

CITY COUNCIL
NOVEMBER 6, 2023
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on November 6, 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, Director of Public Utilities Tim Johnson, Jim Sutton, Shane Noland, Shawna Cortez, and Susan Smith. Visitors: Chuck May, Sue Jones, Gary Rogers, Shane Scott, Tonya Scott, Shawn Davis, Jayme Chapin, Harry Stockwell, Matt Lichlyter, and Matt Janson.

Pledge of Allegiance

Prayer: Mayor Mike Rawlings gave the invocation.

Minutes: Richardson made a motion to approve the minutes from the October 16, 2023 City Council meeting. Huddleston seconded the motion. Motion carried without opposition.

Ordinance: Richardson made a motion to approve Ordinance #10A dated October 25, 2023. Brown seconded the motion. Motion carried without opposition.

Proclamations and Visitors:

Mayor Rawlings presented a proclamation designating December 16, 2023 as National Wreaths Across America Day in Augusta.

Public Utilities Director Tim Johnson announced and presented an award from Kansas Water Environment Association (KWEA) for the Wastewater Division to Superintendent Shane Noland.

Business:

Discussion/Direction Regarding Draft Ordinance Establishing Sewer Rates: Council discussed and provided direction regarding a draft ordinance establishing rates and charges for sewer services. Staff will draft a final ordinance based on the proposed draft ordinance at the next Council meeting.

Discussion/Direction Regarding Draft Common Consumption Ordinance for the Red Brick Social District: Council discussed and provided direction regarding the draft ordinance for creation of a common consumption area (CCA) in the downtown area to be known as the Red Brick Social District. Staff will get clarification on the insurance provisions and will present those recommendations to the Council for consideration at a future meeting.

At 8:45 p.m. Richardson made a motion to take a 10 minute break. Leffler seconded the motion. Motion carried without opposition.

At 8:55 p.m. Richardson made a motion to reconvene the meeting. Leffler seconded the motion. Motion carried without opposition.

KPP Energy Pace Loan Letter of Interest for Solar Installations: Leffler made a motion to submit a letter of support designating the City of Augusta's intention to participate in the KPP Energy Solar Project subject to conditions, including availability of suitable land for development of a small solar farm. Brown seconded the motion. Motion carried without opposition.

Kansas Power Pool (KPP) Voting Delegate Appointment: Richardson made a motion to appoint Director of Public Utilities Tim Johnson as the City's Voting Delegate and Electric Production Superintendent Jim Sutton as the Alternate Voting Delegate at the Annual Membership Committee Meeting of the Kansas Power Pool. Leffler seconded the motion. Motion carried without opposition.

Charter Ordinance No. 20 Petition: Richardson made a motion to not put Charter Ordinance No. 20 to an election. Brown seconded the motion. Motion carried.

Matters From/For Council and Informational Memorandum:

Bricks for Museum: Huddleston made a motion to approve a request from the Augusta Historical Museum for 500 bricks. Richardson seconded the motion. Motion carried without opposition.

Rawlings: Rawlings announced on Saturday November 25th there will be the downtown Cookie Crawl and the Lighted Christmas Parade on November 28th. He stated on December 3rd there will be a Holiday Home Tour as a fundraiser for the Castle Park Project and tickets will be \$50.

Reavis: Reavis stated that at the last Council meeting he brought up the crosswalk on Ohio and said we have gotten beat up on about that the last couple weeks regarding near misses. He said he would like to see if there is anything we can do to speed up the study. Shaw stated the short answer is no, but stated it is coming in the near future. Shaw stated that even once the study is done the Council will still have to decide how to fund that project. He stated that he has seen some preliminary recommendations, and they are more than just putting in another cross walk. They seem like a better solution, but their final recommendation could change. Shaw stated if we could let it ride for a couple weeks and let the study get resolved, then we could propose a more permanent solution that covers that whole corridor area. He stated we do have funding left over for street improvements that he thinks could be used for this. He stated he expects the study to be completed in the next few weeks, and he will call them to check. But, it is in the hands of the State, and we don't have control of that.

