

CITY COUNCIL  
MAY 7, 2018  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on May 7, 2018, with Mayor Mike Rawlings presiding. Council present were Cale Magruder, Eric Birk, Jamie Crum, Paul Belt, Tom Leffler and Justin Londagin. Councilman David Bates was absent. Also present: City Manager Josh Shaw, City Attorney Austin Parker, Assistant City Manager Cody Sims, Director of Public Safety Bob Sage and City Clerk Erica Jones. Visitors present were: Susan Smith, Kate Bosserman, Code Enforcement Officer Travis Combes, Belinda Larsen, John Black, Connie Thurman, Tony Madrigal, Jeff Engle, Kip Richardson, Mike Stump, Corky Cook, Rodney Wallace, Katherine Wallace, Rick Neubauer, Don McClure, Robert Burns and Lloyd VanDeaver.

Pledge of Allegiance

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

Minutes: Leffler made a motion to approve the minutes from the April 16, 2018 City Council meeting. Belt seconded the motion. Motion carried without opposition.

Ordinance 5: Leffler made a motion to approve Ordinance 4A dated 4/18/2018 and Ordinance 5 dated 5/2/2018. Belt seconded the motion. Motion carried without opposition.

Proclamation:

The Mayor read a proclamation declaring May 6-12, 2018 as Drinking Water Week.

The Mayor read a proclamation declaring May 6-12, 2018 as Public Service Recognition Week.

The Mayor read a proclamation declaring May 6-12, 2018 as National Law Enforcement Week.

Visitors:

Presentation of retirement plaque to police service canine Rico retired as of April 16, 2018, after seven years of service to the Augusta Department of Safety. Magruder made a motion to retire Rico into the care of Sergeant McCluskey. Leffler seconded the motion. Motion carried without opposition.

Tony Madrigal with Madrigal and Welch was present to present the City's annual insurance dividend check in the amount of \$52,770.22.

Corky Cook was present to present his request for the City to pave the area within public right-of-way that was sodded for the South Ohio Project. Crum made a motion to pave the lot to the sidewalk with Corky putting parking stops in and the City obtain bids from a vendor to pave it back in. Belt seconded the motion. Belt, Crum and Londagin voted in favor and Leffler, Magruder and Birk voted in opposition. Mayor Rawlings broke the tie by voting in favor of the motion. Motion carried.

Business:

Election of President of the Council: Magruder made a motion elect Leffler as President on the Council. Londagin seconded the motion. Motion carried without opposition.

Election of New Councilmember to Fill the Unexpired Term for the Ward 3 Position Previously Occupied by Mike Rawlings: Leffler made a motion to elect Kip Richardson to fill the unexpired term previously occupied by Mike Rawlings. Londagin seconded the motion. Motion carried without opposition. Magruder made a motion to elect Lloyd VanDeaver to fill the unexpired term previously occupied by Mike Rawlings. Birk seconded the motion. Motion carried without opposition. Londagin, Leffler, Crum, Belt and Birk voted in favor of Kip Richardson. Magruder voted in favor of Lloyd VanDeaver. Motion to elect Kip Richardson to fill the unexpired term of Mike Rawlings carried.

Certificate of Liability Insurance Requirements for Non-City Events Occurring on Public Property: Council provided staff direction regarding the City Council's expectations for Certificate of Liability Insurance requirements for non-city events occurring on public property. Crum made a motion to continue the current insurance requirements for events, including listing the City as an additional insured and liability insurance in a sum not less than \$1,000,000, until the Council takes action to change the requirements at a future meeting. Leffler seconded the motion. Motion carried without opposition.

At 8:55 p.m., Belt made a motion to recess for 10 minutes. Leffler seconded the motion. Motion carried without opposition.

At 9:05 p.m., the meeting was reconvened.

Magruder made a motion to remove the portion of the sentence that reads "and contain a specific provision that such insurance coverage is primary and non-contributory for all losses" in the Flatwater Fitness agreement and direct staff to work with the City attorney to draft a waiver of liability. Leffler seconded the motion. Magruder amended to allow Flatwater to work under their current waiver until the next meeting and attorney review. Leffler seconded the amended motion. Motion carried without opposition.

Conduct Public Hearings for the Condemnation of a Single-Family Residential Structure and a Detached Residential Garage Located at 435 East 12<sup>th</sup> Avenue and Consider Resolutions Authorizing Condemnation: City Code Enforcement Officer Travis Combes addressed the governing body and provided staff's concerns and recommendation of condemnation. A Public Hearing was conducted to take input on the condemnation of a single-family residential structure located at 435 East 12<sup>th</sup> Avenue. Robert Burns, spouse of the property owner property owner, addressed the governing body. He stated that he is working with Jason Bradley to sell the property because he cannot afford to repair the structure. The Public Hearing was closed.

