

CITY COUNCIL  
JUNE 6, 2016  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on June 6, 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, Connie Thurman, Rex Cagle, Kathy Cagle, Tammy Davis, Sarah Hoefgen, Ramona Waymire, Dana Hubbart, Guy McGrew, Connie Thurman, Zachary Blue, Patti French, and Kim Braungardt.

Pledge of Allegiance

Prayer: Councilman Magruder gave the invocation.

Minutes: Reavis made a motion to approve the minutes from the May 9, 2016 City Council work session and May 16, 2016 Council meeting. Leffler seconded the motion. Motion carried without opposition.

Ordinance 5A and 6: Rawlings made a motion to approve Ordinance 5A in the amount of \$741,922.07 and Ordinance 6 in the amount of \$222,258.79. Lowery seconded the motion. Motion carried without opposition.

Recognition:

Kathy Cagle, Treasurer and Assistant City Clerk, who will be retiring on June 11, 2016 was recognized for her 22 years of service with the City of Augusta, Kansas.

Visitors:

Patricia French, representing Relay For Life, was present to request State Street to be closed from 3<sup>rd</sup> to 4<sup>th</sup> Avenue and east to Walnut Street for the annual Relay For Life to be held June 17, 2016. Rawlings made a motion to approve the closure of State Street from 3<sup>rd</sup> to 4<sup>th</sup> Avenue and east to Walnut Street for the annual Relay For Life event on June 17, 2016. Lowery seconded the motion. Motion carried without opposition.

Business:

Development Agreement with AppCon Properties, LLC. for Financing of Water and Wastewater Infrastructure Improvements: Reavis made a motion to approve a Developers Agreement with AppCon Properties, LLC for financing of water and wastewater main extension costs up to a maximum of \$43,832 utilizing City Economic Development Funds. Magruder seconded the motion. Motion carried with Londagin voting in opposition

Public Hearing for Condemnation of Property Located at 606 E 12<sup>th</sup> Avenue: A public hearing was conducted regarding the condemnation of property located at 606 E 12<sup>th</sup> Avenue pursuant to procedures outlined in K.S.A. 12-1750 et seq. The hearing was closed after no one came forward with comments.

Leffler made a motion to approve Resolution 2016-24 authorizing the condemnation of property located at 606 E 12<sup>th</sup> Avenue pursuant to procedures outlined in K.S.A. 12-1750 et seq. Belt seconded the motion. Motion carried with Rawlings, Lowery, and Reavis voting in opposition.

Public Hearing for Condemnation of Property Located at 326 N Walnut Street: A public hearing was conducted regarding the condemnation of property located at 326 N Walnut Street pursuant to procedures outlined in K.S.A. 12-1750 et seq. Ramona Waymire 305 Edgewood Ct, Dana Hubbart 635 Santa Fe, and Guy McGrew 1156 School addressed the governing body regarding the property located at 326 N Walnut Street. They agree that property needs to be demolished it was owned by their aunt and uncle. They stated they contacted an attorney and that there was no will and several other people with a legal right to the property. Sims stated it would be approximately \$4,000 to \$7,000 to demolish the property and that it will be billed to the property owner. Parker stated if you have someone who dies intestate there are so many variables with regard to who is responsible. He stated once a property is condemned and removed those costs are assessed against the property as a tax and then eventually if they are not paid the property will go up for auction and the proceeds will be used to pay a portion of the costs incurred by the City. Mayor closed the public hearing.

Leffler made a motion to approve Resolution 2016-25 authorizing the condemnation of property located at 326 N Walnut Street pursuant to procedures outlined in K.S.A. 12-1750 et seq. Lowery seconded the motion. Motion carried without opposition.

Final Plat and Change of Zoning District Reclassifications for the Broken Branch Ranch Located at 9150 SW Tawakoni Road: Crum made a motion to approve the Final Plat produced by Goedecke Surveying, LLC for the Broken Branch Ranch located at 9150 SW Tawakoni Road. Reavis seconded the motion. Motion carried without opposition.

