

REQUEST FOR SPECIAL GOVERNING BODY MEETING

Augusta, Kansas

May 7, 2024

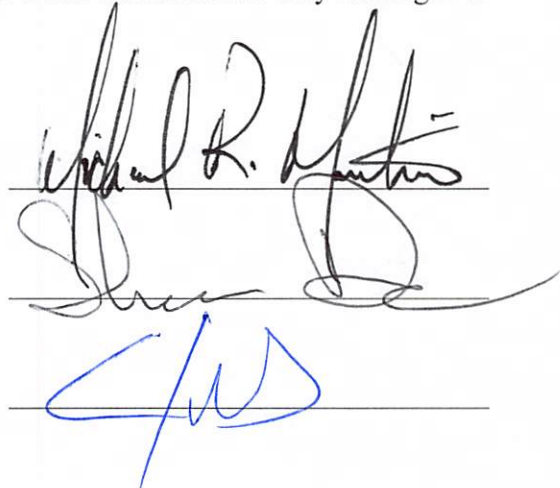
To Mike Rawlings

Mayor of Augusta, Kansas

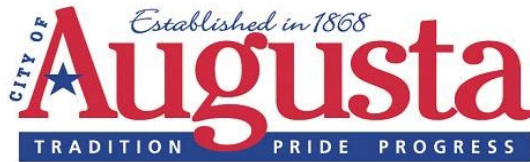
We, the undersigned, governing body members of the City of Augusta, Kansas hereby respectfully request you call a special meeting of the governing body at 6:00 PM on Friday, May 10, 2024 at City Hall in order to consider approval of:

1. Resolution No. 2024-05 authorizing submittal of Transportation Alternatives Grant application for Redbud Rail Trail Project – Phase II and
2. Supplemental Agreement No. 2 to Transportation Alternatives (TA) Grant Agreement No. 008 TE-0508-01, No. 018-23 removing the caps on state cost match for Redbud Rail Trail Project – Phase I and authorize the City Manager to execute the agreement.

Signed:

The image shows three handwritten signatures in black ink, each written over a horizontal line. The first signature is the most prominent and appears to be 'Michael R. ...'. The second signature is less legible. The third signature is written in blue ink and is also less legible.

Governing Body Members



AGENDA
CITY OF AUGUSTA
Council Meeting
Friday, May 10, 2024
6:00 P.M.

“Augusta – Where the metro’s edge meets the prairie’s serenity offering the perfect blend of opportunity and proximity for living, commerce and culture.”

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. PRAYER

D. BUSINESS

**1. RESOLUTION AUTHORIZING SUBMITTAL OF
TRANSPORTATION ALTERNATIVES GRANT APPLICATION FOR
REDBUD RAIL TRAIL PROJECT – PHASE II**

Consider approval of Resolution No. 2024-05 authorizing submittal of Transportation Alternatives Grant application for Redbud Rail Trail Project – Phase II.

- a) Staff Report
- b) **Council Motion / Vote**

**2. SUPPLEMENTAL AGREEMENT NO.2 TO TRANSPORTATION
ALTERNATIVES (TA) GRANT AGREEMENT NO. 008 TE-0508-01,
NO. 018-23**

Consider approval of Supplemental Agreement No.2 to Transportation Alternatives (TA) Grant Agreement No. 008 TE-0508-01, No. 018-23 removing the caps on state cost match for Redbud Rail Trail Project – Phase I and authorize the City Manager to execute the agreement.

- a) Staff Report
- b) **Council Motion / Vote**

E. ADJOURNMENT



CITY OF AUGUSTA CITY COUNCIL AGENDA REPORT

Meeting Date: May 10, 2024
 Department: Administration
 Submitted By: Josh Shaw, City Manager
 Prepared By: Shawna Cortez, Assistant to the City Manager
 Agenda Title: **Resolution Authorizing Submittal of Transportation Alternatives Grant Application for Redbud Rail Trail Project – Phase II**

RECOMMENDED ACTION:

Consider approval of Resolution No. 2024-05 authorizing submittal of an application to the KDOT Transportation Alternatives Program for Phase Two of the Redbud Rail Trail Project.

