

CITY COUNCIL
MAY 16, 2016
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on May 16, 2016, with Mayor Matt Childers presiding. Council present were Cale Magruder, Jason Lowery, 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 and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Fire Major Ray Marbut, Connie Thurman, Sarah Hoefgen, John Cox, Wyanna Casper, Dan Casper, Morris Short, Charles Beye, Leslie Clayton, Paul Oliver, Duncan Macormac, Walt Clayton, Dallas Love, Karla Weber, Herb Duncan, Elmer Simon, Don Durflinger, Jim Hall, James Noeller, Michael Holland, Charlie Cravens, June Winger, Evelyn Metcalf, Ellen Noeller, Bob Dool, Rosie Dool, Pastor Rick Neubauer, Harold Woolery, Tony Madrigal, Jo Ann Duncan, Rick Ekum, Mary Walker, Dennis Scuffhan, Rita Ramsey, Robert Ramsey, Emily Ramsey, Robert Pressnell, June Pressnell, Connie Mead, Erik Birk, Donella O’Gorman, David Higgs, Jonathan McDonald, and Kim Braungardt.

Pledge of Allegiance

Prayer: Pastor Rick Neubaugher, First Baptist Church, gave the invocation.

Minutes: Londagin made a motion to approve the minutes from the May 2, 2016 Council meeting. Lowery seconded the motion. Motion carried without opposition.

Ordinance 5: Rawlings made a motion to approve Ordinance 5 in the amount of \$669,988.31. Belt seconded the motion. Motion carried without opposition.

Visitors:

Tony Madrigal, representing Madrigal & Welch, presented the annual dividend check from EMC Insurance in the amount of \$40,957.75.

Jaime Simpson, representing the Augusta Public Library, presented information on the Library’s Summer Reading Program. Simpson requested a proclamation for the winner of the reading program and 200 passes to the swimming pool. Londagin made a motion to approve providing 200 day passes to the swimming pool to the Augusta Public Library for their summer reading program. Magruder seconded the motion. Motion carried without opposition.

Connie Thurman, representing Downtown Augusta, Inc., presented a request that State Street be closed from 3rd to 7th Avenues for the annual Brick Street Festival to be held June 17th and 18th, 2016. Lowery made a motion to approve the closure of State Street from 3rd to 7th Avenues for the annual Brick Street Festival to be held June 17th and 18th, 2016. Londagin seconded the motion. Motion carried without opposition.

Presentation:

Major Ray Marbut the Department of Public Safety provided the City Council with a flood-response briefing.

Business:

Ad Hoc Committee for Review of Cemetery Regulations: John Cox, VFW Post 6746, addressed the governing body about his concern of the removal of prohibited items and decorations. He

believes the “not limited to...” and “etc.” could refer to the veteran decorations. Cox asked the governing body to put something in writing in ordinance that the flag holders will remain in place for future generations.

Jim Hall, Commander of the VFW Post, addressed the governing body about his concern with the word “etc.” and would like that word to be removed from the ordinance. He said the mowers are racing up and down the graves and are too lazy to weed eat the graves.

Wyanna Casper addressed the governing body and said El Dorado has a nice cemetery and they allow decorations. Casper asked when the ordinance will be enforced and the decorations will be removed. Shaw stated that depends on the direction the Council gives staff.

Crum thanked the veterans for being here and for their service and sacrifice. She stated that city staff met with several veterans last week and that she met with veterans on Friday. She stated it was never the Council’s intent to remove the veteran markers.

Londagin stated this was brought up at a work session in January and that his first question was regarding the veteran grave markers. He stated staff answered at that time that those would not be touched.

Magruder encouraged city staff and said that the comments about them being lazy are uncalled for and that they are hard workers and appreciated. He asked that the governing body members to keep the original intent of the ordinance in mind.

June Pressnell addressed the governing body regarding the peonies that have been planted on her family member’s graves prior to the 1974 ordinance and on her father-in-law’s grave after the ordinance. Pressnell reminded the Council that they are governed by the people who elected you and if you cannot listen to the people that they will find new people to represent them.

Rita Ramsey addressed the governing body. She stated she lives across from the cemetery and told Magruder if he wants to judge how they do their job to sit at her house and watch them. Ramsey stated that they maintain those graves themselves and that the Council will not be taking the flowers off her family’s graves.

Lowery made a motion to approve the creation of an ad hoc committee to review cemetery regulations and to appoint Tim Follis, Karen Berry, Vicki Simmons, Clint Headley, Carla Weber, Tom Leffler and Paul Belt to the committee. Londagin seconded the motion. Motion carried without opposition.

Londagin made a motion to suspend the enforcement of the letter until the ad hoc committee reports back to the governing body on July 6th. Magruder seconded the motion. Motion carried without opposition

At 7:51 p.m. Londagin made a motion for a 5 minute recess. Belt seconded the motion. Motion carries without opposition.