Reavis made a motion to approve Ordinance 2095 to change the zoning district classification for Lot 1 of the Broken Branch Ranch from AG-2 to R-6B – Rural Residential. Leffler seconded the motion. Roll Call: Reavis Yea, Leffler Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, Rawlings Yea, Londagin Yea. Motion carried.

Crum made a motion to approve Ordinance 2096 to change the zoning district classification for Lot 2 of the Broken Branch Ranch from AG-2 to R-6B – Rural Residential. Londagin seconded the motion. Roll Call: Reavis Yea, Leffler Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, Rawlings Yea, Londagin Yea. Motion carried.

Rawlings made a motion to approve Ordinance 2097 to change the zoning district classification for Lot 3 of the Broken Branch Ranch from AG-2 to R-6B – Rural Residential. Magruder seconded the motion. Roll Call: Reavis Yea, Leffler Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, Rawlings Yea, Londagin Yea. Motion carried.

Belt made a motion to approve Ordinance 2098 to change the zoning district classification for an unplatted tract of land located at 9150 SW Tawakoni Road from AG-2 to R-6D – Rural Residential. Leffler seconded the motion. Roll Call: Reavis Yea, Leffler Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, Rawlings Yea, Londagin Yea. Motion carried.

Ordinance 2099 Imposing a Special One Percent (1.0%) City-Wide Sales Tax: Reavis made a motion to approve Ordinance 2099 imposing a special one percent (1.0%) city-wide sales tax pursuant to the special election held on April 26, 2016. Magruder seconded the motion. Roll Call: Reavis Yea, Leffler Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, Rawlings Yea, Londagin Yea. Motion carried.

Resolution 2016-26 Creating a Policy and Program for Accepting Donations on City Utility Bills for Historical Preservation Organizations: Crum made a motion to approve Resolution 2016-26 creating a policy and program for accepting donations on city utility bills to be remitted to eligible historical preservation organizations. Leffler seconded the motion. Motion carried without opposition.

Resolution 2016-27 Authorizing Filing of Application with the Kansas Department of Health and Environment for a Loan Under the Kansas Water Pollution Control Revolving Fund Act: Leffler made a motion to approve Resolution 2016-27 authorizing the filing of application with the Kansas Department of Health and Environment for a loan under the Kansas Water Pollution Control Revolving Fund Act. Rawlings seconded the motion. Motion carried without opposition.

Schedule a Public Meeting and Public Hearing for the KDHE State Revolving Loan for Wastewater Improvements: Leffler made a motion to schedule a public meeting on June 20, 2016 at 7 p.m. and a public hearing for July 18, 2016 at 7 p.m. as part of the requirements for the Kansas Department of Health and Environment for a loan under the Kansas Water Pollution Control Revolving Fund Act. Londagin seconded the motion. Motion carried without opposition.

Bid Award for Water Division Plant Truck: Reavis made a motion to approve a bid award to Shawnee Mission Ford in the amount of \$24,837 for a 2016 Ford F-150 crew cab truck with the addition of cab steps. Leffler seconded the motion. Motion carried without opposition.

Supplemental Agreement No. 1 for the Historic Depot Project: Magruder made a motion to approve Supplemental Agreement No. 1 with KDOT for the Historic Depot Project. Belt seconded the motion. Motion carried without opposition.

