

CITY COUNCIL
SEPTEMBER 7, 2021
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on September 7, 2021, with Mayor Mike Rawlings presiding. Council present were Jake Marr, Jamie Crum, Tom Leffler, Kip Richardson, Ron Reavis and Bill Slade. Councilmembers Mike Huddleston and Eric Birk were 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, Anthony Craft, and Susie Geiger. Visitors: Pastor Lynn Lamberty, Brandon Terry, Shane Scott, Tonya Scott, Kevin Cowan, Joshua Burns, Jennifer Eagleson, Jayme Chapin, Wilena Tuschoff, Martha Martin, Neal Martin, William Skaggs and Shawn Davis.

Pledge of Allegiance

Prayer: Pastor Lynn Lamberty, United Methodist Church, gave the invocation.

Minutes: Richardson made a motion to approve the minutes from the August 16, 2021 City Council meeting. Crum seconded the motion. Motion carried without opposition.

Ordinance: Crum made a motion to approve Ordinance #8A dated 8/18/2021. Slade seconded the motion. Motion carried without opposition.

Richardson made a motion to approve Ordinance #9 dated 9/1/2021. Reavis seconded the motion. Motion carried without opposition.

Visitors:

Brandon Terry from Augusta High School was present to request that the City Council waive fishing license requirements for Augusta City Lake for students participating in the High School's Outdoor Activities Classes. Reavis made a motion to approve waiving fishing license requirements for Augusta City Lake for students participating in the High School's Outdoor Activities Classes. Crum seconded the motion. Motion carried with Leffler voting in opposition.

Jayme Chapin from Go! Augusta was present to recognize the winners of the 2021 Adopt a Pot contest and presented award checks to the winners. First Place winner was Andrea Davis, Second Place winner was Beth Hall and Third Place winner was Jennifer Eagleson.

Martha Martin, William Skaggs' mother, addressed the governing body regarding golf carts. Martin stated she has heard that there are conversations going on about having golf carts again. She stated that comments the last time this was considered was that William would still not be able to have a golf cart since he cannot have a driver's license. Martin stated the State says at 50 cc's or above you have to have a driver's license, but that golf carts operate on batteries and are electric not fuel operated. She stated that William's blue vehicle has blown over several times and he is stranded until someone can help him pick it back up. She stated he had a golf cart with no incident for 7 years. Martin stated it would be great for him to use a golf cart again because he wants to work and wants to be a productive member of society and this is his only form of transportation. She stated he is not able to obtain a license because of a grand mal seizure, but that he is okay with restrictions. She stated his golf cart had tail lights, head lights, blinkers and a slow-moving sign. She thanked the Council for listening.

Business:

Reschedule Public Hearing to Take Public Input and Comment on the Proposed 2022 Budget and Conduct the Revenue Neutral Rate (RNR) Hearing: Crum made a motion to reschedule a public hearing on September 20, 2021 at 7 p.m. at City Hall to take public input and comments on the proposed 2022 Budget exceeding the Revenue Neutral Rate. Slade seconded the motion. Motion carried without opposition.

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Lease Extensions and Amendment to Lease Agreement with Girl Scouts of Kansas Heartland: Leffler made a motion to approve an amendment to the lease agreement designating Girl Scouts of Kansas Heartland as the contracting party. Slade seconded the motion. Motion carried without opposition.

Leffler made a motion to approve a 5-year lease extension request commencing August 6, 2017 and expiring August 5, 2022. Slade seconded the motion. Motion carried without opposition.

Leffler made a motion not to approve a 5-year lease extension request commencing August 6, 2022 and expiring August 5, 2027. Richardson seconded the motion. Motion carried without opposition.

Resolution 2021-13 Refunding Bonds to Achieve Savings on Existing Obligations; Financial Services Agreement with Piper Sandler: Reavis made a motion to approve Resolution No. 2021-13 authorizing the offering for sale of Taxable General Obligation Refunding Bonds Series 2021. Leffler seconded the motion. Motion carried without opposition.

Reavis made a motion to approve a financial advisory services agreement for the issuance of the Series 2021 Taxable General Obligation Refunding Bonds. Leffler seconded the motion. Motion carried without opposition.

Skatepark Request for Supplemental Funding; Park Board Recommendations Regarding Placement and Design; Public Hearing on Submittal of LWCF Application; Resolution of Support No. 2021-14 for LWCF Grant Application: Council discussed the community feedback gathered at the design workshop held on August 31, 2021 and reviewed the changes to the preliminary design proposed by Spohn Ranch consultant Vince Onel.

Richardson made a motion to approve the supplemental funding request of up to \$13,000 to reach the gap in fundraising to the \$25,000 goal. Slade seconded the motion. Motion carried with Leffler voting in opposition.

Richardson made a motion to approve the Park Advisory Board recommendations regarding placement and design of the skate park contingent of the approval of the gas line located there. Slade seconded the motion. Motion carried with Leffler voting in opposition.

Mayor Rawlings opened a public hearing to take public comment on the submission of a grant application to the Land and Water Conservation Fund Grant Program (LWCF) seeking a 50% match in funding for the Augusta Community Skate Park Project. Mayor Rawlings closed the public hearing after no one came forward with comment.

Richardson made a motion to approve Resolution No. 2021-14 in support of the City of Augusta's submission to the Land and Water Conservation Fund (LWCF) grant program for the Augusta Community Skatepark project. Slade seconded the motion. Motion carried with Leffler voting in opposition.

