

CITY COUNCIL
OCTOBER 2, 2023
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on October 2, 2023, with Mayor Mike Rawlings presiding. Council present were Mike Martin, Bob Bailey, Eric Birk, Mike Huddleston, Tom Leffler, Kip Richardson, Jeff Brown and Ron Reavis. Also present: City Attorney Andrew Marino, City Manager Josh Shaw, Assistant City Manager Kamme Sroufe, and City Clerk/Director of Finance Erica Jones. Staff Present: Director of Public Safety Todd Ackerman, Jim Sutton, Anthony Craft, Shawna Cortez, and Susan Smith. Visitors: Carol Borger, Kevin Cowan, Myrna Rogers, Gary Rogers, Sue Jones, Shawn Davis, Charles May, Jim Weaver, and Phyllis Collins.

Pledge of Allegiance

Prayer: Carol Borger, First Christian Church, gave the invocation.

Minutes: Richardson made a motion to approve the minutes from the September 18, 2023 City Council meeting. Brown seconded the motion. Motion carried without opposition.

Ordinance: Richardson made a motion to approve Ordinance #9A dated September 27, 2023. Brown seconded the motion. Motion carried without opposition.

Proclamation:

Mayor Rawlings read a proclamation designating October 1 – 7, 2023 as Public Power Week.

Visitors:

City Manager Josh Shaw introduced the new Assistant City Manager Kamme Sroufe.

Jim Weaver addressed the governing body regarding the Airport Runway project and the closure of Indianola Rd. He stated if Indianola Road is ever closed it would be an issue with his property. He asked the Council to reconsider straightening the runway.

Gary Rogers, 1135 Euclid, addressed the governing body about the communication with the Senior Center on Friday at 1 p.m. regarding the Charter Ordinance and asked if there would be any open dialogue with the community. Rawlings asked if that would be a KOMA violation if the majority of the council were present and would the Council need to schedule a special meeting. Shaw stated it would be a violation if there were five or more council members present. He stated his intention was to present the information regarding the purpose of the Charter Ordinance and explain the process, but not to represent the governing body or their position.

Business:

Public Hearing Regarding Industrial Revenue Bonds for Redevelopment of Country Club Tower Apartments Located at 1515 Club House Drive; Resolution 2023-14 Determining Advisability of Issuing Industrial Revenue Bonds; Payment in Lieu of Taxes (PILOT) Agreement: City Bond Counsel Kevin Cowan explained the process of issuing IRB's.

Roarke Gordon, representing Investment Resources Corporation, addressed the governing body and explained how they use tax credits to fund the cost of rehabilitation or building affordable housing. He stated they have used the combination of a State issued sales tax exemption and the PILOT program to rehabilitate several facilities throughout Kansas.

Mayor Rawlings opened the public hearing to take public input on IRB's for 1515 Club House Drive.

Sue Jones, 1817 Meadowlake, addressed the governing body and stated this is a good project and well over due.

Mayor Rawlings closed the public hearing.

Reavis made a motion to approve Resolution 2023-14 determining the advisability of issuing Industrial revenue bonds for the purpose of financing the total rehabilitation of a senior apartment facility located at 1515 Club House Drive. Richardson seconded the motion. Motion carried without opposition.

Leffler made a motion to approve a Payment In Lieu of Taxes (PILOT) Agreement. Richardson seconded the motion. Motion carried without opposition.

At 7:53 p.m. Richardson made a motion to recess for 10 minutes. Leffler seconded the motion. Motion carried without opposition.

At 8:03 p.m. Richardson made motion to reconvene the meeting. Leffler seconded the motion. Motion carried without opposition.

Bid Award for Dam Rehabilitation Project: Richardson made a motion to approve the bid award to Alan's Excavating for the low base bid of \$334,520 for the Augusta City Lake dam rehabilitation project and authorize staff to execute related contract documents. Martin seconded the motion. Motion carried without opposition.

Engineering Services Agreement with Schwab Eaton for Construction Engineering Services for the City Lake Dam Rehabilitation Project: Leffler made a motion to approve a construction engineering services agreement with Schwab Eaton with an anticipated maximum of \$98,628.00. Brown seconded the motion. Motion carried without opposition.

Matters From/For Council and Informational Memorandum:

Birk: Birk asked for an update on the Common Consumption Ordinance. Shaw stated that he has been working through the insurance piece of this. He stated he wants to be able to advise the council on any liability that comes with and that he spoke to the insurance carrier and our broker and they are trying to work through where everyone is comfortable with that. Shaw stated that there needs to be wording in the ordinance that addresses other events downtown that will not be part of the Common Consumption Ordinance that will give Council control over the consumption. He stated he expects to have a meeting in the next few weeks with the insurance broker to discuss further. Shaw stated that it was his plan is to bring it to the council on October 16th but Jayme Chapin will not be available that date, so he will visit with her to see if she wants it to wait until she will be in attendance.