BACKGROUND:

In 2022, the City applied for and was awarded the KDOT Transportation Alternatives Grant for Phase One of the Redbud Rail Trail Project. In April 2023, City Council approved an agreement with KDOT for construction of the Redbud Trail Pedestrian Bridge over US-54, which is scheduled for bid letting in September 2024. Pursuant to our phasing plan to complete the connection to the city limits, staff have been actively preparing an application for Phase II, which involves construction of the bridge over the Whitewater River. Earlier this year, staff submitted a concept paper to KDOT outlining the project parameters. That concept paper was authorized to move forward to full grant submittal, which is due by May 17th.

Thus far, staff has secured over 50 letters of support for the grant application, including from Congressman Ron Estes, Representative Kristey Williams, the Sunflower Foundation, Wichita District 2 Council member Becky Tuttle, the City of Andover, Butler County, Prairie Travelers, AARTI, and a few dozen private individuals.

ANALYSIS:

Pursuant to the city's grant management policy and to requirements of the KDOT TA program, attached for the Council's review and consideration is proposed Resolution 2024-05 authorizing submittal of the grant application for the Phase II project. This authorization is required because the grant involves federal money with a local cost match requirement.

As the Council will recall, staff established a plan to provide this cost match several years back with the emphasis on bonding and use of federal fund exchange dollars. Since that time, several additional

opportunities for funding assistance have developed. KDOT indicated to staff during a recent interaction of a new supplemental funding program: *“The Kansas Vulnerable Road User Safety Assessment (VRUSA) was published at the end of 2023 complete with recommendations and the identification of high risk and high injury networks. In response, the Bureau of Transportation Safety has committed \$3M per year of Highway Safety Improvement Program (HSIP) funds to support the 20% match on ped/bike/SRTS TA projects that are eligible for HSIP. The Augusta project is HSIP eligible so would receive the 20% match if awarded...if you are awarded, the entire 20% would be covered.”*

Proposed Resolution 2024-05 will authorize City staff to submit an application to the Transportation Alternatives Program for Phase Two of the Redbud Trail Project with an estimated cost of \$5,060,000 for construction and engineering costs.

Category	Estimated Cost
Preliminary Engineering	\$315,000
Construction Estimate (detail attached)	\$4,360,000
Construction Engineering	\$385,000
Total	\$5,060,000

KDOT would provide an 80% match of \$4,048,000 with the remaining 20% (\$1,012,000) being the city’s local match responsibility. According to KDOT, this 20% local match would be covered by HSIP funds. The attached application **authorizes the application** to be submitted and **acknowledges the availability and commitment from the city to funding the local match.** Application submissions are due on May 17, 2024.

FISCAL IMPACT:

Based on the City Engineer’s cost estimate, the City of Augusta would have an estimated cost share of \$1,012,000 for the local match, but this would be covered by HSIP funds. These estimates will be refined before the project is officially bid.

Department Head Approval Date:
City Manager Approval Date: 5/3/2024
City Attorney Approval Date:
Attachments:

1. *Proposed Resolution 2024-05*
2. *Phase Two Redbud Rail Trail Project Engineering Cost Estimate*

RESOLUTION NO. 2024-05

A RESOLUTION DECLARING THE ELIGIBILITY OF THE CITY OF AUGUSTA, KANSAS TO SUBMIT AN APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR USE OF TRANSPORTATION ALTERNATIVES PROGRAM FUNDS FOR THE AUGUSTA REDBUD RAIL TRAIL – PHASE 2 PROJECT IN AUGUSTA, KS AND AUTHORIZING THE CITY MANAGER TO SIGN THIS APPLICATION.

