

CITY COUNCIL  
JANUARY 4, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on January 4, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Robert Griffith and Ronald Reavis. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Director of Electric Utility Bill Webster, Electric Production Superintendent Jim Sutton, City Inspector Dan Allen, and City Clerk Erica Jones. Visitors present were: Kent Bush, Myrna Rogers, Gary Rogers, Karen Schaeffer, Harold Schaeffer, Randy Wharton, Colin Whitley, and Debra Hiser.

Prayer: Pastor Larry Snodgrass, Haverhill Christian Church, gave the invocation.

Minutes: Reavis made a motion to approve the minutes from the December 21, 2009 meeting. Harper seconded the motion. Motion carried without opposition.

Appropriations:

December (12A): Harper made a motion to approve Ordinance 12A in the amount of \$760,029.96. Wallace seconded the motion. Griffith asked if the payment to OMB Guns was for the purchase of tasers. Keefer stated it was for the purchase of several handguns for our reserve officers. Keefer stated the tasers were purchased in November and the training had taken place in early December. Griffith asked if the reserve officer program is new and Keefer stated it is. Reavis inquired about the payment made to the Butler County Landfill for prisoner care. Keefer stated that the payment should have been to the Butler County Sheriff and that it has already been corrected. Motion carried without opposition.

Visitors:

Myrna Rogers addressed the community thanking them for their support and donations for our troops. Rogers stated they appreciate the continued support and prayers for their safe return.

New Business:

815 Money Ave.: A public hearing was conducted to take input on whether a structure located at 815 Money Avenue should be declared unsafe or dangerous. Randy Wharton, a representative for Home Loan Services, addressed the governing body. Wharton stated that Home Loan Services does not yet own the property located at 815 Money Avenue, but that he has been communicating with the homeowner. Wharton stated the property owner plans to make the repairs, estimated to be \$77,000, but that the insurance company has not completed their investigation. Wharton stated they would like to secure the property and delay this determination so the insurance company can complete their investigation. Wharton stated if the structure is torn down before the foreclosure occurs, Home Loan Services will realize a loss.

Dan Allen stated that the fire occurred on July 24<sup>th</sup> and he spoke with the insurance company on multiple occasions when he was trying to locate the property owner. Allen stated he informed the insurance company that we wanted the structure secured and the yard cleaned up. Allen stated the insurance adjuster told him they consider the fire to have been arson. Allen stated he spoke to Major Marbut with the Augusta Department of Public Safety who also indicated that it was believed to have been arson. Huddleston stated if it is not arson, the insurance company will pay the claim and the mortgager will be the payee. But, if it is determined to be arson they will not

pay the claim and the structure will have to come down. Williams stated it is unacceptable to leave it in its current condition.

Debra Hiser, 900 Money Avenue, addressed the governing body. Hiser stated that the neighborhood has been working hard to keep this area safe for their children and have instituted a neighborhood watch. Hiser stated they are afraid that this structure will turn into a drug house or used by the homeless. Hiser stated this property really needs to be taken care of because there are too many children in the neighborhood that they do not want see get hurt.

Wallace asked if this is an ongoing crime scene. Mr. All stated the insurance company is a private entity investigating the fire, not the Augusta Department of Public Safety. Mr. All stated he does not see how evidence could remain after this length of time, and that the City does not have any obligation to protect the property for the insurance company. Williams closed the public hearing.

Leffler made a motion to approve Resolution 2010-01 finding that the structure at 815 Money to be unsafe or dangerous and directing the structure to be repaired or removed and the premises made safe and secure. Harper seconded the motion. Motion carried without opposition.

**Zoning Classification:** Wallace made a motion to approve Ordinance 1993 changing the district zoning classification for a tract of property generally located at 1000 N Lulu from Commercial to Residential-2 (R-2) two family dwelling. Harper seconded the motion. Wallace inquired about the concerns that were addressed to the Planning Commission. Allen stated there were concerns about how drainage issues would be addressed, but that the property owner is working with Martin Goedecke on the drainage plan and will be required to submit a drainage plan. Motion carried without opposition.

**Kansas Power Pool:** Wallace made a motion to approve a contract with the Kansas Power Pool (KPP) amending the length of the City of Augusta's commitment to the pool to 10 years. Harper seconded the motion. Griffith asked if there is a possibility that the 3 megawatts will be increased in the future. Colin Whitley with KPP stated the 3 megawatts is based on the City's historical minimum load, but if that minimum load grew it could be possible to increase the number of megawatts. Keefer stated our current base load is around 6 megawatts. Motion carried without opposition.

**Westar Energy:** Council considered approval of a guaranty agreement with Westar Energy, Inc. Reavis stated the agreement says the City guarantees it will pay its bill timely to KPP so KPP can promptly pay Westar, but asked what would happen if KPP failed to pay Westar. Keefer stated if KPP failed to pay Westar, we would be responsible for paying Westar again. Keefer stated we would then look into our legal options for how to recover those funds from KPP. Griffith asked if the power pool price is established by the market. Whitley stated it is established by cost and is determined annually. Whitley stated by extending the agreement to 10 years, it could help reduce the cost. Wallace made a motion to approve a guaranty agreement with Westar Energy, Inc. Reavis seconded the motion. Motion carried without opposition.

**Emergency Water Supply Plan:** Keefer stated this is a very generic document and that staff is looking to add more detail to the document and bring the new document back to the governing body at a later date. Wallace stated he was going to ask for more information addressing certain scenarios. Keefer stated it is addressed in this plan in general, but that the response will vary from place to place. Keefer stated he has asked staff to look into options to provide water for our citizens if our service lines go down. Wallace asked how long that will take. Keefer stated he hopes to bring a

new document back to the governing body in the next 60 days or so. Reavis made a motion to approve an updated Emergency Water Supply Plan. Wallace seconded the motion. Motion carried without opposition.

**Job Classification and Salary Schedule:** Leffler made a motion to approve Resolution 2010-02 establishing the Job Classification and Salary Schedule for 2010. Childers seconded the motion. Motion carried without opposition.

**REAP:** Harper made a motion to approve the City's 2010 membership dues in the amount of \$1,564 for the Regional Economic Area Partnership (REAP). Wallace seconded the motion. Huddleston inquired about the population figure that was used to determine the membership dues. Keefer stated he would look into where they obtained that figure and provide it in the next informational memorandum. Motion carried without opposition.

**Work Session:** Huddleston made a motion to schedule a work session on Monday, January 25<sup>th</sup> at 6:30 p.m. to review and discuss the proposed new Code of Ordinances. Childers seconded the motion. Motion carried without opposition.

**Informational Memorandum:**

**Williams –** Williams addressed the residents to explain that the executive sessions regarding the acquisition of real estate have had to do with purchasing property for the levee project.

**Griffith –** Griffith asked if staff has heard anything more about the building we were going to move to Santa Fe Lake from 7<sup>th</sup> Street, or if that was still going to be a possibility. Keefer stated he hasn't heard anything new, but that they do not currently have a buyer for the property.

**Huddleston –** Huddleston stated the letter sent to Ken Stultz said the governing body decided not to renew or renegotiate his lease at the Augusta Municipal Airport, but according to the minutes the motion was only made not to renew the lease. Childers stated that Wallace's motion was to approve option one, and the way he read it was that it could be reasonably inferred that there would be no renegotiation of the lease. Childers stated others might have a differing opinion, but that Huddleston brings up a good point.

Wallace stated that there was discussion during the meeting that Stultz could renegotiate his contract if he wanted to. Childers and Williams stated they did not recall that discussion. Shaw stated that option one was described in the memo as not to renew the lease and to authorize staff to notify API that the lease is up in March, and option two was described as authorizing staff to issue a notice of non-renew and to enter into negotiations for a new lease. Wallace stated the official minutes only say not to renew the lease. Jones stated the actual motion made by Wallace was to approve option one. Jones stated she inferred that as the wording in the memo for option one since it wasn't specified in the motion, and therefore listed the motion exactly how option one was listed in the memo.

Wallace stated there was a miscommunication on what was meant to be voted on. Williams stated the council seconded and voted based on the motion Wallace made, which was for option one and that was what the motion carried with. Wallace stated there was discussion that his contract would not be renewed, but that he had the option to renegotiate which Wallace stated he made clear during the discussion. Williams stated she did not recall that discussion and that we have to go by the motion that was passed which was for option one. Huddleston stated the minutes do not say the motion was for option one which he wants to make clear, so we need a new motion. Williams stated the minutes were already approved. Wallace stated the official transcript only

says that we will not renew and asked Mr. All what the next step is. Mr. All stated that if the motion was to approve option one, which is what he recollected, then the memo would seem to be the body of information the council acted on. Mr. All stated he hasn't heard anyone else say they didn't think they were voting on option one, which was to not renew the lease and not to renegotiate.

Childers again read the options directly from the memo and stated it would be reasonably inferred that by voting on option one it was to not renew or renegotiate. Wallace stated inferralsions don't count. Williams stated it was clear and that there were two very distinct options. Williams asked if there was anyone who did not know what they were voting on. Huddleston stated he know that we was voting on not to renew the lease, and thru discussions with some since then he was told if we wanted to renegotiate then we needed to let them know soon or otherwise we would need to start making plans to move someone into the space. Williams reminded Huddleston he voted against the motion. Huddleston stated he voted against not renewing the lease.

Wallace stated for the last two years he's been asking why we don't have the video as back up and he's always been told it is not the official transcript. Jones stated the video was available and could be reviewed, but that her notes from the meeting state the motion was for option one. Wallace stated we should have both the minutes and the video so we can go back and look at it later. Jones stated that she has been specifically told by the League that you do not want to keep a second record of the meeting because it could potentially be used later against the City.

Williams stated that motions are not always specified and that she will sometimes specify it for them since it is right in front of her, so that would be accurate to put in the minutes. Wallace agreed. Reavis asked if there was a problem with the minutes why wasn't that brought up when they were being approved. Huddleston and Wallace stated there wasn't anything wrong with the minutes, but that the letter to Stultz reflected something different then what was voted on. Williams disagreed but stated that if they needed to review the tape to prove that they could. Wallace stated he would be in to review the tape. Reavis stated option two was to renegotiate, and since that was not what was approved then we effectively voted not to renew or renegotiate the contract so the letter was accurate. Williams agreed. Wallace stated it was a moot point until he reviews the video. Williams stated the motion was already made and voted on so it could not be changed, but that they could review the tape.

#### Final Comments:

Rawlings – Rawlings stated he was in El Dorado around noon today and compared their snow removal to ours, and ours was much better. Griffith asked how the new snow plows worked. Keefer stated they were good to the best of his knowledge. Griffith asked how the snow removal went downtown. Keefer stated it went good except for the 400 block because of the cars parked along the street. Huddleston stated the snow route signs say “when declared” and asked who makes that declaration. Keefer stated that according to city code, he has the authority to declare a snow emergency and that he would base that decision on information received from the Public Safety and Public Works departments. Keefer stated that had we received as much snow as northern Kansas did he probably would have declared a snow emergency, but then we would have to go about the process of notifying the owners of the vehicles. Keefer stated we probably need to re-evaluate the snow routes.

Childers – Childers thanked the City employees who worked through the holidays clearing the city streets.

Wallace – Wallace asked if the red donation boxes around town are for a charity or a private business. Keefer stated the boxes are owned by a private business that collects the used items and sells them for a profit. Keefer stated they give a portion of the profit to a charitable organization. Griffith stated the City of Wichita made them remove the red boxes. Shaw stated Wichita has regulations that pertain to recyclable items and that was why they were able to require them to be removed. Keefer stated our zoning regulations do not address these, so they can remain as long as they are on private property and don't have debris or trash in the right of way. Keefer agreed that it is misleading on what happens to the donated items.

Executive Session: At 8:05 p.m. Wallace made a motion to go into executive session for 20 minutes to discuss personnel matters of non-elected personnel (the City Managers annual evaluation). Childers seconded the motion. Motion carried without opposition.

At 8: 25 p.m. Wallace made a motion to exit executive session with no action being taken. Childers seconded the motion. Motion carried without opposition.

Wallace made a motion to re-enter executive session for 20 minutes to continue the discussion on personnel matters of non-elected personnel. Childers seconded the motion. Motion carried without opposition.

At 8:48 p.m. Wallace made a motion to exit executive session with no action being taken. Childers seconded the motion. Motion carried without opposition.

Williams stated that the governing body appreciates Keefer's service to the City and that they consider him a crucial factor in completing the levee project. Williams stated they understand that his pay does not accurately reflect the job he does. Leffler stated Keefer was offered a 2% merit increase, a 3% salary adjustment, and to extend his contract for three years. Leffler stated that Keefer turned down the 3% salary adjustment, as he did not think 2010 would be a good year fiscally to accept a 3% adjustment. Leffler made a motion to increase the City Manager's salary by 2% and to extend his contract to three years. Childers seconded the motion. Motion carried without opposition.

Executive Session: At 8:50 p.m. Wallace made a motion to go into executive session for 10 minutes to discuss the acquisition of real estate relating to the levee project. Childers seconded the motion. Motion carried without opposition. Leffler and Rawlings excused themselves from the executive session due to a conflict of interest.

At 9:02 p.m. Wallace made a motion to exit executive session with no action being taken. Childers seconded the motion. Motion carried without opposition.

Adjourn: At 9:03 p.m. Wallace made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
JANUARY 18, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on January 18, 2010, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Robert Griffith and Ronald Reavis. Councilmember Holly Harper was absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Inspector Dan Allen, and City Clerk Erica Jones. Visitors present were: Michael McDermott, David McDonald, D.J. McDonald, David Dewhirst, Sharon Sudduth, Martin Goedecke, Ray Jones, and Eric Christinat.

Prayer: Pastor Larry Snodgrass, Haverhill Christian Church, gave the invocation.

Minutes: Leffler stated that he may have voiced his vote late, but that he did not vote to oppose adjourning the executive session. Wallace stated in the Informational Memorandum section in the minutes the sentence "Wallace stated the term "inferred"." should be changed to "Inferriions don't count." Reavis made a motion to approve the minutes from the January 4, 2010 meeting. Childers seconded the motion. Motion carried without opposition.

