

CITY COUNCIL
JUNE 20, 2022
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on June 20, 2022, with Mayor Mike Rawlings presiding. Council present were Jake Marr, Bob Bailey, Tom Leffler, Kip Richardson, Jeff Brown and Ron Reavis. Councilmembers Eric Birk and Mike Huddleston were absent. Also present: City Attorney Andrew Marino, City Manager Josh Shaw, Assistant City Manager Cody Sims and Deputy City Clerk Tammy Davis. Staff Present: Director of Public Safety Todd Ackerman, Susan Smith and Chris McNutt. Visitors: Mitch Saffield, Jackie Callaghan, Connie Thurman, Brooke Carroll, Sue Jones, Katie Roggenbaum, Donna Markley, Kala Maxfield, Lora Grooms, Eric Grooms, Dave Smith, Bill Skaer, Daniel Benson, Becky Hall and Mark Hall.

Pledge of Allegiance

Prayer: Becky Hall, from Freedom Church, gave the invocation.

Minutes: Richardson made a motion to approve the minutes from the June 6, 2022 City Council meeting and June 13, 2022 City Council Budget Work Session. Leffler seconded the motion. Motion carried without opposition.

Ordinance: Reavis made a motion to approve Ordinance #6 dated 6/13/2022. Bailey seconded the motion. Motion carried without opposition.

Visitors:

Daniel Benson from Pittsburg State University was present to request permission to install a camera at four properties managed by the City of Augusta for purposes of conducting an eastern spotted skunk detection study. Leffler made a motion to approve the request from Pittsburg State University to install a camera at four properties managed by the City of Augusta for the purposes of conducting an eastern spotted skunk detection study. Brown seconded the motion. Motion carried without opposition.

Sue Jones, 1817 Meadowlake Dr., addressed the governing body regarding the Ohio Street Project. Jones provided information regarding the lime stone that has been used on Shumway containing silica, a known carcinogen and can be responsible for skin rashes, respiratory problems or even fatal. She stated that a year will be a long time for anyone who lives or traverses that area to deal with the dust. Jones encouraged the council to consider taking some action to work with the Township to resolve the dust issue.

Katie Roggenbaum, 7297 SW Shumway Rd, addressed the governing body regarding the Ohio Street Project. She presented a letter from her doctor stating that she needs a \$2,500 steroid inhaler so she can breathe in her own home and stated that she has two daughters that have severe asthma. Roggenbaum stated they moved in to their new home one year ago and they were able to get off all of their asthma medication but they are all back on their asthma meds. She stated she runs a nebulizer in their home around the clock, has upgraded doors and windows, and HEPA filters 24/7. She stated they are Augustans. Roggenbaum stated that citizens are still coming up Shumway even if you encourage them not to. She stated it is dangerous and they have been nearly hit by trucks. She stated they have to wear a mask when they are outside and are unable to live the life they moved out there to live. She asked the Council to help them.

Bill Skaer, 7660 SW Shumway Rd, addressed the governing body regarding the Ohio Street Project. He stated we are a month into this debacle on Shumway and the traffic and dust and the health hazards have continued to multiply. He stated the quality of life for those who live along Shumway has badly deteriorated. Skaer stated that the risk of illness, injury or even death has increased with the volume of the traffic. He installed cameras at his farm on June 9th and since then, 5,250 vehicles have traversed on Shumway. Skaer stated they will be cutting wheat along that stretch of Shumway in the next week or so and will be bringing in a lot of machinery. He stated that all of this is urgent and he is glad to see there were some speed limits signs put up. He stated dust control is critical, getting the right kind of rock on the road is critical, preventing unauthorized vehicles such as semis is critical, and having more traffic enforcement is critical. Skaer inquired about the millings being used to put down on Shumway after the dust control or other types of rock that can be used. He asked if all the governmental entities can get together to resolve this problem.

Reavis made a motion to offer up to \$20,000 to assist the Township with dust control with the priority being Shumway Road in front of the homes and then address 70th. Brown seconded the motion. Motion carried with Leffler voting in opposition.

Business:

Request to Reinstate 2804 North Birchwood Court into the Neighborhood Revitalization Program: Staff stated that Donna Markley provided the documentation that was requested by the governing body at the last meeting.

Donna Markley, 2804 N Birchwood, addressed the governing body regarding the Neighborhood Revitalization Program. Markley stated she contacted the Butler County Treasurer and was told that the tax money had already been distributed to the taxing entities and there was no way for those funds to be refunded to her at this point. She stated she doesn't understand why the County cannot reach out to those with delinquencies in this program to find out if the delinquency is an error instead of waiting until after you are out of the program and the money is already gone. She said she didn't think going back to the County Commission would do any good. Shaw stated the taxes are distributed to the four different taxing entities and the City does not have any jurisdiction over the other taxing entities.

Leffler made a motion to reinstate 2804 North Birchwood Court into the Neighborhood Revitalization Program. Brown seconded the motion. Motion carried without opposition.

Presentation from Clear Wave Fiber: Council received a presentation from Kala Maxfield, Market Development Manager for Clear Wave Fiber, regarding the extension of fiber optic internet infrastructure in Augusta. Consensus from the Council was for staff to gather more information about this project to provide back to the governing body. Marr seconded the motion. Motion carried without opposition.

Electric Vehicle Charging Stations: Consensus of the governing body was for staff to move forward with gathering more information.

Bid Award for Fire Pumper Truck: Richardson made a motion to approve the bid award to Weis Fire in the amount of \$533,503 for a 2023 custom cab fire pumper truck. Marr seconded the motion. Reavis abstained from the vote. Motion carried without opposition.