Whereas, the City of Augusta, Kansas, has the legal authority to apply for, receive, and administer federal, state, and other monies through Home Rule Power under the Constitution of the State of Kansas and authorized by K.S.A. 12-1662, regarding the expenditure of federal-aid to public agencies; and

Whereas, the City of Augusta, Kansas, is submitting an application to the Kansas Department of Transportation for Transportation Alternatives (TA) Program funds in the amount of \$4,048,000, representing an 80% cost match on total estimated projects costs of \$5,060,000, as outlined in KDOT's Transportation Alternatives Program Guidance & Application Packet for Federal Fiscal Year 2023-24; and

Whereas, the City of Augusta, Kansas, is participating as an eligible Project Sponsor in the Kansas Department of Transportation's TA Program; and

Whereas, Federal monies are available under a Transportation Alternatives Program, administered by the State of Kansas, Department of Transportation, for the purpose of creating and promoting the planning and development of active transportation facilities and programs in Kansas; and

Whereas, the City of Augusta, Kansas, acknowledges availability of the required local match of no less than 20% and the availability of funds to pay all upfront costs, since the TA Program is a cost reimbursement program; and,

Whereas, the City of Augusta, Kansas, agrees to pay any costs that exceed the project amount if the application is selected for funding; and,

Whereas, after appropriate public input and due consideration, the Governing Body of the City of Augusta, Kansas, has recommended that an application be submitted to the State of Kansas for the Augusta Redbud Rail Trail – Phase 2 project.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF AUGUSTA, KANSAS:

SECTION 1. That the City of Augusta, Kansas, does hereby authorize the City Manager to submit an application to the Kansas Department of Transportation for Transportation Alternatives Program funds on behalf of the citizens of City of Augusta, Kansas.

SECTION 2. That the City of Augusta, Kansas, hereby assures the Kansas Department of Transportation that sufficient funding for a minimum 20% match and all non-reimbursable expenses, e.g. ROW, utilities, etc. for the Augusta Redbud Rail Trail – Phase 2 project is available, as the Transportation Alternatives Program is a reimbursement program.

SECTION 3. That the City of Augusta, Kansas, hereby assures the Kansas Department of Transportation that sufficient funding for the operation and maintenance of the Augusta Redbud Rail Trail – Phase 2 project will be available for the life of the project.

SECTION 4. That the City of Augusta, Kansas, hereby assures the Kansas Department of Transportation that the City of Augusta, Kansas, will have title or permanent easement to the Augusta Redbud Rail Trail – Phase 2 project by the time of project letting, if necessary.

SECTION 5. That the City Manager of City of Augusta, Kansas, is authorized to sign the application to the Kansas Department of Transportation for Transportation Alternatives Program funds on behalf of the citizens of City of Augusta, Kansas. The City Manager is also authorized to submit additional information as may be required and act as the official representative of the City of Augusta in this and subsequent related activities.


SECTION 6. That the City of Augusta, Kansas, hereby assures the Kansas Department of Transportation that the City of Augusta, Kansas, is willing and able to, if the Augusta Redbud Rail Trail – Phase 2 project is selected for funding, administer all activities involved with the Augusta Redbud Rail Trail – Phase 2 project.

ADOPTED AND PASSED by the Governing Body of the City of Augusta, Kansas, this 6th day of May, 2024.

Mike L. Rawlings, Mayor

ATTEST:

Erica L. Jones, City Clerk

PROJECT QUANTITIES AND PRELIMINARY OPINION OF COST						
Redbud Trail - Lulu Street to US-54/400				 Date Prepared: April 22, 2024		
Augusta, Kansas						
JEO Project No. 230599.00						
ESTIMATE OF QUANTITIES						
Item #	Description	Unit	Quantity	Unit Price	Total	
REDBUD TRAIL IMPROVEMENTS						
General	1.	Mobilization	LS	1	\$206,000.00	\$ 206,000.00
	2.	Contractor Construction Staking	LS	1	\$40,000.00	\$ 40,000.00
	3.	Temporary Erosion Control	LS	1	\$25,000.00	\$ 25,000.00
	4.	Clearing and Grubbing	LS	1	\$30,000.00	\$ 30,000.00
Trail	5.	Common Excavation (Rural Large)	CUYD	5,000	\$10.00	\$ 50,000.00
	6.	Embankment	CUYD	5,000	\$30.00	\$ 150,000.00
	7.	Embankment (Contractor Furnished)	CUYD	17,000	\$35.00	\$ 595,000.00
	8.	Sidewalk Construction (4") (AE)	SQYD	1,044	\$60.00	\$ 62,700.00
	9.	Surfacing Material (AB-3)	TONS	720	\$35.00	\$ 25,200.00
	10.	Precast Reinforced Concrete Bridge Approach Slab	SQFT	240	\$90.00	\$ 21,600.00
	11.	Pedestrian Bridge	SQFT	4,550	\$370.00	\$ 1,683,500.00
	12.	Property Fencing (Type and Amount Varies)	LSUM	1	\$250,000.00	\$ 250,000.00
	13.	Potential Stormwater & Drainage Improvements	LSUM	1	\$250,000.00	\$ 250,000.00
	14.	Signage and Amenities	LSUM	1	\$25,000.00	\$ 25,000.00
	15.	Permanent Seeding	LS	1	\$25,000.00	\$ 25,000.00
Alternate Items	16.	Surfacing Material (AB-3)	TONS	880	\$35.00	\$ 30,800.00
	17.	Common Excavation (Rural Large)	CUYD	600	\$10.00	\$ 6,000.00
	18.	Embankment	CUYD	600	\$30.00	\$ 18,000.00
	19.	Embankment (Contractor Furnished)	CUYD	2,070	\$35.00	\$ 72,500.00
	20.	Slope Protection (Riprap Stone)	CUYD	740	\$90.00	\$ 66,600.00
Totals	Construction Subtotal					\$ 3,632,900.00
	Contingency				20%	\$ 726,600.00
	Redbud Trail - Total Opinion of Construction Cost					\$ 4,360,000.00

JEO Consulting Group Inc.'s (JEO) Opinions of Probable Cost provided for herein are to be made on the basis of JEO's experience and qualifications and represent JEO's best judgment. However, since JEO has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, JEO cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from Opinions of Probable Cost prepared by JEO.



**CITY OF AUGUSTA
CITY COUNCIL AGENDA REPORT**

Meeting Date: May 10, 2024
 Department: Administration
 Submitted By: Josh Shaw, City Manager
 Prepared By: Josh Shaw, City Manager
 Agenda Title: **Supplemental Agreement No.2 to Transportation Alternatives (TA)
 Grant Agreement No. 008 TE-0508-01, No. 018-23**

RECOMMENDED ACTION:

Approve Supplemental Agreement No.2 to Transportation Alternatives (TA) Grant Agreement No. 008 TE-0508-01, No. 018-23 removing the caps on state cost match and authorize the City Manager to execute the agreement.

BACKGROUND:

The City of Augusta approved a grant agreement with the State of Kansas in May 2023 for funding for the Redbud Trail Project Phase I bridge over HWY 54/400. The attached agreement is Supplemental #2 modifying the terms of the original agreement.

ANALYSIS:

The TA program is a grant program that provides 80% of funding towards eligible costs on transportation projects. Under the original agreement, the 80% match had a cost cap of \$3,286,974 based on our submitted project budget, meaning that the City of Augusta would be 100% responsible for any costs in excess of this amount. On May 2nd, staff received the attached supplemental agreement from the State of Kansas to “remove the cap on the above referenced project while maintaining the 80:20 pro rata. Caps were not applied on the 2022 TA awards to allow more flexibility with uncertain prices post COVID.”

The impact of this supplemental agreement is a net positive for the City of Augusta as the State of Kansas is now agreeing to share in 80% of the total eligible costs, whatever they may be. This will lessen the financial burden on the city if project bids exceed the original budget amount.

Original Agreement Language (CAP)

FUNDING:

1. **Funding.** The table below reflects the funding commitments of each Party. The Total Actual Costs of Construction include all Construction Contingency Items. The Parties agree estimated costs and contributions are to be used for encumbrance purposes and may be subject to change.