Reavis stated we continue to have problems with the traffic light at Belmont & Ohio. He stated he would like to see if there are funds available to go ahead and at least fix that traffic light and maybe the crosswalk now, possibly funds left over from \$700,000 allocated for the Dam Project to once and for all fix that light. Fix it separate from the rest of the traffic lights. Shaw stated we made an adjustment to the light after the last round of complaints came in and asked if anyone has had issues with it in the last few days. Reavis said you need to look at the history of the light. He stated twice in the last three months we've had to put a four way stop sign up in the middle of the night because it has quit. Shaw stated he does not know if that is specific to that light or not or if there are bigger issues with it. Reavis stated we need to find out, and we need to get it fixed. Shaw stated that project is in the grouping of things for the bond issue related to the Charter Ordinance. He stated staff has gone out recently and changed the timing on that light again that prioritizes the north/south traffic on Ohio Street and stated he is curious if after we made that adjustment you have received complaints in the last couple days. Reavis stated he has not, but that history says it is just a matter of time before it happens again. Shaw stated that is possible and he is not disagreeing with doing upgrades and making sure all the intersections are functioning appropriately. He stated if we have not received any complaints since that change was made, then that is the solution for now until it gets upgraded. Shaw stated that with regard to funding, the Ohio study will also address the traffic signals. Shaw stated that with regard to the funding, he would like to get an attorney's opinion on whether that would be an allowable use of the Street sales tax to repair the traffic signals.

Richardson: Richardson stated that as of a week and a half ago the Castle Park Community group had raised \$165,000 and there is a thermometer sign at the park now tracking the fundraising. Shaw stated the last he heard was \$215,000. Richardson stated they are doing great on their fundraising. Richardson thanked everyone in our community, everyone who works for our community, who are veterans. He stated this weekend is Veteran's Day and as we look back and remember all the things that have occurred over the years and the things that helped make the freedoms that we have today that we get to enjoy. Richardson reminded everyone to please get out and vote tomorrow.

Leffler: Leffler complimented Augusta Safety Department and Sherriff's Department for putting their daily activities out on Facebook to show more about what is going on in our community and that he thinks that is a great idea.

Leffler asked City Engineer Chuck May to speak on the rip rap installed on the dam as we have been receiving comments that there is not enough rip rap that has been placed on the dam. May stated the issue with the dam to start out with was the original dam that was built. He stated in early 2012 there was an additional berm built on the front of the dam to provide erosion protection and was not part of the structural part of the dam. May stated that the wave action had started eroding that berm and that erosion then started eroding the original structure of the dam. He stated once that structure started having erosion that is when KDA gets concerned and says it could become a safety issue. May stated the intent is to protect the original structure of the dam. He stated that based on the survey the design concept was developed based on rebuilding the original slope of the dam, cut down berm an additional 3 feet and built a toe wall at an elevation of 56.5. May stated they looked at the normal pool of the lake based on the weir spillway overflow topping and determined based on the wind action, expected wave heights, to protect against then we went up to 60.5 and covered up with rip rap an additional foot and a half higher than that. He stated the project was built how we had it designed. May stated that at normal water pool level at top of concrete spillway weir you have 5 feet of rock below that level and 3.5 foot of rock above that level as was designed. He stated that in actuality in most places we ended up about 6 feet below and the top varies between 3.5 and 4 foot. He stated the area we are trying to protect is the structural part of the dam, which is where the rock was placed above and below that. May stated when the lake refills the water level will be up where the rock has been placed.

Huddleston stated what citizens have called him about is that it looks like it will be quite a few feet before the waves will reach the rock and if the purpose of the rock is to keep the wave action from working on the earthen dam, we don't know if the water level is going to be up for the next year, two years, or five years. He said what if it comes up another three or five feet, and the wave action continues to work on the earthen part below the rock where does that put us then. May stated the earthen berm that was built on the original part of the dam was originally designed at the top where it made the dam to be twenty or more foot wide and sloped a little flatter slope than the original dam so it actually forms a wedge over there and gets a little wider as it goes down. He stated it was built with the intent that it would erode over time with wave action. He said it will continue to erode if the water level stays down three to four foot or even six foot, but that will not affect the structure of the dam itself. May stated that the only way to stop that erosion is to completely drain the lake and line the berm all the way to the original bottom of the lake. Huddleston asked if on the dam face itself, all the dirt that is exposed now is a berm that is expected to erode some. May said it is expected to erode some. Shaw stated if you recall the 2012 project, essentially the solution that backs up the sacrificial part was geotextile fabric and plantings. He said the way that the lake filled up the plantings never really took off and it just slowly worked its way up to the fabric but there was nothing else stopping it after that from it getting to the main structure. Shaw stated that

as May is indicating, there is now geotextile fabric on the bottom, and you have a layer of much smaller filter rock, and then you have the bigger rocks that are sitting on top of it. He stated the earth that you are looking at up there is not the bottom of the rock, the rock actually goes down three feet or more in some places below the earthen berm. So those two things are working together to protect the dam.