Birk stated there is a dumpster across the street from the City that has been sitting there a long time. Shaw stated he will check on the status of that and get a resolution to that. Birk stated that it is taking up parking in the downtown that could have been used for events like the parade.

Rawlings: Rawlings stated that this Saturday there will be a Faith in Blue event with our local churches and the Department of Public Safety joining together in fellowship. He stated it is scheduled from 2 to 5 p.m. and there will be activities throughout that time as well as earlier in the day. He stated there is no cost and it is a great opportunity for the community and our safety department to interact in a positive way.

Brown: Brown stated that he has organized a time on October 25th from 12-1 p.m. at the Senior Citizen Center with him and IT people to help people get access to Facebook, YouTube and the City's website.

Martin: Martin thanked the City water crews for repairing the waterline breaks that happened last week. He said they worked most of the day and were able to get it back on fully by 10 p.m. Shaw stated that some of the lines that are breaking around town are main lines and the combination of the drought and the railroad may be contributing to those breaks. He stated there was supply issues with the parts and there is concern that moving forward that may cause more issues, so he has encouraged staff to build up our inventory of supplies. Leffler stated there are a lot of communities that are dealing with these breaks and supply issues.

Leffler: Leffler stated he has had people talking to him about the Charter Ordinance that was passed back in August which has caused a lot of controversy in the community. He stated he was contacted today about having a meeting with the Senior Center on Friday at 1 p.m. to provide information the seniors and allow them to ask questions. He stated he planned to be there and that Shaw has said he will be there to facilitate the discussion. He said he didn't think we needed to have the entire council there, but if the rest of the council wanted to attend we would need to schedule a special meeting. Leffler asked Kevin Cowan to review the Charter Ordinance in more detail and provide information to the citizens on what this ordinance does. Both Cowan and Shaw explained the purpose of the Charter Ordinance and the petition process, the types of projects are and are not subject to the debt limits, and what projects are being considered that the charter ordinance would impact including the public works facility, replacement of the storm sirens, the culvert project under State highway to address flooding issues in the Industrial Park, upgrading the traffic lights, updating the restrooms in Moyle Park, repaving city owned parking lots downtown, and finishing the master planned park downtown across from the depot.

Huddleston asked it appears as though the charter ordinance cuts voters out of getting approval for the debt. Mr. Cowan responded correct. Huddleston asked what is the election requirement. Mr. Cowan responded to use the statute to issue bonds you have to have a successful election. Huddleston asked under the charter ordinance where is the voter participation. Mr. Cowan responded that there is not an election requirement, it is intuit, publication, protest period, and then perhaps a petition. Huddleston asked so approval is put after the fact in the charter ordinance and Cowan said correct. Huddleston asked under the state statute it's previous and the charter ordinance approval is required first. Cowan said that is correct.

Richardson stated he feels we should schedule this as a special meeting otherwise we have one person setting up a meeting for the city council that seven other members of the city council did not have input on. Shaw stated we would need to do that if a majority of the members planned to be there, but if not then there wouldn't need to be anything official like that to take place. Richardson stated if there is one person who has set up a meeting with the senior citizen center to represent the city council and has asked staff to be a part of it then it should be brought back to the city council to discuss whether or not we should have the meeting. Richardson stated he agrees it should be happening, but that the other council members should have input into that. Shaw

apologized and said when he was contacted it was presented as an informational session and there wasn't any intent to cut the governing body out of that. He stated that it was just brought up today so this meeting today was the opportunity for the council to discuss it. Richardson stated that he does not think anyone did anything wrong, he just thought it should be discussed by the council. Leffler clarified that he did not set up a meeting, but that he was contacted and asked to call Deann at the Senior Center and when she requested a meeting he contacted city staff and the Mayor. Leffler stated he would not attend the meeting if the council does not want any representation at the meeting and will just let Shaw handle the presentation. Richardson stated it should have come to the council before the meeting was set up. Leffler apologized if he offended Richardson and that he had no intention of speaking at the meeting. Richardson stated he was not offended.

Executive Session:

At 9:32 p.m. Richardson made a motion to go into executive session for minutes to discuss issues related to general liability of public officers and 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 the City Manager Josh Shaw, and City Attorney Andrew Marino. The open meeting will resume in the City Council Chambers at 10:17 p.m. Leffler seconded the motion. Motion carried without opposition.

At 10:17 p.m. Richardson made a motion to exit executive session where no action was taken. Leffler seconded the motion. Motion carried without opposition.

At 10:18 p.m. Richardson made a motion to go into executive session for 20 minutes for preliminary discussions of the acquisition of real property for community development pursuant to the preliminary discussion of the acquisition of real property exception, K.S.A. 75-4319(b)(6) and to invite in the City Manager Josh Shaw. 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. Richardson made a motion to exit executive session where no action was taken. Leffler seconded the motion. Motion carried without opposition.

Adjourn: At 10:18 p.m., Richardson made a motion to adjourn. Leffler seconded the motion. Motion carried without opposition.

City Clerk