Resolution Fixing Time and Place for a Public Hearing Concerning the Condemnation and Repair or Demolition of Structures Located at 234 E Broadway Avenue Pursuant to the Provisions of K.S.A. Et Seq: Leffler made a motion to approve Resolution 2021-15 fixing the time and place for a public hearing on Monday, October 18, 2021 at 7 p.m. at City Hall concerning the condemnation and repair or demolition of a single-family residential structure located at 234 East Broadway Avenue. Reavis seconded the motion. Motion carried without opposition.

Leffler made a motion to approve Resolution 2021-16 fixing the time and place for a public hearing on Monday, October 18, 2021 at 7 p.m. at City Hall concerning the condemnation and repair or demolition of a detached residential garage structure located at 234 East Broadway Avenue. Reavis seconded the motion. Motion carried without opposition.

At 8:19 p.m. Richardson made a motion to take a 10-minute break and return to the meeting at 8:29 p.m. Leffler seconded the motion. Motion carried without opposition.

At 8:29 p.m. Richardson made a motion to return to the regular meeting. Leffler seconded the motion. Motion carried without opposition.

Asphalt Street Surface Preservation Proposals: Reavis made a motion to approve the proposal submitted by Hall Brothers, Inc. in the amount of \$12,694.50 for the application of Onyx Mastic Surface Seal on East Kansas Avenue from Ohio Street to Cron Street and on East Sunflower Avenue from Ohio Street to Dearborn street. Leffler seconded the motion. Motion carried without opposition.

Reavis made a motion to approve the proposal submitted by South Central Sealing & Paving in the amount of \$15,230.00 for a slurry seal surface treatment on Haines Avenue and Grand Avenue from Ohio Street to Dearborn Street. Richardson seconded the motion. Motion carried without opposition.

Ordinance No. 2177 Establishing Restrictions on Location for Cereal Malt Beverages and Alcoholic Liquor: Richardson made a motion to approve Ordinance No. 2177 establishing restrictions on location for cereal malt beverages and alcoholic liquor by amending Chapter 3, Article 1, Section 3-102 and Chapter 3, Article 2, Section 3-203, and Chapter 3, Article 3, Section 3-306 of the Code of the City of Augusta, Kansas. Crum seconded the motion. Roll Call: Reavis Yes, Richardson Yes, Crum Yes, Leffler Yes, Slade Yes, Marr Yes. Motion carried.

Schedule a Public Hearing for Consideration of an Application for CDBG Grant: Richardson made a motion to schedule a public hearing on Monday, October 4, 2021 at 7 p.m. at City Hall for consideration of an application to the Kansas Department of Commerce for Small Cities Community Development Block Grant (CDBG) funds for a new fire engine. Crum seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

City Manager: Discussion regarding KDOT Cost-Share and North Ohio Street Project. Application deadline for Fall 2021. Shaw suggested the City may as well try again and submit a new grant application. He stated the awards will be announced in November. He stated he has asked the

engineer to update his engineer's estimate. Shaw stated he couldn't come up with any other projects that fit the cost-share program requirements for this round.

Shaw provided an update on Moderate Income Housing (MIH) Grant and subdivision development. He stated the original application in the northeast part of town was not awarded a grant in 2021. He stated that Don Klausmeyer is the potential developer and will be deciding in the next few days if he is going to pull the trigger and move forward with the development. Shaw stated Klausmeyer will apply for the MIH Grant for a second time. He stated they are looking at 32 new homes in the moderate-income housing model. Shaw stated if they move forward with the application we will have several action items on an upcoming agenda.

Discussion on Rails to Trails NITU and Butler County. Shaw stated he received a letter from Butler County indicating they are doing a forced action on the NITU. He stated they are saying they are going to force the issue because the County would like to get out from under that and transfer it to someone else to manage or transfer it back to adjacent property owners. Shaw stated there will be a Public meeting in November. He stated he wanted to put that on the Council's radar.

Crum: Crum encouraged everyone to sign up for the Steaks on the Bricks event. Crum stated she would like to put the parking vehicles, RV's and boats in yards on a future agenda.

Leffler: Leffler asked Jayme Chapin to provide an update on the Steak on the Bricks event. Chapin stated the Steak on the Bricks event is tied to the Homecoming events this year. She stated the parade will start at 2:30 p.m. on Friday followed by a community pep rally. The community tailgate with food will be before the game from 5 to 7 p.m. The Steak on the Bricks event will be on Saturday downtown in the 500 block of State Street. She stated it will be for those age 21 and up because there are adult beverages being served by Grace Hill Winery. She stated the band Soul Preachers will be performing and a couple class reunions will be in attendance. Chapin stated the tickets are \$45 and include a steak, baked potato, green beans, roll, two drink tickets and the concert.

Slade: Slade stated he has received 8 to 9 emails about the golf carts stating they would like the City to make a decision about the use of golf carts. He stated it needs to be on our agenda in the near future.

Executive Session:

At 9:11 p.m. Richardson made a motion to go into executive session for 30 minutes to discuss issues related to potential legal liability related to the performance of a contract 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 Andrew Marino. The open meeting will resume in the City Council Chambers at 9:41 p.m. Leffler seconded the motion. Motion carried without opposition.

At 9:41 p.m. Richardson made a motion to exit executive session where no action was taken. Leffler seconded the motion. Motion carried without opposition.

At 9:42 p.m. Richardson made a motion to go into executive session for 15 minutes to discuss issues related to potential legal liability related to the performance of a contract 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 Andrew Marino. The open meeting will resume in the City Council Chambers at 9:57 p.m. Leffler seconded the motion. Motion carried without opposition.

At 9:57 p.m. Richardson made a motion to exit executive session where no action was taken. Leffler seconded the motion. Motion carried without opposition.

Adjourn: At 9:57 p.m., Richardson made a motion to adjourn. Slade seconded the motion. Motion carried without opposition.

City Clerk