Martin asked based on the diagram being shown if the dirt is at the 1256.5 elevation. May stated it is. Martin asked if the soil erodes, what is holding the rock in there. May stated there would have to be 10 feet of soil that would have to erode before it would ever get to the rock. Martin stated when you look at it, and it could just be an optical illusion, but it looks to him like the 1256.5 elevation looks like it is right at the top of the spillway. Shaw stated that Martin was not alone in that and that others saw that as well, so staff contacted May to ask him to go out verify all those elevation markers. May stated he got calls last Thursday morning, and he was out here by Thursday afternoon and had the inspector and the contractor and some of their surveyors out here and shot the elevations for the toe, the top of the dirt in both places, the top of the rock in both places and the elevation is correct at 56.5 and the spillway weir elevation is at 59.5. He stated that it is an optical illusion.

Leffler asked if the State has been out to inspect the work. May stated the State was out last Friday with the intent to look at it under construction but by the time they got out here it was within a day or two of the contractor wrapping things up. He stated that his understanding is that they were very satisfied and pleased with what they saw. May stated they will still need to do a final report and certification that it was built to our plans and specifications. He stated that typically they have to do a field inspection by our engineer and we typically invite the State to that and they sometimes attend and sometimes don't. May stated he didn't know if they would on this one since it was basically close to being done when they were here. Leffler stated we need to compliment our local contractor, Alan's Excavating, because they did a fantastic job and they did it in a very short amount of time too even with some rain. May agreed and stated they did a bang up job and completed the work much faster than he ever expected it to get done. He stated that because the lake had dropped to the level it had, instead of hauling everything from the east as had been planned they were able to bring it in to the west end of the dam and drive across in front of the spillway dam structure and that gave them room to drive it and drop the rock as they went instead of having to haul it back and forth. They were able to do that for about half of the length before the rain hit. Leffler stated that from what he heard we did not have as much damage to the City streets as expected either. May stated they held up pretty well. Rawlings stated the park road will need a little love and care in some spots, especially where they turned to go back to the north May agreed but stated it wasn't as bad as he had expected. Shaw stated the way they structured it mattered a lot because they were driving across those roads with empty trucks for the most part as opposed to full loads because they were able to drive in front of the weir, which was not something we had contemplated because when it was designed that was still under water. Leffler thanked May for coming and providing answers tonight.

Martin: Martin inquired about the parking lot to the South of the City Building and the status of any repaving of the lot. Shaw stated it one of the projects that was rolled in to the bond package.

Special Alcohol Grants Ad Hoc Committee: Leffler made a motion to appoint Bailey, Birk, and Reavis to serve on the ad hoc committee to review 2024 Special Alcohol Grant Applications. Brown seconded the motion. Motion carried without opposition.

Utility Abatement Ad Hoc Committee: Richardson made a motion to appoint Leffler, Brown, and Martin to serve on the ad hoc committee to review 2024 Utility Abatement applications. Huddleston seconded the motion. Motion carried without opposition.

Executive Session:

At 9:55 p.m. Richardson made a motion to go into executive session for 15 minutes to discuss issues related to land use and general liability of public officers 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 Kamme Sroufe, and City Attorney Andrew Marino. The open meeting will resume in the City Council Chambers at 10:10 p.m. Leffler seconded the motion. Motion carried without opposition.

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

At 10:11 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 Kamme Sroufe, and City Attorney Andrew Marino. The open meeting will resume in the City Council Chambers at 10:26 p.m. Leffler seconded the motion. Motion carried without opposition.

At 10:26 p.m. Richardson made a motion to exit executive session where no action was taken. Brown seconded the motion. Motion carried without opposition.

Adjourn: At 10:26 p.m., Richardson made a motion to adjourn. Brown seconded the motion. Motion carried without opposition.

City Clerk