

CITY COUNCIL  
JULY 5, 2016  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on July 5, 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, Public Works Director Jaime Goering and City Clerk Erica Jones. Visitors present were: Parks Foreman Brian Alfaro, Cemetery Sexton Evan Cain, Belinda Larsen, John Black, Clint Headley, Karen Berry, Tim Follis, Logan Weakley, Chrystal Weakley, Karla Weber, Vicki Simmons, Troy Waltemath, Sharon Tucker, Mike Stump, Walker Andrews, Connie Thurman, Diane Briggs, Nancy Chavez, David Higgs, and John Stewart.

Pledge of Allegiance

Prayer: Councilman Lowery gave the invocation.

Minutes: Londagin made a motion to approve the minutes from the June 20, 2016 Council meeting and the June 27, 2016 Budget Work Session. Lowery seconded the motion. Motion carried without opposition.

Ordinance 6B: Leffler made a motion to approve Ordinance 6B in the amount of \$684,184.76. Lowery seconded the motion. Motion carried without opposition.

Proclamation:

The Council proclaimed July 30, 2016 as “Kansas All-Star Football Shrine Bowl Day” and recognized Augustan Logan Weakley for being chosen to represent Augusta in the 43<sup>rd</sup> Annual Shrine Bowl Football Game.

Visitors:

Troy Waltemath, on behalf of the National MS Society, was present to request permission to hold a bicycle ride fund raiser on September 10, 2016. Waltemath stated the event will start and finish at St. James Catholic Church and will go south on Ohio Street and follow Thunder Road out of town. Waltemath requested a police escort to assist riders in safety. Reavis made a motion to approve the request to hold a bicycle ride fund raiser on September 10, 2016. Belt seconded the motion. Motion carried without opposition.

Diane Briggs, representing the Addiction Recovery Counseling Services, was present to request use of the stage area at Garvin Park for a Recovery of Life Celebration on July 23, 2016. Lowery made a motion to approve the use of the stage area at Garvin Park for a Recovery of Life Celebration on July 23, 2016 contingent upon proof of insurance. Magruder seconded the motion. Motion carried without opposition.

Walker Andrews, candidate for Butler County Sheriff, was present to introduce himself. He encouraged everyone to do their research and make a tough decision.

Presentation:

Elmwood Cemetery Regulations Review Committee Presentation of Summary Report: The Council received and filed a presentation and report from the Ad Hoc Elmwood Cemetery Regulations Review Committee summarizing findings and recommendations for decorations at Elmwood Cemetery. The Council gave consensus for the ad hoc committee to bring an ordinance with their recommendations back to the governing body in September for consideration.

Business:

Ordinance 2101 Allowing Consumption of Alcohol in Garvin Park with a Temporary Permit; Temporary Permit for Consumption of Alcohol in Garvin Park: Leffler made a motion to approve Ordinance 2101 exempting Garvin Park and its facilities from the statutory prohibitions on the drinking or consumption of alcoholic liquor on public property within the corporate limits of the City of Augusta, Kansas. Crum seconded the motion. Roll Call: Reavis Nay, Leffler Yea, Belt Nay, Magruder Nay, Lowery Nay, Crum Yea, Rawlings Nay, Londagin Nay. Motion failed.

Agreement for Professional Engineering Services Between the City of Augusta and Schwab Eaton for City Engineering Services; Authorize the Termination of Professional Engineering Services Agreement with MKEC: Reavis made a motion to approve the Professional Engineering Services Agreement between the City of Augusta and Schwab Eaton for City Engineering Services. Lowery seconded the motion. Motion carried without opposition.

Londagin made a motion to authorize staff to terminate the Agreement for Professional Engineering Services with MKEC. Rawlings seconded the motion. Motion carried without opposition.

Engineering Design Services Agreement for Design of the Sunflower Trails Grant Improvements: Leffler made a motion to approve an engineering services agreement in the amount of \$19,600 with Schwab Eaton for engineering design services related to the Sunflower Trails Grant. Belt seconded the motion. Motion carried without opposition.

Bid Award for the Resurfacing of US-54 from East City Limits to Walnut; Authorization for Matching Funds; Approval of Force Account Agreement for Construction Engineering Inspection: Reavis made a motion to approve the KDOT recommendation to award the bid for Pavement Reconstruction - US-54 from Walnut to Bridge Approach on Overpass – KDOT Geometric Improvement Project 8 KA-3052-01 to Pearson Construction, LLC in the amount up to \$699,435.15. Belt seconded the motion. Motion carried without opposition.

Reavis made a motion to authorize city staff to provide matching funds to KDOT in the amount of \$49,000 approximately 7% of the total bid. Lowery seconded the motion. Motion carried without opposition.