Party	Funding Source	Responsibility	Total Projected Contribution (\$)
Secretary	Federal (TA) Funds	80% of Total Actual Costs of Construction and Construction Engineering (CE), not to exceed \$3,286,974.00.	3,286,974.00
Project Sponsor	Local Match	20% of Total Actual Costs of Construction and CE until the Secretary's funding limit is reached. 100% of Total Actual Costs of Construction and CE after the Secretary's funding limit is reached. 100% Costs of Preliminary Engineering (PE), Right of Way, Utility Adjustments, and Non-Participating Costs.	

Revised Language Supplemental No. 2 (No CAP)

1. **Funding.** The table below reflects the funding commitments of each Party. The Participating Costs of Construction include all Construction Contingency Items. The Parties agree the estimated costs and contributions are to be used for encumbrance purposes and may be subject to change. **The City agrees to notify the Bureau of Local Projects if costs increase more than 10% over the original estimate and award amounts.**

Party	Responsibility
Secretary	80% of Participating Costs of Construction and Construction Engineering (CE).
City	20% of Total remaining Actual Costs of Construction and CE. 100% of Participating Costs of Preliminary Engineering, Right of Way, and Utility Agreements. 100% Non-Participating Costs.

FISCAL IMPACT:

This agreement will have no financial impact if the project comes in below the original budget cap but will have a considerable positive impact for the city if bids exceed this number. The city will now only be responsible for 20% of any overage costs instead of 100%.

Department Head Approval Date:

City Manager Approval Date: 5/2/2024

City Attorney Approval Date:

Attachments (list in packet assembly order):

1. Supplemental No. 2. Supplemental Agreement PROJECT NO. 008 TE-0508-01

PROJECT NO. 008 TE-0508-01
TA-T050(801)
TRANSPORTATION ALTERNATIVES PROJECT
REDBUD TRAIL PEDESTRIAN BRIDGE OVER US-54
CITY OF AUGUSTA, KANSAS

S U P P L E M E N T A L A G R E E M E N T N o . 2

This Supplemental Agreement, effective the date signed by the Secretary or the Secretary’s designee, is by and between the **Secretary of Transportation**, Kansas Department of Transportation (KDOT) (the “Secretary”) and the **City of Augusta, Kansas** (the “Project Sponsor,” or “City”), **collectively**, the “Parties.”

RECITALS:

- A. The Parties entered into an Agreement dated April 28, 2023, for a Transportation Alternatives Project (the “Original Agreement”).
- B. The Parties entered into a Supplemental Agreement dated February 8, 2024, to clarify the ownership, maintenance and inspection responsibilities of the Original Agreement.
- C. The Parties mutually desire to supplement the Original Agreement to reflect a removal of the funding cap.

NOW, THEREFORE, the Parties agree as follows:

1. On page 4 of the Original Agreement, Article II, paragraph 1, be replaced in its entirety to read as follows:

1. **Funding.** The table below reflects the funding commitments of each Party. The Participating Costs of Construction include all Construction Contingency Items. The Parties agree the estimated costs and contributions are to be used for encumbrance purposes and may be subject to change. **The City agrees to notify the Bureau of Local Projects if costs increase more than 10% over the original estimate and award amounts.**

Party	Responsibility
Secretary	80% of Participating Costs of Construction and Construction Engineering (CE).
City	20% of Total remaining Actual Costs of Construction and CE. 100% of Participating Costs of Preliminary Engineering, Right of Way, and Utility Agreements. 100% Non-Participating Costs.

2. **Counterparts.** This Supplemental Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute one in the same Agreement.

THIS SUPPLEMENTAL AGREEMENT shall not be construed to alter, modify, or void the terms, provisions or conditions of the Original Agreement, which is incorporated into this Supplemental Agreement by reference, except as herein specifically provided.

The signature page immediately follows this paragraph.

IN WITNESS WHEREOF, the Parties have caused this Supplemental Agreement to be signed by their duly authorized officers.

ATTEST:

THE CITY OF AUGUSTA, KANSAS

CITY CLERK (Date)

MAYOR

(SEAL)

Kansas Department of Transportation
Secretary of Transportation

By: _____
Greg M. Schieber, P.E. (Date)
Deputy Secretary and
State Transportation Engineer