65%. Childers stated this is the highest award for governmental budgeting. Childers congratulated City Manager Shaw on the outstanding achievement.

Childers stated Cox Business limits our emails to 2G, so several emails that have been sent to him have been returned. He stated he would like the Council's approval to purchase a laptop to maintain all the emails for the Mayor in the future and allow him to continue to receive emails. The Council agreed.

Informational Memorandum:

Reavis: Reavis stated there is a water leak in high school parking lot and asked if that is that our responsibility. Goering stated it is going to be repaired over spring break.

Reavis referred to the request for variance from the owner of the property at Clark and Osage. He stated the request did not meet the criteria for meeting the variance, but the Board of Zoning Appeals voted to allow it. He stated those decisions can set a precedence for the future. Reavis stated that the Council does not have any veto power with the Board of Zoning Appeals and that it bothers him that staff and the Board do not agree if it meets the criteria. He asked what are our options are to alleviate this problem in the future. Sims stated he put together a very detailed staff analysis showing that all the criteria were not met. He stated the last month with Planning Commission has been very frustrating. He stated his intent and responsibility to the City is to make sure we develop properly and within the intent of Kansas law. Sims stated he is discouraged and frustrated by how this has turned out and has spoken with the City Attorney and the Mayor to see what can be done to make this better. Sims stated that a variance is a planning tool to allow certain development to take place in unique properties where a strict enforcement of the rules would create an unreasonable hardship. He stated he is 110% confident there were no unique circumstances in these three cases that would have supported a variance and what really concerns him is the precedence we are setting for future development.

Parker stated we need to be very cautious as a city that what we do in terms of variance falls neatly within statutory provisions of KSA 12-759(e). Parker stated that ultimately the final decider under state statute of how variances are issued is the Board of Zoning Appeals, so it is very important that whatever is accomplished at that level is compliant with state statute as they are final decider for the City on those issues of variance. Childers stated this is part of the on-going conversation about getting the right people in the right places and this was part of the “good ole boy” networks working its magic rather than following State statute and staff’s recommendations.

Reavis stated he appreciates what staff is trying to do, but when we have a board representing the City that takes a majority vote against what staff is telling them, that is an issue. Reavis stated that without staff’s memo he would have a hard time telling if they met the criteria for a variance. Childers stated this was pretty cut and dry and that there are State statutes that directly point to property lines and when variances are to be used. Reavis asked why it was allowed to go to the Board of Zoning Appeals. Parker stated that under state law there has to be a level of redress for a property owner that is affected by a local regulation.

Leffler: Leffler stated he was glad Reavis brought that up because he too was concerned about it. Leffler agreed with the Mayor that this was part of the “good ole boy” system and could cause a problem down the road. Sims stated he warned the Board of Zoning Appeals about setting a precedence and encouraged them to look at this as if it were in the northeast part of town and what position they would take on that. Sims stated that when staff met with the property owners to begin with the clear cut answer to them was no because Section 1203.3.2 of the zoning regulations does not allow the placement of accessory structures on the property line. Sims stated that the only recourse of action for the property owners to appeal was the Board of Zoning Appeals.

Rawlings: Rawlings asked if we have we spoken to the people at Casey’s to let them know that they may be adversely affected when the South Ohio project starts. Goering stated that MKEC contacted them and our easement professionals are discussing the project with them.

Londagin: Londagin stated there are several dips on Lakepoint Drive that are getting worse and worse. Goering stated she would look at it.

Adjourn: At 10:09 p.m. Londagin made a motion to adjourn. Rawlings seconded the motion. Motion carried without opposition.

City Clerk