Appropriations:

December (12B): Huddleston inquired about the payment to AMEC. Keefer stated it was for the Walnut Levee Certification. Huddleston inquired about the amount of the payment to the Augusta Animal Clinic. Keefer stated it was for two month's bills. Huddleston asked if there was any more discussion about going a different route. Keefer stated there are not a lot of options that are cost effective or feasible at this time. Keefer stated there have been discussions with the clinic and that they have not increased the base fee for a number of years. Huddleston inquired about the payment to Southwest Butler Quarry. Keefer stated it was for the purchase of rock for Santa Fe Lake. Wallace inquired about the payment to Stanion. Keefer stated they are costs related to the relocation of the electrical lines in the park as part of the levee project. Keefer stated there would be close to \$40,000 in expenditures for this in 2009 and much more in 2010. Wallace made a motion to approve Ordinance 12B in the amount of \$788,960.83. Huddleston seconded the motion. Motion carried without opposition.

December (12C): Huddleston inquired about the payment to Edward B. Stephenson & Co. Keefer stated it was for the audit of the Library's 2008 financials, and that the Library will start paying the cost of their audits beginning with the 2009 audit and then on. Griffith made a motion to approve Ordinance 12C in the amount of \$125,843.14. Rawlings seconded the motion. Motion carried without opposition.

January (1): Wallace stated he wants everyone to know that we pay Coventry Health Care close to \$60,000 a month for insurance for our employees. Wallace made a motion to approve Ordinance 1 in the amount of \$260,025.25. Huddleston seconded the motion. Motion carried without opposition.

Visitors:

Williams welcomed all visitors and stated that DJ McDonald from Douglass was present as a visitor and s receiving a merit point for this while working on becoming an Eagle Scout.

David Dewhirst from Wichita, President of Sabors Corporation, and Augusta Municipal Airport hanger tenant addressed the governing body. Dewhirst stated that he and other tenants have formed the Augusta Airport User and Tenant's Association because they see some issues at the Airport that need to be addressed. Dewhirst stated the specific purpose of forming the separate organization was to give them an opportunity to be a separate group. Since they are not part of the Airport Board they do not exist at the auspices of the city commission, so it would not be appropriate to tell them they have overstepped their bounds by speaking in an advisory capacity only. Dewhirst stated they hope to bring a sense of business guidance instead of emotionally as has been done in the past. Dewhirst stated their appears to be a resolution to the issues before the council, but he doesn't see the issue being resolved given the current path the city is taking in dealing with issues. Dewhirst stated he sees no sense in crucifying Mr. Stultz. Dewhirst stated that his company owns, manages, and accrues twenty aircrafts and do a variety of consulting on other issues, and if one of their people came to them about relocating to the Augusta Airport he would have to tell them it is a mess. Dewhirst stated the Association has a list of items they will be addressing over the next several months and would like to address the governing body later with those concerns. Williams asked when the Augusta Airport User and Tenant's Association was formed and Dewhirst stated it was three weeks ago.

#### Old Business:

Aerospace Products, Inc.: Ken Stultz, President of Aerospace Products, Inc. and Air Capital Jet Sales, from 8919 Boxthorn in Wichita was present to address the governing body. Stultz thanked the council, staff, and city attorney for their time. He explained that his mother passed away just prior to the previous meeting discussing his lease and he was not able to attend the meeting. Stultz stated there were already issues before he came to the Airport that were out of his control. Stultz stated his purpose at the Airport is to benefit the owners and operators that utilize the Airport. He stated it is a great airport and he wants aeronautical activity out there. Stultz stated he wants to conduct his business on an airport freely and want to provide aeronautical activity. Stultz stated he understands there are issues and a divergence at the Airport. Stultz stated he is a proponent of aviation and is committed to it and his resolve is to see growth in the aeronautical area at the Airport. He said whether or not he is a tenant he will continue to be an advocate to encourage general aviation at the Airport because he feels it is an important industry. He wants to add aircraft maintenance and windows to his business and hire more people. Stultz stated he wants to be at the Augusta Airport, but there are issues that need to be resolved which would make a better environment for those out there. Stultz asked once they are gone, who will be there to provide aeronautical services. Stultz stated it seems like everyone has left the Airport, which is not a good path. Williams asked Stultz if he had any questions for the Council. Stultz stated it would obviously be an unnecessary expense and economic burden for him to move. Stultz stated he utilizes the facility and pays his rent on time, and he doesn't understand what happened except that he objected to some things which he was within his right to do. Stultz stated he would like the opportunity to stay at the Airport and conduct his business.

#### New Business:

Engineering Services: Leffler made a motion to approve an Engineering Services Agreement with Goedecke Engineering for the KDOT Ohio and Kelly Street Intersection Project. Childers seconded the motion. Motion carried without opposition. Keefer stated that before 2010 is over, we will have to start acquiring some of the right of way for that project.

Change Order: Council considered approval of Change Order #1 for the 2009 Street Sales Tax Project. Huddleston asked if the terrace wall at 12<sup>th</sup> and Osage listed as item #14 was part of the sales tax project. Goedecke stated that was an error, that it should have been listed as the terrace wall at

12<sup>th</sup> and Ohio. Leffler made a motion to approve Change Order #1 for the 2009 Street Sales Tax Project. Rawlings seconded the motion. Motion carried without opposition.

Sign Regulations: Council considered approval of an Ordinance amending the Sign Regulations Chapter of the City's Zoning Regulations. Williams referenced #11 and #12 on page 14 and stated that in the work sessions we talked about square feet and gross area and that both sides may be used. Williams stated she would advocate for #12 to read the same way as #11. Leffler asked if this includes residential areas. Keefer stated only a 2x2 political sign would be allowed in residential areas. Dan Allen stated that both sides of a 4x8 sign would increase the gross area to 64 feet. Reavis stated section 3A defines gross area and that adding that both sides may be used would contradict the definition. Williams stated we need to be consistent. Wallace made a motion to amend #12 on page 14 to read like #11 and to approve Ordinance 1994 as amended. Reavis seconded the motion. Motion carried with Rawlings opposed. Rawlings stated he opposed because he remember the discussion that political signs would be a maximum of 4x4 feet.

Reavis made a motion to approve Resolution 2010-08 establishing the fees for sign permits as follows: Temporary Permit not requiring a special use designation \$15.00, Permanent Sign not requiring a special use designation \$15 base fee plus \$6.00 up to 10 sq. ft. plus \$1.00 per sq. ft. over 10 sq. ft., and for signs requiring a special use designation a \$10.00 fee in addition to the standard permit fee. Leffler seconded the motion. Rawlings inquired about organizations and non-profits for local events. Williams stated that non-profits are exempt. Childers stated they will still have to apply for a permit. Motion carried without opposition.

Rawlings made a motion to approve Ordinance 1995 amending Appendix K of the 2003 International Building Code specifying sign types permitted in the Designated Main Street area. Childers seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Williams – Williams reminded the governing body of the code of ordinances work session scheduled for 6:30 p.m. on January 25<sup>th</sup>.

Williams – Williams stated it was good news that the Streetscape Project expenses only exceeded the budget by \$2,931.81 instead of the engineer's estimate of close to \$20,000. Williams stated Spring Cleanup is tentatively scheduled for April 10<sup>th</sup> to April 25<sup>th</sup>.

Keefer – Keefer stated the 500 block of Osage is included as part of the sales tax projects for 2010, but that there is another area of the storm sewer that is failing. Keefer stated that barricades have been put up and they will be there for quite a period of time. Rawlings inquired about using concrete barriers. Keefer stated that was considered, but was not used because of concerns about the added weight further damaging the storm sewer.

#### Final Comments:

Rawlings – Rawlings asked staff to look into our policy about ice fishing on the city's lakes. Jones stated it was not addressed in the city's code, but that it is allowed by the Kansas Wildlife and Parks. Wallace stated the city code doesn't prohibit ice fishing. Keefer agreed, but stated it doesn't allow it either. Keefer stated the city has shied away from consulting with Kansas Wildlife and Parks because once they get involved they start setting rules, regulations, and policies on what we can do with our lakes. Keefer stated the biggest concern with being on the ice is about safety, especially for children. Leffler made a motion to have David All draft an ordinance prohibiting being on the ice at Lake Augusta and Santa Fe Lake. Reavis seconded the motion. Motion carried with Huddleston opposing. Leffler asked Huddleston why he was opposed. Huddleston

stated that people have to have individual responsibility. Leffler agreed, but stated having this ordinance would allow the Safety Department to cite people who do get on the ice. Wallace stated it should also be posted that it is prohibited.

Wallace – Wallace stated the Volunteer Fire Department celebrated 100 years at the annual dinner held last weekend. Wallace stated the Volunteer Fire Department has saved the City hundreds of thousands of dollars over the years. Wallace also stated that Councilman Reavis has been a volunteer for 35 years. Wallace stated that the tape that he asked to review at the last meeting had been taped over.

Adjourn: At 7:56 p.m. Wallace made a motion to adjourn. Reavis seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
FEBRUARY 1, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on February 1, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Robert Griffith and Ronald Reavis. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Major Ray Marbut, Public Works Superintendent Cy Ricker, Parks Department Superintendent Brian Alfaro, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Eric Christinat, David Dewhirst, and Jim Adams.

Prayer: Councilman Rawlings gave the invocation.

Minutes: Wallace stated his comment under final comments should read "...hundreds of thousands of dollars...". Wallace made a motion to approve the minutes from the January 18, 2010 meeting. Childers seconded the motion. Motion carried without opposition.

Appropriations:

January (1 A): Reavis made a motion to approve Ordinance 1A in the amount of \$574,866.81. Griffith seconded the motion. Motion carried without opposition.

New Business:

Bids: Wallace made a motion to approve the bid from Rusty Eck Ford for two patrol vehicles in the amount of \$34,366 including trade. Harper seconded the motion. Motion carried without opposition.

Leffler made a motion to approve the bid from Prairie Land Partners for a utility tractor in the amount of \$22,370.88. Harper seconded the motion. Motion carried without opposition.

Rawlings made a motion to approve the bid from Wichita Tractor for a 15' mowing deck in the amount of \$10,205. Harper seconded the motion. Motion carried without opposition.

Rawlings made a motion to authorize the trade of a used 2006 6x14 foot dump trailer for a new 7x18 foot tilt trailer. Leffler seconded the motion. Motion carried without opposition.

Tax Exemption: Childers made a motion to approve the Annual Renewal of the Property Tax Exemption for Global Parts, Inc. for 2010. Harper seconded the motion. Motion carried without opposition.

Lake Augusta & Santa Fe Lake: Leffler made a motion to approve Ordinance 1996 prohibiting any person from being upon the surface or throwing objects on either Lake Augusta or Santa Fe Lake while the surface is frozen. Harper seconded the motion. Griffith inquired about the penalty. Mr. All stated it would be a general penalty of up to a \$1,000 fine and 30 days in jail. Reavis inquired about liability to the City. Mr. All stated he doesn't believe the City has a liability, but if the City knows the danger exists and allows it then there could be some liability. Huddleston inquired about the swimming that has continued to be allowed at Santa Fe Lake despite drownings. Wallace stated he understands the concerns over the safety of children, but that he heard from a lot of people that are fishermen that want to be able to ice fish. Wallace stated he thinks passing this ordinance would be a bad idea. Mr. All stated that sometimes we have to protect people from themselves. Mr. All stated that ice is a treacherous thing and that it has to be

cold a long time before it is safe, which breaking the ice with a sledge hammer as has happened was not safe. Huddleston stated the lakes have been there for more than 50 years and he doesn't think there has been an accident with ice, but there have been drownings at Santa Fe Lake. Huddleston stated why prohibit something when there hasn't been a hint of a problem and maybe consider the situations where there have been incidents, such as Santa Fe Lake. Williams stated this is a policy decision and we have to decide what is in the best interest of our citizens. Wallace stated he disagreed, that this is another issue of the government mandating what people do in their personal lives. Childers disagreed, stating this is a public lake not a private one. Rawlings stated he tends to agree that we are trying to protect the stupid person from being stupid, but we should re-word the ordinance to allow ice fishing for those over the age of 18 with a valid license who could ice fish at their own risk. Wallace stated he wouldn't have a problem with an ordinance written like that. Keefer asked who would monitor that. Rawlings he doesn't think we need to check it that if there was someone who fell through and we were slow to respond then... Williams stated we would have to respond, even if it were 20 minutes later. Wallace stated that under the proposed ordinance we would have to respond if anyone were out there. Williams asked Major Marbut for his thoughts on the matter. Marbut stated that a water rescue is different from an ice rescue. Marbut stated that in ice rescues there is sometimes only one hole for the divers to escape through, which makes it really risky for them. Marbut stated that a diver recently died in an ice rescue, and that he would be nervous about sending a rescue crew into an ice rescue situation. Huddleston asked if it is so dangerous why the State doesn't ban it. Williams stated it can be mandated from the local level. Mr. All stated if the ordinance is voted down therefore allowing those types of activities, it would be as if the City is endorsing those activities causing liability. Mr. All stated that in the last ten years or so there were a very rare number of times when the ice would have been thick enough to be safe. Mr. All stated that hopefully there doesn't have to be a fatality before we prohibit a dangerous activity. Williams stated if you allow people over 18 years old then you are endorsing it. Williams stated that the governing body has an ordinance in front of them and if they believe this is in the best interest of our citizens and officers then they should vote for it. Huddleston asked if the prohibition of throwing things on the ice would include a rock. Mr. All stated it would. Leffler called for question. Childers seconded. Motion carried with Wallace and Rawlings opposing. Motion to approve Ordinance 1996 was approved with Huddleston, Wallace, and Rawlings opposing.

**Kansas Municipal Utilities:** Wallace made a motion to approve a voluntary assessment for Kansas Municipal Utilities (KMU) in the amount of \$1,300 for their Legislative and Special Project Funds. Childers seconded the motion. Motion carried without opposition. Huddleston asked if these funds would be used for lobbying. Keefer explained that it help with addressing regulatory actions like dealing with the KCC for utility issues, if they had to go to Washington DC for legislation, or if they had to hire an attorney to intervene on a regulatory issue. Keefer stated they are trying to build up funds now instead of going back to the group each time they need funds for these types of actions.

