

**CITY COUNCIL
SEPTEMBER 6, 2022
7:00 P.M.**

The Council of the City of Augusta, Kansas met in regular session on September 6, 2022, with Mayor Mike Rawlings presiding. Council present were Eric Birk, Mike Huddleston, Bob Bailey, Tom Leffler, Kip Richardson, Jeff Brown and Ron Reavis. Also present: City Attorney Andrew Marino, City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Clerk/Director of Finance Erica Jones. Staff Present: Director of Public Safety Todd Ackerman, Electric Production Superintendent Jim Sutton, Amanda Johnston and Susan Smith. Visitors: Pastor Lynn Lamberty, Jayme Chapin, Connie Thurman, Lisa Daniels, Eric Grooms, Tracy Eberhardt, Amanda Stroman, Bob Sage, Mike Martin, Brandon Terry, and Clarence Doelling.

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 15, 2022 City Council meeting. Bailey seconded the motion. Motion carried without opposition.

Ordinance: Reavis made a motion to approve Ordinance #8A dated 8/17/2022 and Ordinance #8B dated 8/31/2022. Huddleston seconded the motion. Motion carried without opposition.

Visitors:

Jayme Chapin from Go! Augusta was present to recognize the winners of the 2021 Adopt a Pot contest and present award checks to 1st Place Sheryl and Terry Alley, 2nd Place Lily Lake 4H Club, and 3rd Place Lisa Fletcher with the Insurance Guys.

Brandon Terry from Augusta High School was present to request the City Council waive fishing license requirements for Augusta City Lake for students participating in the High School's Outdoor Activities Classes. Huddleston made a motion to waive the fishing license requirements for the Augusta City Lake for students participating in the High School's Outdoor Activities classes. Brown seconded the motion. Motion carried without opposition.

Swimming Pool Manager Amanda Johnston was present to provide a recap of the pool season and to recognize lifeguards for saves.

Business:

Conduct Public Hearings to Take Public Input and Comments on the Revenue Neutral Rate and 2023 Proposed Budget: Mayor Rawlings opened the Revenue Neutral Rate public hearing. Mayor Rawlings closed the Revenue Neutral Rate public hearing after no one came forward with comments.

Reavis made a motion to approve Resolution No. 2022-26 to exceed the Revenue Neutral Rate. Seconded the motion. Roll Call: Huddleston No, Birk, Yes, Reavis Yes, , Richardson Yes, Bailey Yes, Leffler Yes, Brown Yes. Motion Carried.

Mayor Rawlings opened the 2023 Budget public hearing. Mayor Rawlings closed the public hearing after no one came forward with comments.

Leffler made a motion to approve the 2023 Budget as proposed. Richardson seconded the motion. Motion carried without opposition.

2023 Neighborhood Revitalization Plan Public Hearing and Adoption: Mayor Rawlings opened the public hearing to take input on the proposed Neighborhood Revitalization Plan. Mayor Rawlings closed the public hearing after no one came forward with comment.

Leffler made a motion to approve Ordinance No. 2196 adopting a Neighborhood Revitalization Plan and designating a neighborhood revitalization area for the City of Augusta, Kansas. Bailey seconded the motion. Roll Call: Huddleston Yes, Birk Yes, Reavis Yes, Richardson Yes, Bailey Yes, Leffler Yes, Brown Yes. Motion Carried.

Leffler made a motion to approve to approve Resolution No. 2022-27 authorizing and directing the Mayor to execute a new Interlocal Agreement with the Board of Butler County Commissioners, Unified School District #402, and Butler Community College. Bailey seconded the motion. Motion carried without opposition.

Z2022-13 / Conditional Use Permit for a Detached Structure at 5275 SW Ohio Street: Huddleston made a motion to accept the recommendation provided by the Augusta Planning Commission and approve Zoning Case No. Z2022-13, Conditional Use Permit, to allow the property owner Andrew Kirk to build a 36 ft by 50 ft (1,800 sq. ft) detached structure on his property zoned R-R single-family rural residential in the growth area located at 5275 SW Ohio Street. Brown seconded the motion. Motion carried without opposition.

Facility Use Agreement Between the City of Augusta and Flatwater Fitness and Fun for the Use of Augusta City Lake for Stand-Up Paddleboard Activities: Leffler made a motion to table this agenda item. Richardson seconded the motion. Motion carried without opposition.

Ordinance No. 2197 Annexing City-Owned Land to the City of Augusta, Kansas: Leffler made a motion to approve Ordinance No. 2197 annexing city-owned land into the City of Augusta, Kansas. Brown seconded the motion. Roll Call: Huddleston Yes, Birk Yes, Reavis Yes, Richardson Yes, Bailey Yes, Leffler Yes, Brown Yes. Motion Carried.

Resolution No. 2022-28 and Amendment Changing the Name of the KPP from “Kansas Power Pool (“KPP”), A Municipal Energy Agency” to “KPP Energy, A Municipal Energy Agency”: Richardson made a motion to approve Resolution No. 2022-28 approving a name change to the “Kansas Power Pool (“KPP”), a Municipal Energy Agency” and approving a second amendment to the agreement creating the KPP, and authorizing the KPP to execute such second amendment and all other necessary actions to change its name. Brown seconded the motion. Motion carried without opposition.

Bid Award for 2023 Police Vehicles: Staff pulled this item from the agenda due to the bids exceeding the amount budgeted for this purchase.