Proposed Ordinance No. 2194 Amending Certain Sections of Chapter 12, Article 5 of the Augusta City Code: Leffler made a motion to approve Ordinance No. 2194 amending certain sections of Chapter

12, Article 5 of the Augusta City Code. Richardson seconded the motion. Roll Call: Reavis Yes, Richardson Yes, Bailey Yes, Leffler Yes, Brown Yes, Marr Yes. Motion carried.

At 8:54 p.m. Richardson made a motion to recess for 10 minutes. Leffler seconded the motion. Motion carried with Reavis voting in opposition.

At 9:04 p.m. Richardson made a motion to reconvene the meeting. Leffler seconded the motion. Motion carried without opposition.

Reavis made a motion to move agenda item #9 up to #6 for discussion now. Richardson seconded the motion. Motion carried without opposition.

Proposed Resolution No. 2022-20 Setting the Time, Date and Place for a Public Hearing to Take Comment on the Proposed 2023 Neighborhood Revitalization Plan: Eric Grooms, 2500 Lakepoint Ct., addressed the governing body regarding the Neighborhood Revitalization Program. Grooms stated he is all for the plan being in place for 5 years but he would like to see the infill or new construction mirror each other in length and the cost of new construction has gone up considerably so it would make sense to move it up to \$600,000 instead of the \$500,000 set a number of years ago.

Richardson made a motion to approve Resolution No. 2022-20 setting the time, date, and place for a public hearing to occur on Monday, July 18, 2022 at Augusta City Hall at 7:00 p.m. to take public comment on the proposed 2023 Neighborhood Revitalization Plan. Leffler seconded the motion. Motion carried without opposition.

Purchase of John Deere 324E Skid Steer from Murphy Tractor: Leffler made a motion to approve the purchase of the John Deere 324E Skid Steer from Murphy Tractor in the amount of \$25,860 and designate Case 85XT as surplus property to be disposed of by auction. Brown seconded the motion. Motion carried without opposition.

Solid Waste Surplus Equipment Designation: Leffler made a motion to designate SN-59, a 2005 Peterbilt 320 trash truck, as surplus property and authorize disposal of the equipment on Purple Wave pursuant to the City's adopted policy for disposal of surplus property. Richardson seconded the motion. Motion carried without opposition.

Nuisance Abatement Resolutions for Various Properties in Augusta: Marr made a motion to approve Resolution No. 2022-15 determining that a nuisance exists at 1212 North Hooper Street and ordering the removal and abatement of nuisances within ten (10) days as specified in K.S.A. 12-1617e. Leffler seconded the motion. Motion carried without opposition.

Marr made a motion to approve Resolution No. 2022-16 determining that a nuisance exists at 1226 North Hooper Street and ordering the removal and abatement of nuisances within ten (10) days as specified in K.S.A. 12-1617e. Leffler seconded the motion. Motion carried without opposition.

Marr made a motion to approve Resolution No. 2022-17 determining that a nuisance exists at 1227 North Hooper Street and ordering the removal and abatement of nuisances within ten (10) days as specified in K.S.A. 12-1617e. Leffler seconded the motion. Motion carried without opposition.

Marr made a motion to approve Resolution No. 2022-18 determining that a nuisance exists at 1241 North Hooper Street and ordering the removal and abatement of nuisances within ten (10) days as specified in K.S.A. 12-1617e. Leffler seconded the motion. Motion carried without opposition.

Marr made a motion to approve Resolution No. 2022-19 determining that a nuisance exists at 1243 North Hooper Street and ordering the removal and abatement of nuisances within ten (10) days as specified in K.S.A. 12-1617e. Leffler seconded the motion. Motion carried without opposition.

Interlocal Agreement with USD 402 for Use of Golf Street Water Tower for District Communication Needs: Leffler made a motion to approve Resolution No. 2022-21 authorizing the Mayor to execute the interlocal agreement with USD 402 for use of Golf Street Water Tower for District communication needs. Richardson seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

Work Session: Richardson made a motion to schedule a work session at 6:00 p.m. on Monday, June 27th for the purposes of discussing the 2023 City Budget. Leffler seconded the motion. Motion carried without opposition.

Richardson: Richardson commented on the banners on Ohio and stated that he loved them and that he received several calls appreciating them. He stated they would also like to see them downtown and along 7th Avenue.

Marr: Marr stated he also received positive feedback on the flags and banners along Ohio. Marr stated he also received feedback regarding the City's holiday schedule and questions about what holidays the city offices recognized compared with the new federal holidays that have been added and asked staff to provide clarity so he knows how to answer those questions going forward. He stated there is not consistency in the holidays recognized by the City, the County, the State of Kansas and the federal government, etc. Shaw stated the State and federal government have made some changes recently and that staff can evaluate those and make some recommendations.

At 9:49 p.m. Richardson made a motion to go into executive session for 10 minutes to discuss issues related to potential litigation 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 9:59 p.m. Leffler seconded the motion. Motion carried without opposition.

At 9:59 p.m. Richardson made a motion to exit executive session where no action was taken. Leffler seconded the motion. Motion carried without opposition.

Rawlings stated that the next council meeting will be on July 5th due to the July 4th holiday and that there will be a public fireworks display on July 4th at dusk and encouraged everyone to attend.

Adjourn: At 10:00 p.m., Richardson made a motion to adjourn. Brown seconded the motion. Motion carried without opposition.

City Clerk