**Informational Memorandum:**

**Williams –** Williams reminded the governing body that the next council meeting will be held on Tuesday, February 16<sup>th</sup>, due to the President's Day Holiday.

**Keefer –** Keefer stated he provided the governing body with a copy of an email from Glen Scott about the City's project on the ARRA Contingency list. Keefer stated that the bids for the ARRA projects have started coming in higher than at first which means there won't be funds available to cover the contingency list. Keefer stated they are determined to make sure the original projects are fully funded so they have pulled the contingency list. Keefer stated they have recommended we

continue to get the project ready to bid incase additional ARRA funds become available the next go around.

Final Comments:

Williams – Williams announced that staff is reviewing and updating the current emergency snow routes and will be presenting that to the council in the future. Williams stated she received something in her packet from Sheila Frakes about donating to Haiti, and if anyone was interested they could contact Sheila at 619-8829. Williams stated she appreciates the updated from the Augusta Art's Council and wants to express their need for support by donations, attending the movies, or donating your time or service.

Huddleston – Huddleston stated that he inquired about whether or not Mr. Stultz would be allowed to keep his airplane at the Airport, but that he has not received an answer from staff. Shaw stated he is working on drawing up a lease agreement. Huddleston stated that he still receives comments from viewers that it is difficult to hear speakers at the podium and asked if staff could look into that. Keefer stated it had just recently been worked on and Jones stated that it has improved. Williams asked if staff could look into a handheld microphone.

Adjourn: At 7:28 p.m. Harper made a motion to adjourn. Wallace seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
FEBRUARY 16, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on February 16, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Robert Griffith and Ronald Reavis. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Director of Electric Utility Bill Webster, Electric Production Superintendent Jim Sutton, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Stan Taylor, Willis Wilson, David Dewhirst, Eric Christinat, Jake Goldenstein and family.

Prayer: Pastor Steve Spencer, First United Methodist Church, gave the invocation.

Minutes: Reavis made a motion to approve the minutes from the February 1, 2010 meeting. Childers seconded the motion. Motion carried without opposition.

Appropriations:

February (2): Reavis asked why purchases are not being made by credit card. Jones stated cards have been issued to her, Shaw, and some Safety Department personnel. Huddleston asked if the purchases will be broken down by department. Jones explained that they would be broken down by purchases, but that her card may be used to purchase for multiple departments. Jones stated this is only the second statement and she is still looking into what reports are available. Harper inquired about the payment to Lehr's Motel. Keefer stated it was for one of the Airport Manager candidates that were interviewed. Harper made a motion to approve Ordinance 2 in the amount of \$673,896.50. Childers seconded the motion. Motion carried without opposition.

Visitors:

Jake Goldenstein, 7<sup>th</sup> grader at Augusta Middle School and regional winner of the League of Kansas Municipalities annual "If I Were Mayor" essay contest, read his essay to the governing body. Williams congratulated Jake and presented him with an award on behalf of the City of Augusta.

New Business:

Williams Petroleum: Rawlings made a motion to approve the request from Williams Petroleum to provide electric service to their storm water pumps. Wallace seconded the motion. Motion carried without opposition.

Westar Energy: Reavis stated the agreement states that they cannot run the pumps during peak time without the City's approval and that he doesn't know why we would require that because it could be restrictive for them to have to call each time. Webster stated they would rarely turn those pumps on so there shouldn't be an inconvenience, and this will help use save money since we are billed on the demand. Rawlings stated we don't want to sell them \$0.10 per kWh power when we are paying \$0.12 per kWh. Huddleston asked how much the City would make on this. Webster stated it will be \$200 per month plus the amount of kWh's they used. Wallace made a motion to approve a letter agreement with Westar Energy that would transfer electric service for the Williams Petroleum pumps to the City of Augusta. Reavis seconded the motion. Motion carried without opposition.

Southwest Power Pool Metering Project: Rawlings made a motion to authorize the Southwest Power Pool Metering Project and approving Mid-States Energy Works as the contractor for this project. Leffler seconded the motion. Motion carried without opposition.

Electric Dist Dept Building: Leffler made a motion to approve the purchase of the Straight Side w/Gable Top Quonset style building from SteelMaster Building, LLC. in the amount of \$35,650 to be erected by city crews. Harper seconded the motion. Motion carried without opposition.

Trailer Bids: Harper made a motion to approve the bid from Trailers and Hitches in the amount of \$5,650 for the purchase of a 16' tilt bed trailer to be used in the Electric Department. Reavis seconded the motion. Motion carried without opposition.

Code of Procedure: Council considered approval of the League of Municipalities "Code of Procedure". made a motion to adopt the League of Municipalities "Code of Procedure". Stan Taylor, 2005 Cron, addressed the council and stated he had a very difficult time finding the Code of Procedure online and didn't have any trouble locating information on Robert's Rules of Order. Taylor stated there were sections of the Code of Procedure that he didn't like and he doesn't see a reason to change it. Williams stated the Code of Procedure and Robert's Rules of Order are very similar and it takes a lot of time to find answers in Robert's Rules and parliamentary procedure does not always apply to what we are doing. Williams stated these are guidelines for conduct of the meetings and should not impact how the decisions are made. Williams thanked Taylor for his comments and stated that the governing body appreciates when citizens give their thoughts on matters before them.

Huddleston inquired about Sections 35 and 37 to which both Jones and Williams explained that those sections were set by State Statute. Huddleston voiced concern about Section 42 and the fairness of using majority vote to set procedures not addressed by the Code of Procedure. Huddleston stated he would rather it state that Robert's Rules of Order will be followed for matters not covered by the rules listed in the Code of Procedure. Several members of the governing body agreed.

Huddleston made a motion to adopt the League of Municipalities "Code of Procedure", omitting Section 40 and amending Section 42 to read "For those matters not covered by these rules, Robert's Rules of Order will be followed.". Rawlings seconded the motion. Motion carried with Wallace opposing.

Sanitation Rates: Council considered recommendations for new Sanitation Rates. Shaw stated that sanitation rates were reviewed last summer, but that staff recommended waiting until the first of the year to review the financials for the year end before making a decision on sanitation rates. Shaw stated the 2010 budget was set based on a sanitation rate increase. Discussion ensued regarding the limit on the number of containers and recycling. Huddleston stated he would like to see a rate comparison with other communities. Keefer stated that several of the comments and questions presented tonight are a great prelude to the long term discussion that will need to occur in the near future to address the types of trucks that will be purchased, the recycling program, and several other options available to the City including franchising of trash service. Reavis inquired about the rate difference between multi-family dwellings and residential and stated that he believes they should be the same. Huddleston stated he would prefer for the commercial rates to stay the same and to increase the residential rates by a smaller amount. After further discussion Williams stated the governing body would like to see two new options, including one where the multi dwelling rate is the same as residential and the other one with the commercial rate staying at \$14.95 as well as including a comparison with other communities. Rawlings made a motion to

table this agenda item until the next meeting. Wallace seconded the motion. Motion carried without opposition.

Butler County Solid Waste Committee: Huddleston made a motion to appoint Cy Ricker and Anthony Kraft to the Butler County Solid Waste Management Planning Committee. Wallace seconded the motion. Motion carried without opposition.

Kansas Wildlife & Parks: Council considered approval of the annual Operation and Maintenance Agreement with Kansas Wildlife and Parks. Discussion ensued regarding the length of time we will be required to agree to these terms and what the ramifications would be if it were not approved and signed. Keefer stated he would have to inquire about that. Wallace made a motion to table this issue until staff can research this further. Childers seconded the motion. Motion carried with Griffith opposing.

Work Session: Childers made a motion to schedule a work session for 7 p.m. on Monday, March 8, 2010 to review and discuss the levee project. Reavis seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Huddleston – Huddleston asked why the Water Treatment Plant software was allowed to go for so long without updating it. Keefer stated that the annual cost to update was excessive and there haven't been many issues in the past that would have required it. Keefer stated that the Water personnel believe there are better options available to us than what we have now. Rawlings stated that it would have been around \$50,000 per year to do the updates. Willis stated it is not unusual for this type of software to run its course. Huddleston asked if we didn't have enough notice to build up a reserve to pay for this. Keefer stated the Water Department does not have funds for a reserve, but that this was discussed last summer. Childers stated that there was discussion at that time about increasing the rates even higher to cover capital purchases like these. Keefer stated there are several different funding options available. Keefer stated staff is looking into the options and will bring those back to the governing body for direction in the near future.

Wallace – Wallace stated the new Airport Manager started yesterday.

#### Final Comments:

Griffith – Griffith inquired about the schedule for repairing the Osage problem. Keefer stated it will hopefully be ready to bid at the end of March or first part of April.

Williams – Williams stated she will be out of town for the next council meeting. Williams stated she will have the evaluations for the City Manager tallied and will provide those to the governing body at the second meeting in March.

Williams stated that a fund has been set up for William Skaggs at Emprise Bank for purchasing a vehicle he can use to transport himself. Williams stated this was a State law that prohibited him from using the golf cart. Childers reiterated that it was a State Statute, not a local law that prohibits the use of the golf cart. Childers stated the Department of Public Safety worked diligently to locate a vehicle that Skaggs could legally use and spoke to Wal-Mart and Dillon's about donations. Huddleston asked if the city could allow use of golf carts because of Home Rule. Mr. All stated that you cannot override the statute, but Keefer stated that the statute itself does provide for cities to allow golf carts but only within certain parameters. Keefer further explained that Mr. Skaggs would not be able to use a golf cart within the parameters set by the State, which includes having a valid driver's license. Keefer stated we have held off enforcing it

for a significant amount of time for another solution to be found and that Chad McCluskey with the Safety Department has spent a large amount of his time off duty researching options and speaking to people about donations. Keefer stated he and the City wants to make sure Skaggs maintains his independence and is taken care of, and that it is unfortunate that he is caught in the middle of this.

Wallace – Wallace stated he was contacted by a person outside of the city limits that received a letter about removing a sign. Wallace stated that because it is located within the City's growth area, it is subject to the City's zoning regulations. Wallace stated he would like to direct staff to look into annexing property to the north and south ends of town. There was a consensus from the governing body to move forward with the prospect of annexing to the south and looking into the possibilities of annexing to the north. Wallace asked if there has been any more information on the trail ownership yet. Keefer stated there has not.

Huddleston – Huddleston stated that funds were budgeted last year for new chairs for the Council and that they were not purchased. Keefer stated that repairs of the City Hall sewer line used up much of the capital improvement funds set aside for City Hall in 2009. There was a consensus from the governing body to look into the purchasing of new chairs for the Council.

Adjourn: At 9:07 p.m. Harper made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
MARCH 1, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on March 1, 2010, with Council President Robert Griffith presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, and Ronald Reavis. Mayor Kristey Williams was absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Director of Electric Utility Bill Webster, Electric Production Superintendent Jim Sutton, Public Works Superintendent Cy Ricker, Sanitation Foreman Anthony Kraft, Public Works Secretary Shirley Kirkpatrick, and City Clerk Erica Jones. Visitors present were: Michael McDermott and Tony Madrigal.

Prayer: Chaplain Mark Sommerville, Hospice Care of Kansas, gave the invocation.

Minutes: Reavis made a motion to approve the minutes from the February 16, 2010 meeting. Leffler seconded the motion. Childers stated that the last paragraph on page three should read "golf cart" not "golf card". Wallace stated that during the discussion about the Code of Procedure that Jones stated in reference to section 35 that the Mayor having veto power is per State Statute. Motion carried without opposition.

Appropriations:

February (2A): Huddleston inquired about the payment to the Gazette in the amount of \$2,965.17. Keefer stated that around \$1,700 of the charges were for the publication of the sign ordinance which took up two whole pages. Huddleston inquired about the purchases made from Carlson Hydraulics. Ricker stated it was for snow plow parts. Huddleston stated the payment to City of El Dorado for water purchase was low. Keefer stated there was a credit on the account because we were over-billed for December. Reavis inquired about the payments to the State Treasurer for GO Bond payments. Keefer stated it is for a combination of several bonds, mostly made up of special improvements bonds but also including the library, pool, and refinancing of water utility bonds, and that they payments are generally made twice per year. Wallace made a motion to approve Ordinance 2A in the amount of \$872,657.42. Reavis seconded the motion. Motion carried without opposition.

Visitors:

Griffith introduced the new Airport Manager, Daniel White. White stated he is excited to be here and looking forward to the future for the Airport.

Old Business:

Wildlife & Parks: Wallace asked how long this will have to be continued. Keefer stated in perpetuity. Keefer stated the consequences are that if we do not comply it could impact our opportunity for federal grants in the future. Huddleston stated there is no requirement to send the agreement back every year. Keefer stated that it is an annual reminder of our obligation. Wallace stated he would like to find a way to nullify the agreement after this length of time, as it does not allow us to control our own lakes. Keefer stated that has been the reason for reluctance to accept their assistance with stocking fish at the city lake as most recently noted in the discussion on the spillway and dam project. Wallace asked if staff could look into what it would take to nullify this agreement and Reavis stated it might take the act of a state legislator. Rawlings stated that would not be a very good use of tax dollars. Huddleston stated the agreement is not reasonable. Reavis made a motion to approve the annual Operation and Maintenance Agreement with the Kansas Wildlife & Parks. Childers seconded the motion. Motion carried with Huddleston and Wallace opposing.

Tilt Bed Trailer Bid: Council reconsidered bids for a tilt bed trailer for the Electric Department. Huddleston asked if there was any implied contract by acceptance of the previous bid. Mr. All stated that since they did not include sales tax, the bid did not meet the specifications and we would have no obligation to

accept the bid. Wallace made a motion to rescind the action taken at the February 16<sup>th</sup> meeting to award the bid to Trailer & Hitches and in turn award the bid to the next lowest bidder in the amount of \$5,695, Kansas Underground, and accept the two exceptions to the bid specifications. Childers seconded the motion. Reavis stated he does not believe Trailers & Hitches acted maliciously or intended to leave the sales tax off the bid, and that even when adding the sales tax onto the bid it would still be the lowest bid that met the specifications. Wallace stated the other bid would exceed the expectations in one area and not in the other area. Childers asked Webster for his opinion. Webster stated the trailer bid from Kansas Underground did not meet the specs, but that it would fit the department's needs. Reavis asked where Kansas Underground is located and Webster stated on 53<sup>rd</sup> Street in Park City. Reavis stated for only a couple hundred dollars in sales tax, it would make sense to go with the local vendor that did meet the specs. The motion to rescind the action taken at the February 16<sup>th</sup> meeting failed because of a 4 to 4 tie with Harper Reavis, Rawlings, and Leffler voting in opposition.

