

CITY COUNCIL  
MARCH 1, 2021  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on March 1, 2021, with Mayor Mike Rawlings presiding. Council present were Eric Birk, Cale Magruder, Jamie Crum, Tom Leffler, Kip Richardson, Ron Reavis and Bill Slade. Councilmember Mike Huddleston was absent. Also present: City Attorney Andrew Marino, City Manager Josh Shaw, Assistant City Manager Cody Sims and City Clerk Erica Jones. Staff Present: Director of Public Safety Bob Sage, Travis Combes, Rod Davis and Susie Geiger. Visitors present were: Jayme Chapin, Paul Andrews, Tina Khan, Katherine Wallace, Rodney Wallace, Dalton Patterson, Kim Braungardt, Angie Johnston, Matt Ward and Ken Schnake.

Pledge of Allegiance

Prayer: Pastor Paul Andrews, Freedom Church, gave the invocation.

Minutes: Crum made a motion to approve the minutes from the February 16, 2021 City Council meeting and the February 22, 2021 City Council work session. Reavis seconded the motion. Motion carried without opposition.

Ordinance: Richardson made a motion to approve Ordinance 2A dated 2/17/2021. Slade seconded the motion. Motion carried without opposition.

Visitors:

Pastor Paul Andrews, Freedom Church, was present to request use of the Garvin Park Kerry Unrein State on April 4, 2021 for an Easter Church Service and on April 3, 2021 for an Easter Egg Hunt Event. Reavis made a motion to approve the use of the Garvin Park Kerry Unrein State on April 3, 2021 for an Easter Egg Hunt Event and on April 4, 2021 for an Easter Church Service. Crum seconded the motion. Motion carried without opposition.

Jayme Chapin, Executive Director of Downtown Augusta, Inc., was present to request portions of State Street be blocked off for a Brick Street Bazaar event on June 19, 2021. Richardson made a motion to approve the request from Downtown Augusta, Inc. for portions of State Street to be blocked off for a Brick Street Bazaar event on June 19, 2021. Crum seconded the motion. Motion carried without opposition.

Tina Khan, representing Kansas Interscholastic Cycling League NICA, was present to request permission to host an event at Santa Fe Lake. Crum made a motion to approve the request from Kansas Interscholastic Cycling Association for use of the trail system at Santa Fe Lake on April 10 and 11, 2021 for the inaugural event of the Kansas Interscholastic Cycling League. Slade seconded the motion. Motion carried without opposition.

Representatives from Augusta Progress Inc. (API) were present to request consideration for the establishment of Railroad Quiet Zones. Kim Braungardt addressed the governing body regarding her Airbnb properties on 5<sup>th</sup> Avenue and stated that she has glowing reviews except for the regular train noise all night long. She would like to develop other properties downtown, but it would be difficult to do that and be successful while combatting the train noise.

Angie Johnston, API, spoke to the Governing Body about considering becoming a railroad quiet zone. She stated that Belle Plain had a recent success in getting a railroad quiet zone. She stated

API would like to partner with the City on this and put it back on the radar to see how we can work together to move it forward and start a conversation.

Matt Ward, USD 402 Superintendent, agreed the train noise is excessive at times especially at night and in the early morning hours. He stated the noise may have implications on future housing developments and we are experiencing a decline in enrollment, so he would like to see more housing developments.

Mayor Rawlings thanked everyone for their work on this and let them know the Council isn't against them or doesn't think this is a good idea, but that there are a lot of infrastructure needs and not a lot of money to go towards that. Shaw stated that staff can be part of those conversations with API, but unless the Council tells him there is a level of priority that will be our only involvement. He stated that staff will be part of those meetings as listeners, but not actively looking for opportunities.

#### Business:

**Public Hearings and Resolutions No. 2021-05 and 2021-06 Authorizing Condemnation of the Single-Family Residential Structure and Detached Residential Garage Structure Located at 654 North Santa Fe Street:** Ken Schnake, owner of the property, stated that he will be tearing the house down by April 1<sup>st</sup>. The Mayor opened the public hearing to take comments regarding the condemnation of a single-family residential structure located at 654 North Santa Fe Street. The Mayor closed the hearing after no one came forward with comments.

Magruder made a motion to approve Resolution No. 2021-05 authorizing the condemnation of a single-family residential structure located at 654 North Santa Fe Street. Leffler seconded the motion. Motion carried without opposition.

The Mayor opened the public hearing to take comments regarding the condemnation of a detached residential garage structure located at 654 North Santa Fe Street. Schnake stated he intends to keep the garage for storage and to shield train noise from the house. The Mayor closed the hearing after no one came forward with comments.