Reavis made a motion to approve the Force Account Agreement for Construction Engineering Inspection between the City of Augusta and KDOT for construction related services. Rawlings seconded the motion. Motion carried without opposition.

Public Flood Levee System Mowing Agreement Between the City of Augusta, Kansas and Superior Landscape Management Inc.; Park Mowing Services Agreement Between the City of Augusta, Kansas and BG Lawn & Landscape, Inc.: Leffler made a motion to approve a Public Flood Levee System Mowing Agreement between the City of Augusta, Kansas and Superior Landscape Management, Inc. Londagin seconded the motion. Motion carried without opposition.

Leffler made a motion to approve a Park Mowing Services Agreement between the City of Augusta, Kansas and BG Lawn & Landscape, Inc. Londagin seconded the motion. Motion carried without opposition.

Contract with Athco, LLC for Construction of the New Splash Pad in Shryock Park: Councilman Rawlings recused himself from this discussion as he is a sub-contractor for Athco, LLC. Magruder made a motion to approve the construction contract between Athco, LLC and the City of Augusta, Kansas in the amount of \$107,235 for the construction and installation of the new Medieval-themed splash pad

in Shryock Park removing the sentence about conflict of interest. Belt seconded the motion. Motion carried without opposition.

Acceptance of Drainage and Utility Easement Located at Lot 1, Block A, Modlin Addition: Reavis made a motion to accept a drainage and utility easement on Lot 1, Block A, of the Modlin Addition changing an existing storm water drainage easement to a drainage and utility easement to allow for installation of sanitary sewer infrastructure to service new development on 7<sup>th</sup> Avenue subject to Kelly Modlin's signature on the easement. Lowery seconded the motion. Motion carried without opposition.

Acceptance of Electric Utility Easements in Support of Infrastructure Enhancements: Rawlings made a motion to accept an electric utility easement at 1125 N Henry Street needed to support infrastructure enhancements. Lowery seconded the motion. Motion carried without opposition.

Rawlings made a motion to accept electric utility easements at 452 East Broadway, 454 East Broadway, and 456 East Broadway needed to support infrastructure enhancements. Lowery seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

Reavis made a motion to schedule Budget Work Session #2 for 6:00 p.m. on Monday, July 11, 2016 to discuss tax supported and utility funds. Rawlings seconded the motion. Motion carried without opposition.

Reavis: Reavis stated he has been getting a lot of questions about the plans for the ball diamonds for Garvin Park. Shaw stated staff trying to address a lot of challenges in the park such as drainage and parking and those things have to be looked at as part of that project. Shaw stated that he hopes to bring work authorization with the new city engineer to the next council meeting to authorize him to develop a scope and move on to full conceptual designs after that. Reavis asked if we could involve citizens in the planning and allow them to give input. Shaw said yes and stated that staff previously met with Augusta Little League Ball and would expect that communication to continue.

Magruder: Magruder thanked those that worked on the stop log structure on Highland Dr during the flooding. He asked if there is anything staff learned from that experience and if there would be any changes made for next time. Shaw stated staff learned a lot and that they would be having a follow up meeting with staff to discuss recommended changes.

Childers: Childers stated the Scooters groundbreaking will be on Sunday, July 10<sup>th</sup>.

Crum: Crum stated if we want to get on the map for our community, we have to be open to new ideas and change. She stated she was disappointed in the action taken tonight with regard to the beer garden and hopes that doesn't make them not come to our community in the future.

Londagin: Londagin stated that Dike Road is no longer a dirt road to the South of US 54, but there is no blockage now to stop someone entering off Thunder Road. Londagin asked if we work with the County to block that off. Shaw stated we have to allow Mr. Burress access to his fields, but that he would reach out to see if there is a willingness to put a gate or something up. Londagin inquired about the fees for events in our community. He asked what is charged for police escorts. Shaw stated there is no established fee for an event permit or for their staffing needs. Londagin stated he finds that strange when we charge for people to use our parks and other things that do not require any staff time.

Lowery: Lowery gave thanks for wonderful fireworks display.

At 8:48 p.m. Lowery made a motion to recess for 10 minutes. Leffler seconded the motion.

Executive Session:

At 8:58 p.m. Lowery made a motion to go into executive session for 30 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, Public Works Director Jaime Goering and City Attorney Austin Parker join the Council in the executive session. The governing body will reconvene in the Council Chambers at 9:29 p.m. Leffler seconded the motion. Motion carried without opposition.

At 9:29 p.m. Rawlings made a motion to exit executive session with no action being taken. Lowery seconded the motion. Motion carried without opposition.

Adjourn: At 9:30 p.m. Londagin made a motion to adjourn. Lowery seconded the motion. Motion carried without opposition.

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City Clerk