Reavis made a motion to approve the bid from Trailers & Hitches in the amount of \$5,650 plus sales tax. Leffler seconded the motion. Motion carried with Wallace, Huddleston, and Griffith opposing. Childers stated that perhaps staff should look at a standard bid form to clarify if sales tax is applicable.

**Sanitation Rates:** Council considered approval of an Ordinance for new Sanitation Rates. Harper stated she had a number of calls from citizens thinking that changing to once a week pick-up would save money. Keefer stated this conversation has been had a number of times and that there is a misconception that once a week pick-up will cut costs. Keefer stated that one pick-up per week will not reduce the amount of refuse taken to the landfill and that there is no way the current routes would be able to be completed in one day so the drivers would have to still split the routes out over four days. Keefer stated it may increase the number of trips to the landfill. Huddleston asked then why does every other city only have once a week pick-up. Keefer stated he doesn't know, but that our community has shown a preference for twice a week pick-up. Keefer stated that could be changed, but that there would be no cost benefit to do so. Keefer stated there will have to be a long term discussion in the near future, but if we reduce the flow to the landfill then it could lower the costs for once a week pick-up but there would be a cost for recycling.

Wallace stated that we will probably be federally mandated in the near future to recycle and if we stay at twice weekly pick-ups then we would be able to transition to once a week trash pick-up and the second day could be a recycle pick-up day. Huddleston stated that we charge citizens extra money so we can recycle and that if we took everything to the landfill instead of recycling it would actually be cheaper. Huddleston stated the County is talking about mandating recycling but they are importing trash from out of the County to make enough money. Rawlings stated there was a big reduction in tonnage when they quit taking grass clippings. Wallace made a motion to approve Ordinance 1997 increasing the Residential and Multi rates to \$13.00, keeping the Commercial rate at \$14.95, and dumpster rental and fees by 15%. Huddleston seconded the motion. Motion carried with Leffler opposing.

**New Business:**

**Insurance:** Wallace made a motion to accept the bid from Madrigal & Welch for the City's liability and property insurance coverage for 2010/2011 in the amount of \$279,660. Harper seconded. Motion carried without opposition. Reavis inquired about the City carrying coverage for non city-sponsored events. Tony Madrigal stated that they would not be covered by the City's policy and they would have to provide a certificate of insurance. Keefer stated he didn't think it would be a good idea to accept liability for any event that we do not have oversight of. Reavis agreed.

**Levee Project:** Reavis made a motion to purchase a 0.71 acre tract in fee simple in the amount of \$6,745 located behind 1705 Sunset Drive owned by William and Sharon Slade. Childers seconded the motion. Huddleston inquired about the damages included. Keefer stated it is for loss of trees. Motion carried without opposition and with Rawlings abstaining due to a conflict of interest.

Reavis made a motion to purchase a 2.20 permanent flowage/ponding easement in the amount of \$14,520 located behind 1705 Sunset Drive owned by William and Sharon Slade. Wallace seconded the motion. Motion carried without opposition and with Rawlings abstaining due to a conflict of interest.

Wallace made a motion to purchase a 192 square feet tract in fee simple in the amount of \$404 located behind 1704 Highland Drive owned by the Claude Keck Estate. Harper seconded the motion. Motion carried without opposition and with Rawlings abstaining due to a conflict of interest.

Compost/Limb Site Permit: Wallace made a motion to approve Ordinance 1998 requiring a permit for Commercial Businesses to dump grass clippings, yard waste and tree limbs at the City's Compost/Limb Site. Huddleston seconded the motion. Reavis asked if it was necessary to include USD 402's exemption in the ordinance. Jones stated it was done for clarification purposes and Mr. All stated that it is sometimes important to state the obvious. Huddleston stated that other businesses like LakePoint would be able to dump at no charge so why would the Schools have to be specified. Jones stated they would be exempt as long as they do not contract with a commercial operator. Griffith called for the question. Childers seconded. Motion to call the question carried. Motion to approve Ordinance 1998 carried without opposition.

Electric Rates: Rawlings made a motion to approve Ordinance 1999 amending the City's Electric Utility Rates. Reavis seconded the motion. Motion carried without opposition.

Utility Billing Software: Rawlings made a motion to authorize staff to move forward with the negotiations of a final price for the conversion to Able Software's Utility Star Platinum software and to begin the conversion process. Harper seconded the motion. Reavis asked what is included in the annual maintenance and support. Jones stated it includes all updates to the software and unlimited support. Motion carried without opposition.

Power Purchase Agreement: Wallace made a motion to approve Resolution 2010-04 authorizing the execution of an Amendment to a Power Purchase Agreement between the City of Augusta and the KMEA for the purchase of up to 4 megawatts of base load power from the Grand River Dam Authority. Huddleston seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Keefer – Keefer stated that the County took action today to authorize the removal of the old bridge over the Whitewater River and that they are looking for funding from FEMA. Wallace asked how much money the County made when they took over that property from sale of scrap. Keefer stated he didn't know. Keefer stated the ultimate goal is for us to own that property.

Rawlings – Rawlings stated that he agrees that use of the area between Osage and Dearborn as a short cut needs to be restricted, but that it would behoove us to maintain the gravel area between Osage and School that is being used for truck parking. Rawlings stated it would help our citizens who drive trucks to support their families and keep them from driving the trucks throughout town to find somewhere to park them.

#### Final Comments:

Griffith – Griffith stated that Keefer was approached by MKEC about interest in providing water to the Mulvane Casino. Keefer stated he was contacted this afternoon and asked if the City would be interested in being an interim provider of water to the casino until the City of Mulvane could build a water plant. Keefer stated he told them there were mixed emotions on this as we are supposed to be the sole provider of water to the City of Mulvane. But, Keefer stated, this would be a good opportunity for us to sit down with the City of Mulvane to review their contract and negotiate a new one more in our favor. Keefer stated he would recommend if the governing body were interested in being the interim provider it should be subject to the City of Mulvane talking to us about their contract. Keefer stated the water line

is almost 60 years old and we cannot afford to replace that line and per their contract they do not have to pay anything towards the repairs or replacement of the line. Keefer stated there is another 20 years remaining on the contract. Griffith stated it would be prudent to have the contract reviewed to see if we can legally be their sole provider. Keefer agreed. There was a consensus from the governing body to let staff show openness to be the Interim provider subject to review of the City of Mulvane water contract.

Reavis – Reavis asked staff if they were aware of an article in the newspaper about the League of Kansas Municipalities soliciting donations to assist with the cost of their 100 year celebration at this year's conference. Keefer stated staff received those solicitations and due to the current economic situation didn't feel that would be a good use of city funds.

Reavis stated he has heard concerns by citizens about the number of traffic accidents in front of the High School and that those are being associated with the fact that the area is no longer in a 20 mph school zone. Reavis asked if it would be feasible to look at reestablishing the 20 mph school zone. Reavis stated that while there may not be too many accidents, because of the rate of speed in that area the accidents have been pretty severe. Wallace asked why the 20 mph school zone was removed. Keefer stated that it was a result of the traffic study that was done when the traffic light was installed at Ohio and Belmont. Mr. All stated there were also several side streets where cars turn onto Ohio that are not marked and those drivers were unaware of the school zones. Reavis stated there is probably one accident per month but they are more serious types of accidents and he would like it to be investigated to see if the school zone is needed. Rawlings stated the study is not very old and Keefer stated it was done around 1999. Childers stated he would be interested in seeing the number of accidents. Mr. All stated it is harder to pull out of the parking lot into 20 mph traffic than it is into 35 mph traffic. Keefer stated he will pull the information on the traffic study and include it in the next council packet.

Wallace – Wallace stated there are a lot of radio commercials on Channel 7 and asked if we were allowed to use the radio for Channel 7. Keefer stated we are.

Huddleston – Huddleston stated property evaluations are being received and many of the people he has spoken to indicate there has been a reduction. Huddleston asked if staff has heard anything from the County. Keefer stated that we don't hear anything until early summer, but that the County had indicated to him they expected them to be pretty level for the next two years. Keefer stated if there is a significant reduction that could have a large impact on our budgets.

Childers – Childers stated the new microphone at the podium seems to be working well.

Adjourn: At 8:29 p.m. Harper made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
MARCH 15, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on March 15, 2010, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, and Robert Griffith. Council members Holly Harper and Ronald Reavis were absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Airport Manager Daniel White, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Bill Kincaid and several other Lions Club members, Angie Baur, Willis Wilson, A.J. Hefel, Lori Hefel, Terry Duncan, and Jim Adams.

Prayer: Chaplain Mark Sommerville, Hospice Care of Kansas, gave the invocation.

Minutes: Leffler made a motion to approve the minutes from the March 1, 2010 meeting. Huddleston seconded the motion. Motion carried without opposition.

Appropriations:

March (3): Wallace made a motion to approve Ordinance 3 in the amount of \$283,494.79. Rawlings seconded the motion. Huddleston asked about the "C/C" description and Jones stated it stands for City Clerk. Huddleston asked about the expenses related to the Ohio and Kelly Intersection Project. Keefer stated it was for the engineering costs paid to Goedecke Engineering. Motion carried without opposition.

Visitors:

Angie Baur from the Community Foundation of Butler County was present to give a brief overview of their competitive grant process and to encourage those with 501C3's to apply.

A.J. Hefel, Airport Advisory Board Chairman, was present to discuss business related to the Airport Advisory Board. Hefel read the unapproved minutes from the February 9, 2010 Airport Advisory Board meeting. Hefel stated they visited about the new Airport Manager, acknowledged the improvements that have been made with regard to snow removal, discussed various airport projects, and reviewed the minutes from the December 11, 2009 and December 28, 2009 Airport Advisory Board meetings. Hefel stated that it the Airport Advisory Board recommends to the Governing Body that they direct staff to enter into negotiations for a new contract with ARTDG and NIAR. Hefel stated the Airport Advisory Board has been tasked with finding ways to make the Airport more financially stable and they feel that the Airport should be making the profit from the lease of Airport property not a separate entity. Hefel stated the Airport Advisory Board has done everything it can to improve the Airport and that they have no intention of hurting the Airport. Hefel stated they love aviation and want to serve the Airport, City of Augusta, and the community. Hefel also stated that his tenure is up and he has not been asked to continue serving on the Airport Advisory Board. Hefel stated he learned a valuable lesson, to never confuse politics with responsible government.

Bill Kincaid, representative of the Augusta Lions Club, was present to request a reduction in the permit fee for a fireworks stand. Kincaid stated that their profit from last year's stand was \$2,880 and that the City made more of a profit on their stand than they did. Kincaid read a list of the major contributions they have made including the smaller picnic shelter at Robert Shryock Park, donation to the Augusta Arts Council for Digital Camera projects, a sidewalk at Bill Reed Park, new benches at the playground, college scholarships, sponsored a screening unit at the Health Fair in El Dorado, sponsored Trick-or-Treat Street movie, sponsored a picnic for the Augusta National Guard detachment, maintain the Lion Gary Dryden shelter house, sponsor students to KS Girls/Boys State, donate food and money to the Augusta Caring Center, sponsor students to the Kansas Lions Band camp, and support the KU Medical Center Ophthalmology Lab.

Griffith asked if there isn't already part of the fee that is refunded. Keefer stated there is a separate \$2,500 deposit that is returned. Keefer stated that \$500 of the \$5,500 license fee goes to the annual fireworks display and that the balance of \$5,000 is used to cover the costs associated with ordinance administration including inspections, an increase in calls to the Safety Department and cleanup of the debris. Keefer stated the license fee has been set at this amount since the beginning and was somewhat based on what Andover was charging at the time.

Wallace asked if the Augusta Lions Club is the only non-profit that has a stand in Augusta. Keefer stated they are the only ones that purchase the fireworks themselves and then sells them at their stand. Keefer stated that some of the vendors that have stands in town have local non-profits run their stands for them and then give them a portion of the profits.

Childers asked if staff knows what the City of Andover is charging now and Keefer stated he does not. Childers stated he would be interested in what Andover, El Dorado, Rose Hill, and other area communities are doing. Williams stated an option would be to provide for a refund if the non-profit is putting those funds back into infrastructure within the community. Huddleston asked about those non-profits that don't put infrastructure within the community. Williams stated they wouldn't be eligible for a refund then. Wallace stated he would like to see staff look into the option of providing for a refund up to \$2,500 if funds are invested in infrastructure within the community. Williams stated for non-profits only and Huddleston stated it would be best to identify the non-profits as those that file a 990. Keefer stated staff will discuss it and bring something back for the next meeting.

#### New Business:

**Project Engineer:** Williams asked if the projected costs include engineering fees. Wilson stated they do. Keefer stated that we have really been working hard to resolve the issues with sludge storage. Huddleston asked if this will resolve the sludge issues. Wilson stated that according to his studies it will address the sludge issues. Wallace inquired about the life expectancy and Wilson stated it is 20 years. Wallace asked if it will cover growth. Wilson stated it covers ½% to 1% growth per year. Keefer stated the largest increase in flow occurs when we have a heavy rain event. Leffler inquired about the time schedule. Wilson stated the design will take six months and construction will be one year.

Griffith asked what kind of an impact the casino could have on this. Keefer stated he has responded to their requests twice about the city providing them water and they have not been responsive, so at this point they are on their own. Huddleston asked if funds will start being built into the reserve to pay for repairs or would it require another rate increase. Keefer stated that funds are already being put into a reserve and that as of right now he does not foresee there being a rate increase to cover these costs. Keefer further stated that he sees there actually being a slight reduction in operation costs. Wallace made a motion to approve Aqua Tech Engineers as the project engineer for various projects at the Wastewater Treatment Plant. Huddleston seconded the motion. Motion carried without opposition.

**Mowing Agreement:** Griffith made a motion to approve a mowing agreement with Williams Petroleum for 2010. Childers seconded the motion. Motion carried without opposition.