Election of New Councilmember to Fill the Unexpired Term for the Ward 1 Seat Previously Occupied by Jake Marr: Leffler made a motion to advance Robert Sage for consideration to fill the unexpired term for the Ward 1 seat vacated by Jake Marr. Brown seconded the motion. Motion carried

without opposition. Reavis made a motion to advance Matt Lichlyter for consideration to fill the unexpired term for the Ward 1 seat vacated by Jake Marr. Brown seconded the motion. Motion failed with Leffler, Bailey, Richardson, Huddleston voting in opposition. Huddleston made a motion to advance Mike Martin for consideration to fill the unexpired term for the Ward 1 seat vacated by Jake Marr. Richardson seconded the motion. Motion carried. Bailey made a motion to advance Amanda Stroman for consideration to fill the unexpired term for the Ward 1 seat vacated by Jake Marr. Reavis seconded the motion. Motion carried.

Each of the three candidates present were asked to come forward to answer questions and provide information about themselves to the Council.

Reavis made a motion to advance the nomination of Amanda Stroman to fill the unexpired term for the Ward 1 seat vacated by Jake Marr. Bailey seconded the motion. The motion to advance carried with four votes in favor.

Leffler made a motion to advance the nomination of Robert Sage to fill the unexpired term for the Ward 1 seat vacated by Jake Marr. Richardson seconded the motion. The motion to advance failed with two votes in favor.

Huddleston made a motion to advance the nomination of Mike Martin to fill the unexpired term for the Ward 1 seat vacated by Jake Marr. Brown seconded the motion. The motion to advance carried with four votes in favor.

Amanda Stroman then received three votes to fill the unexpired term for the Ward 1 seat and Mike Martin received four votes. Mike Martin has been elected to fill the Unexpired term of Ward 1 vacated by the resignation of Jake Marr.

Matters From/For Council and Informational Memorandum:

Mayor Rawlings: Richardson made a motion to extend the splash pad season this year to October 3rd due to warm weather. Brown seconded the motion. Motion carried without opposition.

Sims: Leffler made a motion to schedule a joint City Council and airport advisory board meeting on September 21st at 6:30 p.m. at the Airport FBO to discuss the status of the airport runway project. Reavis seconded the motion. Motion carried without opposition.

Shaw: Shaw stated that KDOT Cost Share has opened their 2023 round and that the Airport runway project has some construction aspects that will occur in 2023. He stated that the costs for that project have ballooned, so the thought internally from staff is that we should apply to see if we can get assistance to move this project forward. The council was not opposed to staff pursuing the KDOT Cost Share program as an additional funding source for the Airport runway project.

Huddleston: Huddleston asked since we are annexing city owned property tonight, what is the possibility of annexing the area around the refinery site. He stated he understands that it is a lot of work and a lot of information that needs to be gathered, but then the City would have more pull and clout if it were in the city limits. Huddleston stated that the City needs more control or needs to be more informed in what is being done on the ground of the old refinery. Rawlings stated he would be fine with it if staff feels they have time to spend on that. Shaw stated he doesn't have an issue with it, but he would not be able to provide a time frame for it. Huddleston stated we should get started on some sort of involvement now.

Reavis: Reavis thanked Sims for working with McClure's to get the West Street ditch cleaned out. He said his concern is now is what happens to Harrington and Money/Lulu when there are heavy rains. Sims stated he met with Anthony Craft who was very instrumental in that and working with McClure. He stated that work was done to fix the bottleneck issue in that area and that he will be meeting with Craft in the morning to review this project to make sure it is meeting our objectives.

Reavis stated that someone has been doing a lot of work on Elm Creek out by River Valley Road and asked if it would make sense to work on Highland Drive to Dike Road. Sims stated he has been working with staff on this and Shaw stated they have already completed part of that cleanup in the area.

Reavis asked how projects get put on the Capital Improvement Program and how the Council can suggest things to be added. Shaw stated they just need to suggest them. Reavis stated he would like to consider discussing extending Custer Lane north from Belmont to the north end of town. Huddleston stated it would open the town up to more development.

Richardson: Richardson asked for an update on the Ohio project. Sims stated there is a lot of activity going on with the sidewalk. He stated they have finished the split base retaining wall for drainage. He stated that the only work being done on north Ohio is forming the radii for the side streets, but that he has seen them compacting those intersections and putting down wire mesh. Sims stated that we have a contract with a substantial completion date and that the contractor is responsible for scheduling the project to get it done by that substantial completion date, and that unless the city attorney says differently we cannot direct them when they have to do the work. He stated that we have not received any update from the engineer or the contractor on when they will be back to work on the road and that the City engineer has been active in trying to get that information from them. Sims stated that if they do not meet the substantial completion date then we have a mechanism to address that. He stated they have not started on the portion of Belmont that they still have to address.

Bailey: Bailey asked if staff has heard anything more on the City Lake dam. Sims stated that the engineers are working on the topographical survey and putting the engineering plan together to submit to the Kansas Division of Water Resources (DWR) for their consideration. Bailey asked when the Council will see the new animal control ordinance. Shaw stated he will send the draft to the council to review in the next couple days and present it for consideration in a few weeks.

Brown: Brown thanked Sims for coming to DJ Engineering to speak to them on behalf of the City when Shaw was not able to attend. Sims thanked for the invitation.

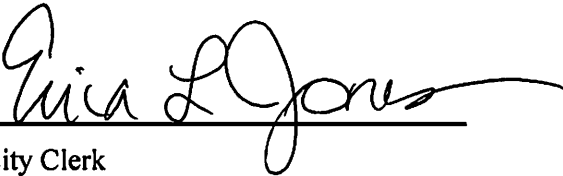
Executive Session:

At 9:09 p.m. Richardson made a motion to go into executive session for 20 minutes to discuss a proposal received by the City to acquire assets owned by the City 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 9:29 p.m. Leffler seconded the motion. Motion carried without opposition.

DRAFT

At 9:29 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 9:29 p.m., Richardson made a motion to adjourn. Brown seconded the motion. Motion carried without opposition.



Erica L. Jones

City Clerk