Approval of Park Advisory Board’s Recommendation for Splash Pad for Shryock Park: Karen Berry addressed the governing body inquiring if there would be an age limit for use of the splash pad. Childers stated there would be no age limit.

Magruder made a motion to approve the preliminary concept for the splash pad/rain garden for Shryock Park as recommended by the Park Advisory Board and authorize staff to initiate work with landscape architects/engineers to formally design the landscape improvements. Leffler seconded the motion. Motion carried without opposition.

Londagin made a motion to authorize the use of previously allocated capital improvement funds for the Splash Pad project in anticipation of the issuance of bond proceeds pursuant to K.S.A. 10-1116. Belt seconded the motion. Motion carried without opposition.

Londagin made a motion to approve the medieval-themed splash pad as voted on by the public and authorize staff to execute agreements to order the fixtures and initiate the construction process with Athco. Magruder seconded the motion. Motion carried without opposition.

Update on Reconstruction of Real Property Located at 347 East Main: Brian Prentice was present to provide a progress report on the reconstruction of property located at 347 East Main previously condemned by the City Council. Magruder asked what the options were to not require Prentice to come before the council monthly or if the condemnation process can be terminated. Parker stated the Council could require less frequency of reporting or could terminate the condemnation procedure. Magruder asked if they can require progress reports every 60 days instead of every 30. Parker stated that they could.

Magruder made a motion to suspend the condemnation process for the property located at 347 East Main. Lowery seconded the motion. Reavis, Belt, Rawlings, and Leffler voted in opposition of the motion and Londagin, Crum, Lowery, and Magruder in favor of the motion. Motion carried with Childers breaking the tie by voting in favor of suspending the condemnation process.

Sale of Surplus Equipment from Solid Waste Division: Leffler made a motion to the direct sale of surplus trash trucks from the solid waste division to New Way in the amount of \$45,000. Lowery seconded the motion. Motion carried without opposition.

Fireworks Production Contract with Rainbows Fireworks: Magruder made a motion to approve a fireworks production contract in the amount of \$7,500 with Rainbows Fireworks for the annual 4th of July fireworks show at Augusta City Lake on July 3rd with July 2nd as a second choice and July 4th as the third choice. Lowery seconded the motion. Motion carried without opposition.

Fee Schedule Resolution No. 2016-23 Correcting Fees for Building Permits: Lowery made a motion to approve Resolution 2016-23 to correct incremental valuation fees for building permits. Rawlings seconded the motion. Motion carried without opposition.

Mayoral Appointment: Magruder made a motion to approve the Mayor's reappointment of Rex Cagle to the Augusta Housing Authority Board. Lowery seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

Reminder of the strategic retreat scheduled for Monday, May 24, 2016 at 6 p.m. at City Hall.

Reavis: Reavis stated there was an ad hoc committee formed to discuss parking cars in the grass and asked if that committee has met. Shaw stated they have met and are still working on recommendations. Reavis stated he received an email about a burial fee. Childers explained that the Council was contacted by Ms. Zeinert who resides in Colorado. Her father Mr. Boyer has been cremated and wished to be buried in Elmwood Cemetery. When Ms. Zeinert inquired about

the burial in December she was told the cost would be \$200, but the fee was increased in March to \$350. Childers stated that she has requested that the Council reduce the fee for her to the \$200. Rawlings made a motion to set the cremation burial fee at \$200 for Kay Zeinert. Belt seconded the motion. Motion carried without opposition.

Londagin: Londagin reminded the citizens that when mowing their grass not to leave the grass and clippings in the street as it will damage to our drainage and wastewater system.

At 8:55 p.m. Magruder made a motion to recess for 5 minutes. Belt seconded the motion. Motion carried without opposition.

Executive Session:

At 9:01 p.m. Lowery made a motion to go into executive session for 20 minutes under the attorney-client relationship exception to the Kansas Open Meetings Act to discuss matters deemed privileged in the attorney-client relationship. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in the executive session. The governing body will reconvene in the Council Chambers at 9:21 p.m. Leffler seconded the motion. Motion carried without opposition.

Lowery made a motion to exit executive session with no action being taken. Londagin seconded the motion. Motion carried without opposition.

At 9:22 p.m. Lowery made a motion to go into executive session for 15 minutes under the attorney-client relationship exception to the Kansas Open Meetings Act to discuss matters deemed privileged in the attorney-client relationship. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in the executive session. The governing body will reconvene in the Council Chambers at 9:37 p.m. Magruder seconded the motion. Motion carried without opposition.

Lowery made a motion to exit executive session with no action being taken. Magruder seconded the motion. Motion carried without opposition.

Adjourn: At 9:38 p.m. Londagin made a motion to adjourn. Rawlings seconded the motion. Motion carried without opposition.

City Clerk