

CITY COUNCIL
AUGUST 21, 2023
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on August 21, 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, and City Clerk/Director of Finance Erica Jones. Staff Present: Director of Public Safety Todd Ackerman, Shawna Cortez, and Lance Hilton. Visitors: Pastor Lynn Lamberty, Connie Thurman, Luella Vance, Matt Sawyer, Sue Jones, Shawn Davis, and Jayme Chapin.

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 7, 2023 City Council meeting. Brown seconded the motion. Motion carried without opposition.

Ordinance: Richardson made a motion to approve Ordinance #8A dated August 16, 2023. Huddleston seconded the motion. Motion carried without opposition.

Visitors:

Jayme Chapin, Executive Director of Go! Augusta, was present to recognize the winners of the 2023 Adopt-a-Pot contest and to present award checks. Shannon Emond was awarded 1st place, Garden Gate Garden Club was awarded 2nd place, and Lily Lake 4H Club was awarded 3rd place.

Business:

Cereal Malt Beverage License (CMB) Applications: Leffler made a motion to approve a Cereal Malt Beverage License to sell CMB for on premise consumption and a Cereal Malt Beverage License to sell CMB for off premise consumption for Millers 5 located at 330 State Street. Bailey seconded the motion. Motion carried without opposition.

Ordinance No. 2225 Regarding Animal Control and Regulation: Reavis made a motion to withdraw the text amendment application submitted to the planning commission. Bailey seconded the motion. Motion carried with Martin and Huddleston voting in opposition.

Leffler made a motion to approve Ordinance No. 2225 repealing and replacing Chapter 2 of the Code of the City of Augusta, Kansas, relating to animal control and regulation with changes to sections 2-121, 2-201c, and 2-210. Bailey seconded the motion. Roll Call: Birk Yes, Reavis Yes, Huddleston Yes, Richardson No, Bailey Yes, Leffler Yes, Brown Yes, Martin Yes. Motion carried.

Fee Schedule Resolution No. 2023-12 Amending Animal Control Fees: Brown made a motion to approve Fee Schedule Resolution No. 2023-12 amending Animal Control fees pursuant to Ordinance No. 2225. Martin seconded the motion. Motion carried without opposition.

At 9:01 p.m. Richardson made a motion to recess for 14 minutes. Brown seconded the motion. Motion carried without opposition.

At 9:15 p.m. Richardson made a motion to return to the open meeting. Leffler seconded the motion.

Matters From/For Council and Informational Memorandum:

Huddleston: Huddleston stated there is a RV at Ada and 12th and asked who is responsible for enforcing the removal of the RV. Shaw stated that in that instance it would be Public Safety that would enforce it. Chief Ackerman stated that there were multiple violations at that location. Shaw stated that the Code Enforcement staff told the complainant to contact Public Safety directly since they are responsible for enforcing that. He stated that staff is looking at a way to streamline the response to these types of complaints and define who is responsible for enforcing what. Shaw stated the person living in the RV was given 24 hours to remove it from the property or to move it to an allowed area on the property and that he has not complied. Huddleston asked if he can be cited. Ackerman said yes.

Huddleston asked if there is any requirement to where the registration sticker for UTV's is to be placed on the vehicle. Ackerman stated that it is required to be placed rear facing, but dependent on the materials used for various parts of the UTV the placement could be different for each one. Huddleston stated he has seen some of them that he does not believe has the registration sticker.

Huddleston stated that the alley by City Hall has had missing flower pots for years. Shaw stated that staff has tried to locate replacement pots but that hasn't been easy and the ones that have been found are very costly. Huddleston asked if we can just grind off what is there then. Shaw stated he would rather find something to replace them instead of removing them entirely.

Richardson: Richardson stated that tonight he voted against the animal control ordinance and that he wanted to say that he personally thinks we are fixing something that did not need to be fixed. He is personally still against allowing pit bulls and does not want to be liable for someone getting injured or killed.

Leffler: Leffler thanked Richardson for explaining his reason for voting no and stated that he respects it. Leffler stated that Council has not been provided a breakdown for the City Attorney's bills for a while.

Leffler inquired about the status of the repairs to the trash truck. Jones stated that she is working with the insurance company and that staff has received quotes for the repair and that the truck is at the repair shop now but she is not aware of a schedule for the repairs.

Leffler asked how much the EV chargers are being used. Shaw stated that he will check with staff and provide that information. Leffler stated that the Community Garden is getting overgrown and looking bad. Birk stated he would let the group know they need to get it taken care of. Richardson asked if they are still looking at moving locations. Shaw stated that it was discussed that they may move to the Robinson Community Center, but he doesn't know the current status of that.

Leffler asked Shaw to speak to Airport Manager Ray Seif and ask him to provide more information on his monthly report as to what they are doing at the airport and not just numbers for fuel.

Leffler inquired about a dead tree across the street from his home, near the Knebler Addition. Shaw stated that it was removed by staff. He stated that City Code indicates that it is the responsibility of the abutting property owner to maintain it, but the City has the ability to address it too. He read section 4-719 of the City Code. Shaw stated the Parks staff will begin cutting down the dead trees in Garvin Park when the temperatures drop below 100 degrees.

Leffler inquired about the agreement of the City to contribute 50% to the new fence for the business that was having theft issues. Shaw stated it is allowed because of the rail trail regulations and not a City policy.

Brown: Brown asked about the status of sending letters to property owners that are using City property as their personal property. Shaw stated that was something Cody Sims was working on prior to his leaving the City and that staff has not worked on it since he left. Leffler inquired about the City providing sod for an older lady on City property that she was using as her own. Shaw stated that he would look into that.

Martin: Martin asked if there is anyone in the Street Department that works exclusively on removing the grass growing in cracks in the roadway. Shaw stated that staff does work on that but that they are currently not doing that because they are managing the micro surfacing projects. He stated that once that is done the asphalt crack filling will be resumed and that will address some of that. He stated the only option for the brick streets is to burn the grass out of them. Jones stated they have been doing that recently.

Martin asked if there is a tree on the area between the sidewalk and the curb and there are limbs hanging down in the road, according to section 4-716 is it the property owner's responsibility to take care of that. Shaw stated that it is.

Executive Session:

At 9:45 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 the City Manager Josh Shaw and City Attorney Andrew Marino. The open meeting will resume in the City Council Chambers at 10:15 p.m. Leffler seconded the motion. Motion carried without opposition.

At 10:15 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 10:16 p.m., Richardson made a motion to adjourn. Martin seconded the motion. Motion carried without opposition.

City Clerk