**KMEA Appointment:** Rawlings made a motion to appoint Jim Sutton as the City's Board of Director #2 to the Kansas Municipal Energy Agency (KMEA). Huddleston seconded the motion. Motion carried without opposition.

**CIP Review Committee:** Williams asked how often the committee will be meeting. Shaw stated that it will be no more than six times a year. Williams stated the meetings will probably be in the mornings during the week. Wallace made a motion to approve appoint Huddleston to the Capital Improvement Plan Review Committee. Motion died for lack of a second. Huddleston made a motion to appoint Childers to the

Capital Improvement Plan Review Committee. Childers stated that he would have to decline. Motion died for lack of a second.

Both Leffler and Wallace stated they would be willing to volunteer to be on this committee. Wallace questioned Leffler because of his involvement on multiple committees and stated the second ward is not very represented on committees. Leffler stated he is only on one committee and it has only met once in the last couple years since he has been on the committee. Childers made a motion to appoint Leffler to the Capital Improvement Plan Review Committee. Wallace seconded the motion. Motion carried without opposition.

Informational Memorandum:

Huddleston – Huddleston inquired about the monthly financial reports and the revenue reported for the Guernsey Hangar and the amount not adding up. Staff stated they would have to look into and get back to him.

Williams – Williams stated she appreciated the information about the traffic study for Ohio as Reavis had requested, but that the governing body might want to wait to discuss this item until Reavis is present to be involved in the discussion.

Wallace – Wallace stated staff did a great job on finding the aircraft tug at such a great price. Wallace inquired about the funds from FEMA for assistance with the spillway and asked if that would mean we would have to comply with their requests like we do the Kansas Wildlife and Parks after accepting their funding. Keefer stated these funds are received as part of a reimbursement of funds expended as a result of weather events that are declared disasters. Jones stated that the State and FEMA inspect the damages and determine what the cost of the repairs will be. They then reimburse the City for a percentage of those repairs. Jones stated the only requirements are that the funds be used as identified by the State and FEMA and that the work be completed within the specified time as provided by the State and FEMA.

Huddleston – Huddleston asked if the City of El Dorado's increase on our raw water is based on an average CPI. Keefer stated it is based on a five year average. Griffith asked if it can be passed on to the City of Mulvane and Keefer stated it could.

Final Comments:

Williams – Williams stated that Butler Community College will be having a Grizzlies Give Back day on April 24<sup>th</sup> and that the students and staff will be working on various projects. Williams encouraged people to submit projects to them. Williams also stated this day will coordinate with the city's annual spring clean-up. Williams asked what the Council thinks about participating in a project like this on that day. Keefer stated there are all sorts of potential cleanup projects such as helping elderly or handicapped people cleaning up their property or helping to haul items off for spring clean up that they are unable to haul themselves. Keefer stated that City Inspector Dan Allen has several ideas for projects and that several members of staff would be interested in working on a project like this. There was a consensus to have Williams come back to the governing body with ideas for a project.

Williams stated that Myrna Rogers and the Women's Auxiliary are interested in painting the council room for us and cleaning the blinds. Williams stated that a group of local pastors are working to come up with a group for Numana to provide food to Haiti. Williams also stated that staff has provided the Council with their official copies of the code and that this will remain their official copy after it is approved.

Griffith – Griffith stated that our representative at the Butler Community College trustee meetings, Carter Zerbe, has been voting against several projects and that we might want to keep abreast of those issues. Wallace asked if Griffith meant the college that does not have a physical presence in our community. Williams stated she will check with Dr. Jackie Vietti to see if the offer still stands for the Council to meet with

her. Williams stated there will be an Eggs and Issues at 9 a.m. on March 27<sup>th</sup> at LakePoint and that there is no cost to attend. Williams stated this is a good way to keep in touch with our legislators.

Wallace – Wallace stated there is a big hole behind IGA. Keefer stated it is by the manhole and that it is a very deep manhole. Keefer stated staff is trying to get the County to come in and help get that repaired.

Executive Session: At 8:10 p.m. Childers made a motion to go into executive session for 20 minutes to discuss personnel issues for non-elected personnel. Huddleston seconded the motion. Motion carried without opposition.

At 8:30 p.m. Huddleston made a motion to exit executive session with no action being taken. Childers seconded the motion. Motion carried without opposition.

Adjourn: At 8:31 p.m. Childers made a motion to adjourn. Wallace seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
APRIL 5, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on April 5, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Ronald Reavis, and Robert Griffith. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Kelsi Holsey, Bill Kincaid, Corky Cook, Martin Goedecke, Deb Cossel, Mike Kuestersteffen, Zach Kuestersteffen, Ben McCormick, Joyce Standfast, and Dylan Standfast.

Prayer: Chaplain Michael Longden, Aseracare Hospice, gave the invocation.

Minutes: Wallace made a motion to approve the minutes from the March 15, 2010 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

March (3A): Wallace inquired about the purchases made at Baysinger. Keefer stated that it was for various items, such as uniforms, belts, holsters, etc. that were budgeted for the Safety Department. Huddleston inquired about the payment to Card Services out of Electric Administration and the lack of sales tax. Jones stated that the City is not generally billed for sales tax and that the sales tax for all purchases related to the electric utility that were not billed sales tax is paid monthly with the compensating use tax. Huddleston made a motion to approve Ordinance 3A in the amount of \$1,017,626.79. Wallace seconded the motion. Motion carried without opposition.

March (3B): Wallace inquired about the payment to the Library. Keefer stated it was a distribution of revenue that is included in the annual budget. Huddleston inquired about the quarterly report from the Chamber for the CTB. Williams stated that the annual report was included in the packet. Huddleston stated he thought they were supposed to be submitting a quarterly report. Keefer agreed and stated he would follow up on that. Huddleston inquired about the expense from the Swimming Pool fund in the amount of \$1,286. Jones stated it was for the down payment to Madrigal and Welch for the City's insurance. Huddleston asked if the payment to Richard Ritter was for training for the Safety Department or for tuition reimbursement. Keefer stated it was tuition reimbursement. Griffith made a motion to approve Ordinance 3B in the amount of \$344,848.95. Huddleston seconded the motion. Motion carried without opposition.

Visitors:

WFO Car Club: Corky Cook, representing the WFO Car Club, made the annual request to block off State Street for the car show on August 7<sup>th</sup>. Cook thanked the Council, Keefer, and city personnel for their assistance in making this event run smoothly and thanked everyone for the last minute effort with regard to the Streetscape project last year. Cook stated they will be running the wire for the speakers as a way to show their appreciation to the City. Williams reminded them to get event liability insurance and Keefer stated staff would work with the club to get whatever they need before the event. Huddleston made a motion to grant WFO Car Club's request to block off State Street on August 7<sup>th</sup> for the annual car show. Harper seconded the motion. Motion carried without opposition.

Old Business:

Fireworks: Council considered approval of a policy allowing for the reimbursement of a portion of a Fireworks Stand Permit Fee and the related forms. Wallace stated he would like to see a place on the Refund Request Form to show who inspected it and when. Shaw and Jones both stated that would be easy to add. Huddleston asked if this would rush the organizations to complete their projects prior to the end of the year. Keefer stated for budgetary purposes we do not recommend to have to refund for prior years

permit fees. Jones stated the organizations can begin the projects prior to having the fireworks stands, that they do not have to wait until July to start the project. Keefer agreed and stated he could pull the permits and complete the project any time during the year as long as it is completed and submitted for reimbursement prior to December 31<sup>st</sup>. Wallace made a motion to approve the policy allowing for the reimbursement of a portion of a Fireworks Stand Permit Fee and the related forms including the addition of space for inspection information. Huddleston seconded the motion.

Reavis stated that the section for the description of the location and facilities is duplicated on the Application for Retail Sales. Shaw stated that was a misprint and will be collected. Reavis stated this is a good program but asked how much is budgeted for the fireworks stands and could this effect the budget. Keefer stated that he budgets for two each year and that we have three or four. Jones stated that only one of four stands last year would have qualified for a reimbursement. Reavis stated he doesn't want there to be a shortfall of projected revenue. Motion carried without opposition.

Engineering: Reavis asked how much of this project can be done at the same time, or will this require one thing to be completed before moving on to the next item. Holsey stated that the construction can start at the beginning, but that they will have to work on a schedule with the Wastewater Plant for shifting over. Keefer stated there will be a time period when one of the vacuum drying beds will be out of operation, which will leave only one operating. Keefer stated this will be a big challenge. Huddleston asked if the weather would factor into that. Keefer stated it would not. Reavis asked if this project would be under the umbrella of one contractor. Keefer stated there would be several different contractors doing different parts of the project. Huddleston referred to the settled lawsuit on the design of the Wastewater Plant and asked if Wilson is telling us this will work. Keefer stated the original design was the issue, and he believes the belt filter press will address the issues we have with sludge. Reavis made a motion to approve an Engineering Services Agreement with Aqua Tech Engineering for improvements and repairs to the Wastewater Treatment Plant. Rawlings seconded the motion. Motion carried without opposition.

#### New Business:

Emergency Snow Routes: Council considered revisions to the Emergency Snow Routes. Reavis stated that the memo referred to schools and that three or four schools only have one street listed and wouldn't it be better to have all the streets surrounding the school on the list. Keefer stated that Robinson Elementary is the only school that only has one street listed, which is Kelly Street. Huddleston asked how High Street would be cleaned all the way to Custer Lane. Keefer stated that was an error and it will be corrected to say from State to Ohio. Keefer stated that there were other streets that could be added to the list, but asked where you would stop. Reavis asked how many of these streets are additions. Keefer stated that probably 50% of these are additions because many of the streets weren't there when the snow routes were originally identified. Reavis asked if this would require new signage. Keefer stated some signs would have to be moved and new signs will be ordered for the others. Huddleston asked if these streets are the same ones that are pre-treated with the brine solution. Keefer stated that some are. Keefer stated that mostly main artillery and collector streets are pre-treated. Wallace made a motion to approve the proposed revisions to the Emergency Snow Routes and to include the revised snow routes in the new codification. Reavis seconded the motion. Motion carried without opposition.

Codification: Reavis made a motion to approve Ordinance 2000 adopting the Codification of the Ordinances of the City of Augusta. Leffler seconded the motion. Motion carried without opposition.

Fee Schedule: Council considered approval of a Resolution adopting the City's Fee Schedule. Reavis stated that the Airport oil and the garbage bags are commodities, not fees, and therefore should not be listed on the fee schedule. Huddleston inquired about the animal disposal fee and asked if that varies based on pounds. Jones stated it does. Huddleston asked if the reason for doing the fee schedule is that it is easier to change the fees and Jones stated yes. Keefer stated this will keep us from having to change pages in the code book each time a fee is changed and from having to publish a notice in the paper each

time they change. Huddleston asked why the sewage disposal fees for RV's are more if disposed of at the Wastewater Plant than at Santa Fe Lake. Keefer stated that Rod Davis said during the Park Board meeting that he considers this a service and it will encourage campers at Santa Fe Lake to dispose of their waste properly. Shaw stated that Davis said that some people will dump their waste any where to avoid paying the fee.

Mr. All stated the Municipal Court DUI Diversion filing fee is \$100 and that there is a General Diversion filing fee for \$50. Wallace made a motion to approve Resolution 2010-05 with the recommended changes. Huddleston seconded the motion. Reavis made a motion to amend the original motion to remove the Airport oils and the garbage bags. Rawlings seconded the motion to amend. Motion to amend carried without opposition. Motion to approve Resolution 2010-05 carried without opposition.

2010 Street Sales Tax Projects: Reavis asked where the brick will be on the Osage project. Goedecke stated it will be in the intersections of Osage and 5<sup>th</sup> and 6<sup>th</sup> Streets. Reavis asked if Osage is part of the brick per brick policy. Keefer stated Osage is not, but that 5<sup>th</sup> Street is. He stated he is not sure about 6<sup>th</sup> Street. Rawlings stated he believes 6<sup>th</sup> Street is included in the policy. Reavis stated Osage is the thru street and that there will be rough intersections, when 5<sup>th</sup> and 6<sup>th</sup> Streets both have stop signs. Reavis stated he does not want to waste money on bricks. Rawlings encouraged Reavis to disconnect his phone because some people really want to keep the brick. Williams stated that brick may be more expensive, but it will last longer. Huddleston stated the policy says it has to be brick. Keefer agreed. Wallace stated the specifications for the bids meet the policy.

Reavis asked what RCP and RCPHE stand for. Goedecke stated RCP is Reinforced Concrete Pipe, which is round. RCPHE is an oval pipe. Goedecke stated these are for the storm sewer. Huddleston stated that alternate #1 is for sidewalk not streets. Keefer stated we took the opportunity to piggy-back this with the other project to save money. Huddleston asked where that would be paid out of and Keefer stated it would come from the Capital Improvement Fund. Huddleston asked if that was why the bid was over the engineer's estimate. Goedecke stated the alternates are add-ons and not part of the project. He stated his estimate was only for the base and that this bid is lower than his total estimate. Wallace made a motion to approve the bid from APAC, Inc. in the amount of \$248,167.85, Alternate #1 in the amount of \$8,235.40, and Alternate #2 in the amount of \$28,308.28 for the 2010 Street Sales Tax Projects. Rawlings seconded the motion. Motion carried with Reavis opposing.

Frisco Drainage: Huddleston asked if there is brick under the current street. Goedecke stated there is, but if you take the asphalt out the brick will be below the curbing. Goedecke stated we would be building quite a pond if we strip off the asphalt and keep the brick. Huddleston asked when this project will start. Keefer stated he will have Goedecke prepare the change order to make it part of the 2010 Street projects with APAC. Huddleston stated it is a real hazard area. Keefer stated there are sufficient funds to do the Frisco area, but he doesn't know about the other parts. Keefer stated he asked Goedecke to bring the change order for Frisco to the next council meeting. Goedecke updated the governing body that the surfacing of East 7<sup>th</sup> Street is complete and that all that is left is the striping.

Zoning: Wallace made a motion to approve Ordinance 2001 amending the City's Zoning Regulations. Childers seconded the motion. Motion carried without opposition.

Lease: Reavis made a motion to approve a lease agreement with William and Sharon Slade. Harper seconded the motion. Motion carried without opposition and with Rawlings abstaining due to conflict of interest.