Richardson made a motion to approve Resolution No. 2021-06 authorizing the condemnation of a detached residential garage structure located at 654 North Santa Fe Street. Leffler seconded the motion. Motion carried without opposition.

**Facility Use Agreement with Flint Hills Multisport LLC, D.B.A. Flatwater Fitness and Fun for Fitness Classes and Cross-Training Activities at Santa Fe Lake:** Crum made a motion to approve a Facility Use Agreement with Flint Hills Multisport LLC, d.b.a. Flatwater Fitness and Fun for use of facilities at Santa Fe Lake for on-shore fitness and cross-training activities and human-powered watercraft activities, including Stand-Up Paddleboard Yoga and Open Water Paddleboard, Canoe and Kayak Rental. Slade seconded the motion. Motion carried without opposition.

**Ordinance No. 2174 Amending Chapter 12, Article 2 of the City Code Establishing Regulations for Santa Fe Lake and Park:** Richardson made a motion to approve Ordinance No. 2174 Amending Chapter 12, Article 2 of the City Code establishing regulations for Santa Fe Lake and Park. Crum seconded the motion. Roll Call: Birk Yes, Reavis No, Richardson Yes, Crum Yes, Leffler Yes, Slade Yes, Magruder Yes. Motion carried.

**Appointment to the Butler County Solid Waste Management Planning Committee:** Leffler made a motion to appoint Assistant City Manager Cody Sims to the Butler County Solid Waste Management

Planning Committee for a period beginning January 1, 2021 thru December 31, 2023. Crum seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

Shaw: Shaw presented preliminary funding strategies for North Ohio Reconstruction Project with modified scope of work.

Shaw provided an update on the KDOT Cost Share Program. Council supported an application to the KDOT Cost Share Program for the North Ohio Project and Airport Taxiways.

Birk: Birk stated he is losing confidence in our engineers because they did not address the concerns about the mill and overlay on North Ohio sooner.

Reavis: Reavis inquired about the plan for opening City Hall back up. Shaw stated he does not have a date in mind. He stated the Utility office is open to the public and has been for some time and that the Community Development office across the street is open. He stated that the City Manager, Assistant City Manager and Human Resources are the only offices closed to the public and that most of the prior use of that area for the public were the restrooms. Shaw stated that the folks that need to talk to us call and schedule an appointment and can talk by phone or in person. Shaw stated our public facing services are still open, but we are still in the height of the pandemic and we don't need to reopen just to allow public access to the restrooms.

Reavis asked how the CDBG Loan recipients are doing with their loan payments. Jones stated that they are all current with the exception of the one that did not make their December payment, but that they have made all payments since. She stated that as long as the missed payment is made before the forgiveness period the remainder of the loan will be forgiven, but if the payment is not made up before that point they will be responsible for the full repayment of the loan.

Reavis asked what zoning issues come before the Council. Sims stated the council has final say in zoning district reclassifications and final plats, but other than that none. Conditional Use permits also come to the Council. Shaw stated the Council can amend the actual zoning regulations. Reavis asked if the old Gazette building has a zoning change will that have to be approved by the City Council. Sims stated it would. He stated the Planning Commission will review the request and make a recommendation to the Governing Body for final action.

Crum: Crum stated there is an Augusta citizen that would like to open up a tattoo shop downtown, but the building he wants to occupy is less than 250 feet from the church. Crum stated she would like to amend the zoning regulations to get rid of the 250 feet requirement. Sims stated we would need consensus from the majority of the governing body to direct the Planning Commission to consider amending the 250 feet requirement. He stated that the distance limitation is set locally and the City of Wichita has a requirement of 200 feet. Sims stated that due process will have to be followed by the Planning Commission and it will take a couple months before being presented to the Council for approval. He stated that annual reviews of the zoning regulations are prudent and expected. Crum stated we allowed a church in a business district and now it is causing an issue with businesses wanting to open in our business district. Magruder said we still need some of the red tape to regulate what can go in next door to a church or school. Sims stated the tattoo shop could apply for a variance on the 250 feet requirement and then a conditional use permit. Shaw stated another option for the Council would be to remove the distance restriction in the downtown area.

Magruder made a motion to draft a variance and conditional use permit for this instance. Motion died from lack of a second.

Leffler: Leffler stated that a payment was approved tonight for \$674.05 to Butler County Times Gazette for legal publications. He stated that an attorney at the League of Kansas Municipalities said some things can be published on our website and asked if we could be using our website for more publications instead of the newspaper. Leffler asked the City Attorney to look in to this further.

Magruder: Magruder apologized to Mr. Sims and Mr. Shaw for being so prideful in the way he spoke earlier.

Adjourn: At 9:41 p.m., Richardson made a motion to adjourn. Reavis seconded the motion. Motion carried without opposition.

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City Clerk