Designation of Surplus Property from Public Works and Community Development Departments: Reavis made a motion to designate the following pieces of equipment and vehicles as surplus property and authorized the property to be disposed of through public auction pursuant to city policy: 1988 Chevrolet S-10 Pickup, 1999 Ford Ranger Pickup, 2004 Ford Crown Vic, 1999 Chevrolet Truck Topper, 16' Car Trailer, 2000 Cat Recycle Trailer, 2003 Compost Turner, 2001 Belle Jump Jack, EDCO Brick Saw, Blue Giant Lift Jack, BG Coolant Flusher, Dayton Electric Shop Wall Heater (2), McClain EPCO Bailer, PW PIQUA Waste Bailer, and Reddy Heater. Lowery seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

Shaw: Shaw stated that the EFA/FECA trended very well in 2015 so there were not a lot of complaints or concerns from citizens, but this year has been trending higher and the month of June is going to see a significant spike. Shaw stated the EFA/FECA is impacted by several market forces, specifically load factor this month. He stated that if you have a day where your peak usage was really high, but low the rest of the month, it will cause an increase. Shaw stated the Kansas Power Pool had a really high peak day in May, so the EFA is about to double for June. He wanted to give notice so people can adjust their usage so it can help keep that cost down and their bills lower. Childers stated he felt a more proactive approach would help people. The council agreed. Jones stated it may be too late to impact those customers receiving a June 15<sup>th</sup> bill as that bill is based on their May usage, but that it could help them adjust their usage for the following month.

Belt: Belt stated he was contacted someone on Harrington about the gravel roads. He said they are not ours but that we have taken care of them on occasion. Shaw stated he would pass on to the Street Division.

Magruder: Magruder inquired about the date of the City Fireworks display. Shaw stated it will be July 3<sup>rd</sup>. Magruder asked for a short update on the ad hoc cemetery committee. Shaw stated the first meeting went well and that second meeting will be on June 8<sup>th</sup>. He stated they are taking the time to see what the problems and challenges are. He stated the next meeting will focus on the ordinance and that they will review it section by section. Shaw stated they are progressing very well and he would anticipate at least one more meeting after the June 8<sup>th</sup> meeting.

Magruder asked if the School Board minutes could be included in the council packet. Shaw stated they could be included.

Magruder inquired about diversion rate on the recycling and asked if it is doing well and it where we would like to see it. Goering stated it is trending lower than what we originally anticipated. She stated that it started higher but has decreased due to too much contamination in our bins that has to go to the dump. Shaw stated we anticipated 25-30% in our original meetings, but there is a contamination factor which means it is being diverted to the dump instead of the recycling center so we don't compromise the entire truck. Goering stated the mixed paper is the biggest issue, such as dog food bags, wrapping paper, plastic grocery bags, etc. She stated that her staff is producing a You Tube video to explain what is and what is not acceptable.

Magruder asked why the South Ohio Project is being delayed until October. Goering stated it is delayed because we are still waiting for a railroad permit from BNSF. She stated we are working with MKEC to obtain the permit.

Magruder stated he will be out of town for the next meeting.

Childers: Childers reminded everyone of the Brick Street Festival scheduled for June 17<sup>th</sup> through the 18<sup>th</sup>. He stated the Relay for Life will be on the 17<sup>th</sup> and Ottaway Amusements will be there both days.

Childers stated he has received copies of an ordinance from Andover and El Dorado regarding backyard chickens and asked if there is any interest in making a change in this ordinance and have staff report back on this in September. He stated he has been contacted by several people over the last year and a half that most other communities allow chickens. There was no consensus from the governing body to bring this back as an agenda item. Leffler made a motion to permanently table any discussion about backyard chickens. Rawlings seconded the motion. Motion carried without opposition.

Londagin: Londagin stated it was previously decided to purchase a laptop for the Mayor's office and at that time Leffler brought up looking at tablets for all the council and going paperless. Sims stated there were 40,108 pieces of paper included in the council packets last year and that we will exceed that number this year. Londagin asked if the council can direct staff to look in to an all electronic packet and purchasing iPads for the council. He stated we could use Google docs for anything added after the packet is sent out. Childers recommended this to be a discussion item for the budget work sessions. Leffler agreed.

Executive Session:

At 8:57 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 9:12 p.m. Magruder seconded the motion. Motion carried without opposition.

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

Adjourn: At 9:13 p.m. Londagin made a motion to adjourn. Rawlings seconded the motion. Motion carried without opposition.

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City Clerk