Augusta Caring Center: Harper made a motion to approve the donation of a dumpster to the Augusta Caring Center. Childers seconded the motion. Motion carried without opposition.

Augusta Housing Authority: Rawlings made a motion to approve the reappointment of Bill Shriver and Johnny Yelverton to the Augusta Housing Authority Board. Childers seconded the motion. Motion carried without opposition.

Appointments: Reavis asked if Frank Evanega and Larry Hart resigned from the Airport Board. Keefer stated they did. Huddleston stated he had not heard of Karst, Sensel, or Waltemath. Shaw stated that Karst and Sensel are tenants at the Airport and Waltemath is a pilot and a resident of Augusta. Huddleston stated Karst and Sensel were not on the list of tenants he has. Williams stated they were on her list. Childers stated he has a list that was sent to him three or four months ago that looks similar to the one Huddleston has. Shaw stated there were six or seven names recommended for the Board from the Airport Staff. Williams stated she spoke to various people that were recommended by Airport Staff. Huddleston asked if there is a Resolution that lists the qualifications for being an Airport Board Member. Williams stated they have to be a tenant, resident of Augusta, or a pilot. Huddleston stated he has not heard of John Black or Allan Milbradt who are recommended appointments to the Convention and Tourism Board. Williams stated Black is the Deputy Superintendent of Schools and this is his second term. Keefer stated that Milbradt has previously served on this board. Huddleston stated that the terms of four members of the Main Street Design Committee expired in September 2009. Williams acknowledged that. Keefer stated there is certain criterion that has to be met to be on that Committee. Williams stated the terms expired and they have not been reappointed. Rawlings stated the Committee last met maybe in August 2009 to discuss a paint color. Williams stated she was not sure of this group's involvement downtown. Huddleston stated he thinks it is important to reappoint the members since half of their terms have expired. Huddleston made a motion to approve the following appointments and reappointments to the City's boards and committees:

Airport Board – Jeff Karst, Willie Sensel, Troy Waltemath, Dave McDonald, and Terry Duncan  
 Convention & Tourism Board – Jack Taylor, John Black, Jane Mathis, Allan Milbradt, and Dulcie Chance  
 Planning Commission – Connie Thurman

Childers seconded the motion. Motion carried without opposition.

Official Newspaper: Wallace made a motion to designate the Augusta Gazette as the City's official newspaper. Reavis seconded the motion. Motion carried without opposition.

Official Bank: Griffith made a motion to designate Emprise Bank as the City's official bank. Huddleston seconded the motion. Motion carried without opposition.

Informational Memorandum:

School Zones – Williams stated the speed limit on Ohio in front of the high school was not discussed at the previous council meeting since Reavis was absent. Williams stated that during the original discussion, one problem that was mentioned was exiting the parking lot. Williams stated that Superintendent Lentz informed her that there are funds available to pave the high school parking lot and that turning lanes will be put in at that time. Reavis stated he appreciated the opportunity to discuss this and that he is not in favor of or against putting up new speed zones. He stated the study is 10 to 11 years old and that there were two recommendations, one we did which was removing the school zone and one we didn't which was moving the crosswalk. Reavis stated the recommendations of the study were only piece-milled. Reavis stated there were two accidents in 2008 and nine in 2009, which represents a 460% increase in one year. Childers stated he exits and enters the high school parking lot twice a day, and that it is more dangerous driving in the parking lot than trying to exit it. Childers stated the crosswalk is a godsend because it halts the traffic making it where you can exit the lot. Reavis stated there are other school zones in town that may only see five to six kids a day. Reavis stated he would like to think that school zones protect kids, but that we have the highest speed limit in an unprotected area and no school zones.

Williams asked how often studies are recommended. Keefer stated this one was done because of the growth, the new church on Ohio, and the construction on Belmont and Custer Lane. Keefer stated if the governing body thinks there are sufficient things that warrant another study, we can budget for that in the future. Keefer stated that one of the things that hurt us is the lack of sidewalks within school zones. Keefer stated there are none on the west side of Ohio.

Williams stated that six of the accidents that occurred in 2009 happened on Augusta Avenue turning onto Ohio. Mr. All stated a center turning lane would help the situation more than reducing the speed would. Reavis stated a lot of students park on the north side of the high school on Augusta Avenue. Keefer stated there has been discussion about eliminating parking along Augusta Avenue. Williams stated she would like to see that area used for loading and unloading. Keefer stated that would require an ADA approved sidewalk which would require additional cost and we would have to look to the school to pay for that. Williams stated that might be a discussion item for a future joint session with the school. Williams stated that feedback from the Safety Department would be useful. Keefer stated he would check, but that the only feedback he has received from them is that they do not support a reduction in the speed limit.

Wallace: Wallace asked if staff has found out about how long we have to sign the annual agreement with Kansas Wildlife and Parks. Keefer stated it is in perpetuity. Reavis asked if we could pay them back the funds we received and say “thanks, but no thanks”. Griffith stated we had no problems on the inspection and we have lived with having to do this for several years. Griffith stated we are making an issue out of something that has not affected us. Wallace stated it is infringing on our domain by having to get their approval. Keefer stated we have never had a problem with them approving a project we have proposed. Huddleston stated they were going to require us to put the electric lines underground ant Santa Fe Lake which would cost more, so we didn’t do that project. Wallace stated he would like Mr. All to find out about contracts in perpetuity and if there is a way to get out of the contract. Rawlings stated that looking at the inspections it does not appear that they have been inspected in some time. Keefer stated they said they required us to do self inspections. Wallace stated the issue is having to do it forever and ever and the legality of that.

Williams – Williams stated the Butler Community College Grizzly Give Back Day has inspired the idea of Give Back Augusta Day. Williams stated it is scheduled for April 24<sup>th</sup> from 8:00 a.m. to 11:30 a.m. and that staff will be putting together a project to work on. Williams proposed that the City feed the volunteers to thank them for their time. Harper made a motion to authorize spending \$200 to feed the volunteers for Give Back Augusta Day. Leffler seconded the motion. Motion carried without opposition.

#### Final Comments:

Griffith – Griffith asked if there are supposed to be letters on both sides of the Airport sign. Shaw stated the contractor was not aware that they were supposed to be on both side, but that it has been pointed out to them that it stated that in the specifications. Shaw stated he is not sure when it will be completed, but that they are working on it. Keefer stated that Dan Allen is working on the brackets for the solar lights that will illuminate the sign.

Wallace – Wallace inquired about the crater at the exit of the Dillon’s parking lot and when it will be fixed. Keefer stated it is on private property and that the City does not have control over that.

Harper – Harper stated that she had noticed that most of the trash cans around the lake were in the lake and asked if there is a better way to secure those.

Keefer informed the Council that we encountered a leak on the Mulvane line near Rose Hill and that there was a lot more involved than we had anticipated. Keefer stated it has been recommended that we look into removing that section of line. Keefer stated this line is adjacent to the railroad and could be a lot bigger project then just removing part of the pipe. Keefer stated we are getting cost estimates, and that this has

to be done. Huddleston asked you could slide a sleeve in instead of replacing the line. Keefer stated that has been discussed for the Frontier line, but that the contractor said they no longer do that. Keefer stated within three days of repairing the line it was leaking again. Reavis asked what size the line is and Keefer answered 18 inches. Wallace stated this is something we will be faced with a lot coming up, as these types of repairs are coming due.

Keefer stated this brings up a much larger discussion that we need to have as a governing body. Keefer stated he has had conversations with our Bond Counsel, Engineers, and Financial Advisors about this. We have 10 years of debt left on the water plant, water tower, and water line. Keefer stated he is very concerned about this line. He knows there is not 20 years of life left in this line even though that is the length of the water contracts we have left. Griffith stated that Wichita has run into problems and the cost of their water has gone up. Keefer stated Wichita can pass that cost on to their customers, but we are stymied by our contracts. Keefer stated we will have to have discussions about this and look at the big picture long term. Rawlings stated there are a couple of other cities and rural water districts along that line that could benefit from the water if we could supply it to them. Rawlings stated that if we cannot be a supplier, then we should maybe get out of it. Griffith asked what the liability would be for backing out of our contract. Keefer stated Mr. All would have to look at those contracts as well as our contract with the City of El Dorado concerning the take or pay. Keefer stated that Butler County Rural Water District #8 and the City of Rose Hill have previously shown interest in purchasing water from us and that we would have to look at whether that would help us with the water line.

Executive Session: At 8:51 p.m. Wallace made a motion to go into executive session for 10 minutes to discuss the acquisition of Real Estate. Childers seconded the motion. Motion carried without opposition.

At 9:03 p.m. Childers made a motion to exit executive session with no action being taken. Huddleston seconded the motion. Motion carried without opposition.

Adjourn: At 9:04 p.m. Wallace made a motion to adjourn. Harper seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
APRIL 19, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on April 19, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Ronald Reavis, and Robert Griffith. Council member Matt Childers was absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Airport Manager Daniel White, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Kelly Modlin, John Black, Martin Goedecke, Corey Shultz, and Allan Milbradt.

Prayer: Councilman Rawlings gave the invocation.

Minutes: Harper made a motion to approve the minutes from the April 5, 2010 meeting. Griffith seconded the motion. Motion carried without opposition.

Appropriations:

April (4): Huddleston inquired about the payment to Butler County EMS. Keefer stated it was for the materials used during CPR training. Griffith inquired about the payment to Cami Baker. Keefer explained it was \$200 per case and there were six cases. Huddleston inquired about the charge to the Corp Levee Project fund in the amount of \$642. Keefer explained that it was for the gas line disconnection at the Ludlow house and was included in the payment made to Kansas Gas. Huddleston inquired about the payment to Iserve. Keefer stated bids were recently taken for janitorial services at the Safety Department and that this is the new company. Rawlings asked who cleans the lobby of the Safety Department building and stated that there are cobwebs that have been there for some time. Keefer stated he thought Iserve also cleaned the other areas of the building used by the County, but that he would have to check. Griffith made a motion to approve Ordinance 4 in the amount of \$695,133.54. Huddleston seconded the motion. Motion carried without opposition.

Visitors:

Downtown Augusta, Inc.: Eric Christinat, Executive Director of Downtown Augusta, Inc., made a request to close the 400 and 500 block of State Street on the afternoon and evening of June 4<sup>th</sup> for the annual Grasshopper Festival. Christinat stated he hoped everyone was able to make it and that the Mayor would be in the dunk tank again this year. Reavis made a motion to close the 400 and 500 block of State Street on the afternoon and evening of June 4<sup>th</sup> for the annual Grasshopper Festival. Huddleston seconded the motion. Motion carried without opposition.

Old Business:

Change Order: Council considered approval of Change Order #1 for the 2010 Street Sales Tax Program. Huddleston asked Goedecke how he would propose to drain the water. Goedecke stated it would drain across the road and to the south curb. Griffith asked if curbing would be added. Goedecke stated no curbing would be added, only asphalt overlay. Huddleston inquired about the life of the overlay. Goedecke stated 7 – 10 years. Huddleston made a motion to approve Change Order #1 for the 2010 Street Maintenance Program not to exceed \$30,000. Wallace seconded the motion. Motion carried with Reavis opposing. Williams inquired about Reavis' opposition and he explained that the \$23,000 for Frisco is almost the same amount as the additional cost for brick repairs on the two Osage intersections and that he is not against the Frisco project but he doesn't think additional funds should be allocated.

New Business:

1708 Highland Drive: Council considered a proposal from Kelly and Theresa Modlin for the acquisition and relocation of the home located at 1708 Highland Drive. Williams stated this will save the city \$7,000 to \$8,000. Huddleston asked if it is correct they plan on moving it south on Dike Road to Thunder Road. Modlin stated that is correct. Wallace stated this is a good idea and that Modlin is replacing a mobile home with this home. Wallace made a motion to approve a proposal from Kelly and Theresa Modlin for the acquisition and relocation of the home located at 1708 Highland Drive. Harper seconded the motion. Motion carried without opposition.

Huddleston asked if staff has any idea of the cost to the City for this project beyond this specific item. Keefer stated it will be several thousands of dollars. Griffith asked where the end of the levee will be in relation to this house. Keefer stated it will end two lots to the East between the road and the property line. Griffith asked where the road will go. Keefer stated the park road will stay as it is now. Huddleston asked if there are any other houses that would have this same opportunity and Keefer stated there wasn't. Motion carried without opposition.

5-Year Plan: Council considered approval of the City's 5 – Year Plan for KDOT and authorizing its submittal to the State. Williams explained that the only change is to remove the Kelly & Ohio project and that that project will have to start being funded in 2011. Keefer stated 100% of the engineering cost for the first project of the five year plan will have to be paid by the City and we will look at budgeting those funds in 2012. Keefer and Williams agreed that this is a much needed project. Rawlings asked if inflation had been factored in to the cost estimates. Keefer stated it had. Leffler made a motion to approve the City's 5 Year Plan for KDOT and authorizing its submittal to the State. Harper seconded the motion. Motion carried without opposition.

USD 402: Council considered approval of a Memorandum of Understanding with USD 402 for the construction of a storm sewer serving Lincoln School. Wallace asked what would happen if the engineering is done wrong and if the City would be liable since we would be the owner of the storm sewer. Keefer stated that we are requiring that the City review the engineering plans and that we have final approval of the design. Keefer explained that they will have to provide the City with the calculations they used for sizing the lines as part of our review of the plans. Goedecke stated the storm sewer is an addition and will only help us with drainage, so the probability of it causing additional flooding is non-existent. Huddleston asked what other utilities would possibly want to connect to this. Goedecke stated he does not see anyone else wanting to connect to this since that area is already fully developed. Wallace made a motion to approve a Memorandum of Understanding with USD 402 for the construction of a storm sewer serving Lincoln School. Rawlings seconded the motion.

Reavis stated there is a storm water inlet on the east alley between Robbins and Dearborn and asked where the new storm sewer would take the water. Goedecke stated it follows Dearborn then carries it west. Goedecke stated there could be an existing inlet in the alley. Reavis asked if it will be running east and west then. Goedecke stated it will then turn north on Robbins and carry the water into the lake. Keefer stated he was unaware of an existing outlet on Robbins but if there is, it probably would not be sized sufficiently to handle the amount of water it would need to. Goedecke stated he doesn't think it would be large enough to carry the water from the school. Corey Shultz stated they are trying to keep the storm sewer on the west side. Reavis stated someone should probably investigate the existing storm drain. Goedecke stated all that information has been sent to their engineers. Motion carried without opposition.