Leffler made a motion to approve Resolution 2018-10 authorizing the condemnation of a single-family residential structure located at 435 East 12<sup>th</sup> Avenue pursuant to the provisions of K.S.A. 12-1750 et seq. Magruder seconded the motion. Motion carried without opposition.

A Public Hearing was conducted to take input on the condemnation of a detached residential garage located at 435 East 12<sup>th</sup> Avenue. Combes addressed the governing body and provided staff's concerns and recommendation of condemnation. The Public Hearing was closed.

Leffler made a motion to approve Resolution 2018-11 authorizing the condemnation of a detached residential garage structure located at 435 East 12<sup>th</sup> Avenue pursuant to the provisions of K.S.A. 12-1750 et seq. Magruder seconded the motion. Motion carried without opposition.

Supplemental Engineering Services Agreement with Schwab Eaton: Leffler made a motion to approve a change order supplemental agreement with City Engineer Schwab Eaton in the amount of \$13,036.50 for additional design services related to the City Lake Road paving project. Magruder seconded the motion. Motion carried without opposition.

Leffler made a motion to approve a supplemental agreement with City Engineer Schwab Eaton in the amount not to exceed \$9,100 for Construction Observation and Management related to the City Lake Road Paving Project. Belt seconded the motion. Motion carried without opposition.

Leffler made a motion to approve a supplemental agreement with City Engineer Schwab Eaton in the amount not to exceed \$18,100 for Construction Observation and Management related to the 2017 Street Sales Tax Projects. Magruder seconded the motion. Motion carried without opposition.

Revised Master Engineering Services Agreement with Schwab Eaton for City Engineering Services: Magruder made a motion to terminate the existing master services agreement and approve the revised master engineering services agreement with Schwab Eaton for city engineering services. Belt seconded the motion. Motion carried without opposition.

Mayoral Appointment to the Augusta Public Library and Augusta Housing Authority: Crum made a motion to approve the Mayor's recommendation to appoint Megan Vittitow to the vacant seat on the Augusta Public Library Board. Belt seconded the motion. Motion carried without opposition.

Crum made a motion to approve the Mayor's recommendation to appoint Jody Link to replace Mary Williams and Heather Holmes to replace Rex Cagle and to reappoint Chuck Bowman and JD McCrary on the Augusta Housing Authority Board. Belt seconded the motion. Motion carried without opposition.

Discussion Regarding Funding Options and Design for Dalton Palmer Memorial Playground in Downtown Augusta: Council reviewed and discussed options and designs for the Dalton Palmer Memorial Playground in Downtown Augusta and provided staff direction regarding preferred playground surfacing. Crum made a motion to allow the Palmer family to pick the colors within the guidelines of the Downtown Mainstreet Design committee. Belt seconded the motion. Motion carried without opposition. Consensus was to move forward with Option 1 and add seating and to discuss the surfacing at a later date.

Resolution Authorizing Filing and Application with KDHE for Revolving Loan Funds: Crum made a motion to approve Resolution No. 2018-12 authorizing Mayor Mike L. Rawlings and City Manager Josh Shaw to execute and file applications to the Kansas Department of Health and Environment (KDHE) on behalf of Augusta for the revolving loan fund program and sign all necessary documents on behalf of the City. Belt seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

Rawlings: Rawlings stated there is a pothole at Kelly and Park Lane that has gotten dramatically worse.

Londagin: Londagin asked if there is any more information on the opening of the splash park. Shaw stated he has been working with staff and he thinks they may be able to have it open as a special event for the schools and then to the entire public as of Memorial Day.

Executive Session:

At 10:08 p.m., Magruder made a motion to go into executive session for 30 minutes to discuss matters related to potential legal liability concerning municipal operations pursuant to the “consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship” justification for executive sessions under the Kansas Open Meetings Act, K.S.A. 75-4319(b)(2), and to invite in City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker. The open meeting will resume in the City Council chambers at 10:38 p.m. Leffler seconded the motion. Motion carried without opposition.

At 10:38 p.m., Magruder made a motion to exit executive session where no action was taken. Belt seconded the motion. Motion carried without opposition.

Adjourn: At 10:39 p.m. Londagin made a motion to adjourn. Leffler seconded the motion. Motion carried without opposition.

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City Clerk