Engineering: Wallace asked about the amount of grant funds that were received. Shaw stated it was \$159,000. Wallace made a motion to approve an agreement with Bucher Willis and Ratliff for

engineering services related to the KDOT Aviation Grant for Maintenance work to the airport runway. Reavis seconded the motion. Motion carried without opposition.

Daniel White announced that the Airport will be having their First Annual Flying Poker Run this Saturday. White stated they hope to have twenty aircraft and that the Boy Scouts will be serving pancakes in the morning and will be serving hot dogs at lunch for a donation. Williams asked when the poker run would end and White stated the aircraft has to be in at 2:25 p.m. and the envelopes will be opened at 3 p.m.

Utility Software: Huddleston stated he had not had a chance to read the updated memo and asked for an explanation. Mr. All stated that larger companies fair better in binding arbitration. Mr. All stated that the amended agreements will require that both parties agree to binding arbitration, because if only one is required the company would probably opt for binding arbitration every time. Wallace made a motion to approve the Maintenance Agreement and Product License Agreement with AbleSoftware. Harper seconded the motion. Motion carried without opposition.

Main Street Design Committee: Council reviewed and discussed the Resolution establishing the Main Street Design Committee. Williams stated that the current Resolution calls for nine members, which includes four DAI members from the design committee. Williams stated there are only five members on the DAI design committee and one to two of those are not active. Williams stated that four out of the remaining five committee members have to be owners of buildings located in the Main Street area. Wallace asked if they have to be members of DAI and Williams stated they do not. Williams stated in trying to fill the board she needed two more people from the DAI design committee. Williams stated that she thinks a nine-person board is cumbersome and that maybe five or seven would be better. Williams stated that could include two DAI design committee members, two building owners, and one at large member. Williams stated that when a meeting is needed Dan Allen has to call everyone and try to get the group together and that it can be time consuming. Williams stated she would also recommend changing the appointments to April like the other boards and committees.

Huddleston stated he believes the large number of members on the board was decided to satisfy DAI and the building owners. Huddleston stated the board has not been very active in the past. Huddleston stated he spoke to some building owners and they are very willing to serve. Williams stated the problem isn't with getting enough building owners to serve, but rather enough members from the DAI design committee. Huddleston stated that Eric Christinat indicated to him that there were sufficient members from the DAI design committee. Williams stated she cannot find nine people that meet the qualifications and that it is her responsibility to appoint board members that are qualified. Williams stated that her concern is that if it is not necessary to have nine members then let's reduce it. Williams stated it is not impossible to fill it, but that the design group is small. Reavis asked Williams how many board members she would recommend. Williams stated she would recommend five, but that seven would work too. Huddleston stated if you start reducing the number it will conflict with the reasons it was set up this way in the first place. Williams stated there is not active participation in this board and that all they have to do is uphold the codes as approved by the governing body.

Wallace stated he understands that these are mayoral appointments and that Williams would like to appoint people she wants to boards. Wallace stated that with fewer people on the boards there would be more people that would support what the Mayor wants. Wallace stated he believed it was important to keep nine members. Wallace made a motion to table this until Eric Christinat is present to discuss the DAI design committee. Rawlings asked if the appointments could be extended for a couple of months and stated that he isn't opposed to tabling this item. Huddleston

seconded the motion to table. Motion carried without opposition. Wallace made a motion to extend the current expired committee appointments until September 2010. Rawlings seconded the motion. Motion carried without opposition.

Williams stated by statute that it is the role of the mayor to appoint positions and stated that many of the City's committees have a small number of members. Huddleston stated there was a reason the numbers were set at nine and he doesn't think efficiency for City staff should be the only reason to reduce the numbers. Rawlings stated there have been times that they have had to call an emergency meeting to approve changes that a building owner has already started to make and no one could attend so the meeting has been conducted by phone with Dan Allen calling each of the members.

**Informational Memorandum:**

Williams – Williams thanked staff for the statistics about our website and congratulated Shaw on doing a great job with the website. Williams stated our website receives 7,000 unique visitors per month. Williams reminded the council to work on their bios and to forward those to Shaw to be put on the website.

Wallace – Wallace asked Reavis when the council members would get to take their rides on the new fire truck.

**Final Comments:**

Leffler – Leffler asked if there is been any follow up on the number of vehicles in the lot behind McDonalds and parked on the north side of the business. Keefer stated the owner of the lot next door has cleaned up but there has been no recent activity on the other property. Keefer stated he would check it out.

Leffler stated that the council has previously discussed replacing the chairs they sit on during meetings, and asked if the installation of a projector, a screen, and supportive equipment in the council room would be more beneficial to the council and the public. Leffler asked what the council's interest would be in such equipment. Williams stated she was in 100% agreement that would be a great addition. Wallace stated that had been discussed before, but that we were waiting until the redesign of this space. Leffler stated it would probably cost a couple of thousand dollars. Wallace stated new chairs were important too. Leffler stated that for the purpose of sitting on the chairs for two hours twice a month, they are not really that bad and it would improve efficiency more to have the projector. Harper agreed. Huddleston stated that the replacement of the chairs has been budgeted in the past but never materialized and that if the council wants a projector then they should budget that for next year. Huddleston stated he does not want to sacrifice replacing the chairs for a projector. Huddleston stated he doesn't know why we couldn't have both. Griffith stated he doesn't see the cost of the projector being less than \$2,000. Rawlings stated he just purchased a projector for his church for \$500 and that included a free projection screen. Jones stated the chairs will run between \$250 and \$300 per chair for a total of \$2,000 to \$3,000 and that only includes replacing the council's chairs and not staff's. Keefer stated staff will bring information back to the council on the cost of both replacing the chairs and purchasing the projector, screen, and support equipment.

Williams – Williams reminded everyone of the Augusta Gives Back Day scheduled for this Saturday and encouraged everyone to go online to the city's website and register. Williams stated we will have eight BCC football players to assist and that the council's project is to plant the flower beds at the city entrance signs. Williams stated you can register and check in at the Play Park between 8:00 a.m. and 8:30 a.m. on Saturday and should bring shovels and gloves. Keefer stated the City will

provide trash bags and basic equipment. Williams stated the Girl Scouts will be planting flower beds at the Play Park.

Williams stated there is a Numana event scheduled on May 8<sup>th</sup> between 8 a.m. and 5 p.m. at the Augusta High School and they will be preparing food to send to Haiti. Williams stated this event is being organized by the Augusta Ministerial Alliance.

Wallace – Wallace asked if there has been any more information about the trail manager designation. Keefer stated there has not. Wallace asked about the dead trees downtown. Keefer stated he is aware of those and that the contractor has been contacted about replacing them. Wallace stated the gate at the Girl Scout house has been regularly left open. Keefer stated he would check into that.

Huddleston - Huddleston asked when the dead trees will be replaced. Goedecke stated he still needed to get clarification on that from the contractor. Huddleston inquired about the planting of the flower pots. Keefer stated those will be planted at the end of April into May. Keefer stated we are taking bids on that and will be trying to plant more perennials to help reduce the annual cost of replanting. Huddleston stated that since the grates were not used around the trees we will need to watch the wood chips to make sure they are maintained.

Adjourn: At 8: 05 p.m. Harper made a motion to adjourn. Reavis seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
MAY 3, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on May 3, 2010, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Tom Leffler, Mike Rawlings, Ronald Reavis, and Robert Griffith. Council members Holly Harper and Michael Wallace were absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Santa Fe Lake Caretaker Rod Davis, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Tony Madrigal, Wade Wilkinson, Martin Goedecke, and Eric Grooms.

Prayer: Pastor Steve Hollingsworth, Central Baptist Church, gave the invocation.

Minutes: Reavis made a motion to approve the minutes from the April 19, 2010 meeting. Childers seconded the motion. Motion carried without opposition.

Appropriations:

April (4A): Griffith made a motion to approve Ordinance 4 in the amount of \$941,497.49. Huddleston seconded the motion. Motion carried without opposition.

Visitors:

Tony Madrigal with Madrigal & Welch presented the City with an insurance dividend check in the amount of \$13,692.10. Madrigal congratulated and thanked the City, stating that he appreciates its business.

Old Business:

Downtown Design Committee: Rawlings made a motion to table this agenda item until the May 17<sup>th</sup> meeting. Reavis seconded the motion. Motion carried without opposition.

New Business:

Fishing Licenses: Leffler made a motion to approve Ordinance 2002 amending section 12-106 of the Code of Ordinances, removing the requirement for city fishing licenses at Santa Fe Lake. Huddleston seconded the motion. Motion carried without opposition.

Temp Note Extension: Council considered approval of a request from Augusta Developers and AJ Development to approve a one year extension for Temporary Notes for internal improvements for Stone Lake Estates 3<sup>rd</sup> Phase and Belmont Place 3<sup>rd</sup> Addition. Griffith asked what the cost to the City would be for extending the temp notes. Keefer stated there would be no cost to the City, that all the costs would be paid by the benefit district through special assessments. Huddleston asked if the improvements have already been made. Keefer stated they have. Huddleston asked what the difference would be between extending the temp notes and moving forward with the bond sale. Jones stated that if we were to have a bond sale, the property owners would have to start paying the special assessments in 2011. By extending the temp notes for a year, it will be 2012 before they have to start paying. Huddleston stated this would extend their financing and Jones and Keefer agreed. Childers made a motion to approve a request from Augusta Developers and AJ Development to approve a one year extension for Temporary Notes for internal improvements for Stone Lake Estates 3<sup>rd</sup> Phase and Belmont Place 3<sup>rd</sup> Addition. Huddleston seconded the motion. Motion carried without opposition.

**Zoning:** Childers made a motion to approve Ordinance 2003 changing the zoning classification from R-1A to R-2A for lots 21, 23, and 25, Block 3, McKittrick's Subdivision (314 E Columbia). Reavis seconded the motion. Motion carried without opposition.

**Engineering:** Rawlings made a motion to approve an agreement with Goedecke Engineering for various utility relocations and Dike Road relocation as part of the Levee Projects. Childers seconded the motion. Motion carried without opposition.

**Swimming Pool:** Council considered approval of a recommendation from the Park Board to implement a new system using punch cards versus the traditional season passes for the Municipal Pool. Williams stated that the punch card is a good idea and a great bargain, but she is concerned that there could be a loss in revenue and the impact that could have. Shaw stated it is hard to tell how the punch cards will affect behavior until they are implemented. Shaw stated he tried to compare the pricing to other pools while keeping it competitive and affordable. He stated there aren't any numbers from the past to track the number of visitors on family passes. Williams stated Goddard has a punch card system and their pricing is higher. Williams stated \$10 would be a great value for our community, but to take the pricing that low is concerning. She stated she doesn't want to under-value it. Shaw stated the concern is that there is a certain price point where we could drive people away and another price point where we could loose money. Huddleston stated that during the Park Board meeting it was discussed that the punch cards will assist in resolving other issues at the pool. Huddleston agreed that the punch card could be under-priced, but that he doesn't want to increase it too much where it would run people off. Huddleston stated it could take a couple of years to find the right price. Williams stated she doesn't want to raise the price, but she doesn't want to loose money either.

Shaw stated he treated the season as 75 days. He stated he also tried a discounted system based on the purchase of additional punch cards. Shaw stated the challenge with a fixed price is that if you have a large family it could end up costing more than you would have paid for a family pass. Shaw stated it is unknown how this will impact attendance. Williams stated if you look at it from a health club perspective you pay for the entire month, not just the days you were there. Shaw stated the price for the punch cards are not set in stone. Williams asked if anyone spoke to Goddard about how they do the punch card and season passes. Huddleston stated that one of the problems is kids running in and out of the pool and hanging out in front of the building causing problems. Shaw stated they would have to use a punch on their cards each time they enter, so that should help curb that behavior. Shaw stated that some pools have photo id's to identify members of a family pass, but we currently have no way of know who people are and that there are people entering the pool on family passes that they are not really on.

Childers stated he would recommend following the Park Board recommendation and tweaking the price in the future. Huddleston stated he does not want to price us out of the business, so he is inclined to agree with the Park Board. Childers asked if the price of the lanyards is \$2 and stated that is a good idea. Shaw stated it is \$2 and that there are rules that we will not replace lost cards. Huddleston stated the punch cards will allow for better tracking of attendance and revenues. Childers stated the minimum age of unsupervised children is not on the website. Childers made a motion approve the recommendation from the Park Board to implement a new system using punch cards versus the traditional season passes for the Municipal Pool. Rawlings seconded the motion. Motion carried without opposition. Jones stated the fee schedule setting the pricing for the punch cards will be an agenda item at the May 17<sup>th</sup> council meeting.

Work Session: Reavis made a motion to schedule a work session on Monday, May 17 at 6 p.m. to review and discuss potential options for the design of the Ohio/Kelly intersection. Leffler seconded the motion. Motion carried Rawlings opposed.

Chairs/Projector: Childers stated that in light of two council members being absent, he would make a motion to table this agenda item until the next council meeting. Leffler seconded the motion. Motion carried with Griffith opposed.

Informational Memorandum:

There were no questions regarding the informational memorandum.

Final Comments:

Reavis – Reavis asked if the proposed cost of the sediment core tests were firm figures or if they could be negotiated. Keefer stated they were approximate costs per lake, and if there is interest from the governing body then he will obtain a firm number from them. Reavis asked where this would be funded from. Keefer stated it would be paid out of the Capital Improvement fund. Keefer stated he believes this is a good opportunity that the City should take advantage of. Reavis stated he thinks it is a good time to pursue this. Keefer stated the tests will provide very interesting information. Huddleston asked if they have other measurements to compare the results to. Keefer stated they will give an idea of what there is now compared to the capacity when the lake was built. Keefer stated unless there is an objection he will move forward with pursuing this.

Reavis asked if there is any more information about storm sewer located in the alley near the Lincoln School construction. Goedecke stated he had not heard anything yet.

Reavis stated the new sign ordinance prohibits garage sale signs, but that on weekends the intersection of Kelly and Ohio is filled with signs. Reavis stated we need to enforce the sign ordinance or we will be back where we were.

Williams – Williams thanked those council members that were able to help with Augusta Gives Back Day. Williams thanked Reavis for donating the weed barrier. She also thanked the city staff that was there to help including Shaw and Jones and thanked Butler Community College for their assistance. Williams stated the general consensus of those that volunteered was that they would like to do it again. Griffith stated the plants at the entrance signs look like they need watered. Keefer agreed and stated he would get that taken care of.

Williams stated there will be a Numana event this Saturday at the Augusta High School from 8 a.m. to 5 p.m. and encouraged anyone that could to participate.

Huddleston – Huddleston stated that the contract says they will only replace the dead trees down town once and that they want to wait until the fall to do that, but if it is planted in the fall it will look dead and we will not know if it will survive until the next spring. Huddleston stated if the trees are replaced now we will at least know if they are going to survive. Goedecke stated the specifications in the bid guaranty the trees until September 2010 and that they will only be replaced one time. Goedecke stated he spoke to Public Works Superintendent Cy Ricker and he felt that the trees could die if we plant them now and if they did they will not replace them again in the fall. Goedecke stated Ricker recommended they not be planted until the fall. Huddleston stated he thinks they could be guaranteed longer than that. Goedecke agreed, but stated the contractor bid on a price for only replacing them one time. Keefer stated there are a lot of trees being planted throughout town right now, so he is not convinced it is too late to plant now. Huddleston stated he would rather plant them now so they could be enjoyed over the summer.

Goedecke stated if the governing body so chose they could be planted now, but that Ricker felt pretty strongly about waiting until fall. Keefer stated he would like Goedecke to speak to the contractor and Ricker about the possibility of planting them now. Williams stated if it could be done soon to do it now, but if not then it should wait until fall. Huddleston inquired about the planting of the flower pots. Keefer stated the sprinklers were turned on today and the flower and plants have been ordered. Keefer stated they are moving more towards perennials to reduce the annual planting costs.

Childers – Childers stated this is a 4' x 6' cutout in the asphalt located in the area of 1218 Helen that has been there for some time and is filled in with gravel. Childers asked if that is going to be completed with asphalt. Keefer stated he would check into that.

Adjourn: At 7:43 p.m. Childers made a motion to adjourn. Reavis seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
MAY 17, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on May 17, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Ronald Reavis, and Robert Griffith. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, City Inspector Dan Allen, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Corinne Radke, Len Williams, John Bassett, Willis Wilson, Bill Morris, and Eric Christinat.

Prayer: Councilman Rawlings gave the invocation.

Minutes: Wallace made a motion to approve the minutes from the May 3, 2010 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

May (5): Huddleston inquired about the payment to Card Services for purchases made at Wal-Mart. Keefer stated it was for video equipment for the Safety Department. Huddleston inquired about the payment to Flint Hills Nursery. Keefer stated it was for the purchase of trees for Arbor Day. Huddleston stated the sprinklers in the pots downtown need to be adjusted. Huddleston inquired about the payment to Sound Electronics. Jones stated it was for the work that was done on the sound system in the council room a few months ago. Huddleston inquired about the payment to Wichita Winwater. Keefer stated it was for the purchase of a dozen 1" water meters and necessary supplies. Wallace made a motion to approve Ordinance 5 in the amount of \$407,550.70. Huddleston seconded the motion. Motion carried without opposition.

Visitors:

Len Williams, representing the Parents of Murdered Children, was present to request closing off the 300 block of State Street on June 19<sup>th</sup> as part of their annual motorcycle run fundraiser. Rawlings stated he has an empty lot to the north of his building that he would allow to be used, so not to block access to the Historical Museum. Keefer stated the Depot could be used for overflow. Mayor Williams stated that would be a more visible location. Mr. Williams stated that location would work. Wallace made a motion to allow Parents of Murdered Children to use the Depot for overflow from Rawlings' lot for their annual motorcycle run fundraiser on June 19<sup>th</sup>. Childers seconded the motion. Motion carried without opposition.

Old Business:

Downtown Design Committee: The council reviewed and discussed amending the resolution pertaining to the membership of the City's Downtown Design Committee. Williams stated she would like the resolution changed to align with the other April appointments and that she thought the number of members should be reduced to five. Eric Christinat stated that he would like the number of members to be seven or nine because it was originally set at nine to ensure that there are enough representatives from the downtown. Huddleston stated that the building owners are the ones paying the taxes and footing the bill, so they should be adequately represented on the committee. Dan Allen stated he thinks it works well the way it is now because we need a lot of people on the committee to bring a variety of representation. Harper made a motion to approve amending the resolution to set the committee positions to be made up of nine members including four members of the DAI Executive Board, DAI Main Street Design Committee, and DAI Executive Director

and at least four persons who are building owners whose building is located within the designated Main Street Area. Reavis seconded the motion. Motion carried without opposition.

Council Room Chairs: Reavis made a motion to keep the present chairs and not purchase new ones. Childers seconded the motion. Motion carried with Huddleston and Wallace opposing.

Council Room Projector System: Reavis asked if the cameras would be able to pick up the picture if it is not set up to display the signal through the screen. Shaw stated that he didn't think it would be able to pick up the picture but that it would cut down the cost of the wiring. Williams stated if we are doing it she would want it set up so viewers at home could see. Griffith stated it sounds like this is not something we want to do, so he made a motion not to purchase projector equipment. Huddleston seconded the motion. Motion failed with Griffith and Huddleston voting yes and Harper, Leffler, Wallace, Rawlings, Leffler, and Reavis voting no. Childers stated this is a worthy endeavor, but he would like more information on the video capabilities. Williams agreed. Wallace made a motion to table the discussion of purchasing projector equipment until the next council meeting. Harper seconded the motion. Motion carried with Huddleston opposing.

#### New Business:

Frontier Water Line: Reavis asked if Frontier will be buying from us out of the take or pay amount we purchase from El Dorado. Keefer said yes and that this would help us get closer to lowering the cost of purchasing the take or pay amount that we do not use. Williams inquired about the project schedule. Willis Wilson stated it will be 60 to 75 days before it will be in service. Keefer stated it is listed in the contract that if they make us go over our take or pay amount they will help cover that cost. Huddleston asked if they will be purchasing the raw water at our current rate. Keefer said yes and that if the cost for us increases the amount they pay will increase. Wallace made a motion to approve the bid from Wildcat Construction in the amount of \$543,457. Huddleston seconded the motion. Motion carried without opposition.

922 Money: Wallace made a motion to approve Resolution 2010-07 scheduling a public hearing on July 6, 2010 to determine whether the property located at 922 Money should conform to the requirements of the International Property Maintenance Code as adopted by the City. Harper seconded the motion. Motion carried without opposition.

District Classification: Rawlings made a motion to approve Ordinance 2004 changing the district classification from Commercial to Assembly for 117 E 6<sup>th</sup> Street to allow the property to be used by the First Church of the Nazarene. Wallace seconded the motion. Wallace asked if some businesses would be prohibited from moving into that area because they would be within 200 feet of a church. Allen stated they would have to file for a conditional use permit from the Planning Commission. Motion carried without opposition.

Annexation: Wallace made a motion to approve Resolution 2010-08 scheduling a public hearing on July 19, 2010 to take input on the annexation of two tracts of property that abuts the City of Augusta. Childers seconded the motion. Motion carried without opposition.

Property Acquisitions: Rawlings abstained from the discussion and vote due to a conflict of interest. Wallace made a motion to purchase 0.46 acres located at 1701 Sunset Drive to be acquired by a fee estate and to authorize the city manager to execute the related documents. Reavis seconded the motion. Motion carried without opposition.

Wallace made a motion to purchase 1.44 acres located at 1701 Sunset Drive for the flowage/ponding easement. Reavis seconded the motion. Motion carried without opposition.

CTB Grant Application: Williams stated this is for TV advertising. Christinat stated he is working with Channel 12 and the ads will probably run the week and a half before the event during the morning, noon, and evening news as well as other spots throughout the day. Childers made a motion to approve a CTB grant for Downtown Augusta Inc. in the amount of \$688 for the reimbursement of expenses related to advertising for the 2010 Grasshopper Festival. Huddleston seconded the motion. Motion carried without opposition.

Fee Schedule: Huddleston stated that he compared the revenue for the swimming pool for 2009 to the expenditures so far for this year and we have already spent half of what was brought in last year. Keefer stated that the annual revenue for the swimming pool usually only covers less than half of the expenditures. Keefer stated the year to date expenses for the pool is the cost of chemicals and training the staff, but that the biggest on-going cost is the labor. Keefer stated the swimming pool has never come close to covering their expenses and that the revenue for 2009 was actually down from previous years. Chiders asked if \$10 for the punch cards was sufficient enough to cover costs. Huddleston stated he didn't know but that we would have to watch it closely this year. Wallace made a motion to approve Resolution 2010-09 amending the Fee Schedule. Reavis seconded the motion. Motion carried without opposition.

One-Cent Sales Tax: Williams stated the City's one-cent sales tax will expire 9/30/2011. Williams explained that 50% of the sales tax goes to fund street repairs and maintenance, 20% to the Capital Improvement Fund, 20% to property tax reduction, and 10% to assist with the General Fund. Williams explained that the options for a sales tax ballot include listing it in the November election, the April election, or using a mail in ballot. Huddleston stated a mail in ballot was used last time and asked about the cost. Keefer stated it was set up with another election so the cost wasn't as much as it would be if it was on its own. Huddleston asked staff to find out the costs for the different options. Wallace stated that no tax is a good tax, but this is a necessary one. Williams stated this tax is good for quality of life and for Economic Development. Wallace made a motion to table this and for staff to bring back more information on the costs. Rawlings seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Williams – Williams stated there may be stimulus money available again. Keefer stated it is a possibility, but his concern is that we didn't plan for a project match. Williams asked if there was any idea on when we would know. Keefer stated the only information he received said in the near future.

Wallace – Wallace asked about the users of the Girl Scout Little House having to get a key to open the gate. Keefer stated their policy is to leave the gate open. Wallace asked what would happen if the property was trashed. Keefer explained that the City owns the land but the Girl Scouts own the building and its contents so they are responsible for insuring that and covering any damages.

Reavis – Reavis stated the new fire truck has been returned to the factory. Reavis explained that it is a mechanical piece of equipment and those will break, but what is important is the vendor's response to the failure. Reavis stated a factory representative was on the phone with city staff on Saturday within twenty minutes of the failure telling them how to temporarily fix the problem and that Mrs. Sutphen called on Monday explaining that she would like the truck returned to the factory in Ohio to be tested. Reavis stated the truck should be returned by Friday. Keefer stated Sutphen will also be paying for a 3<sup>rd</sup> party inspection of the equipment.

Williams – Williams stated that the depot grant award will not be announced until June.

Final Comments:

Leffler – Leffler stated Shaw had something else to say regarding the projector bid. Shaw stated the projector bid did not include the cost for the laptop. Williams stated she understood that cost would be included in the bid pricing.

Reavis – Reavis stated that in the 2009 general election three candidates went through the primary election. Reavis stated that we can exempt ourselves from KSA 25-2108 by Charter Ordinance if we would like to see only two people go through the primary election. Keefer stated there are a lot of costs involved in a primary election and that the legislation had good intentions to reduce those costs, but that it has caused other problems and several other cities have chartered out. Reavis stated that someone could win an election with a small number of votes, or even without the majority of the votes. Wallace stated that if we do not need a primary, then we wouldn't have to pay for it. Keefer agreed. Williams stated there is a general consensus for staff to look into this.

Reavis stated at the last meeting the governing body approved a delay on special assessments and stated that one of the letters submitted by the developers asked about meeting with the City regarding incentives to jump start building more houses. Reavis stated that some small cities have incentives, but that Augusta does not. Williams stated that was a good point and that she and Keefer spoke to Eric Grooms and told him the governing body might entertain that suggestion and asked Grooms to get with other developers to come up with some recommendations. Williams stated Keefer recommended waiting until August after the budget is completed, but that Grooms suggested sooner. Williams stated we have put it back in their court to come up with suggestions. Keefer stated it needs to be a partnership.

Wallace – Wallace asked Jones to have the Chamber of Commerce update his contact information on their website and to find out why they haven't responded to his emails. Wallace asked if the governing body is ever going to be introduced to the Human Resource Manager. Keefer explained that she commutes from Wichita, so he would have to visit with her about attending a meeting. Wallace asked if there have been any updates on the rail line. Keefer stated he had not but that there were two crossing guards that were taken down and are going to be stored in the fire barn behind City Hall.

Wallace stated that the church next to City Hall is coming up for auction and he would like the City to look at purchasing it for a meeting or convention area. He also suggested that City Hall could be moved into that building and the Safety Department back to the City Hall building to help save rent. Wallace stated he contacted the other council members to have them consider it and meet him and Eric Grooms to look at the building. Reavis stated it could be well worth the money, but that he didn't feel we need to obligate ourselves for future projects that aren't even on the radar. Wallace stated we could save millions of dollars over constructing a building. Williams stated there would be significant costs to make the building handicapped accessible.

Leffler asked if there had been any discussion by the governing body or staff on this in the past. Keefer stated this had not been discussed with staff. Leffler stated that someone informed him that Wallace was looking into this, but that he had not been contacted and that he checked his caller id to make sure he hadn't been called. Leffler stated that we already have an old building here that has a lot of maintenance issues already. Leffler asked why they are moving the church. Wallace stated because it is not handicapped accessible and that the church only has 65 members. Rawlings stated that he does not want to pursue this and that he didn't meet Wallace to look at the church because he was concerned that might violate open meeting laws.

Griffith stated he didn't know why the governing body couldn't look into it. Williams stated it is a good building but that she doesn't consider it a priority based on our current list of projects. Huddleston stated he feels both ways about it, but that we do need meeting space and the building has historical value. Huddleston also stated that we already have the Depot that we bought but there are no funds available to renovate it at this time. Huddleston stated it would be nice for a meeting space, but that he is not sure about the costs. Childers stated it is a very neat building and he would like for the City to have input on what happens to it, but that he shares Huddleston's concerns about the cost to renovate it. Harper stated that she did not receive a call asked what formal committee met to look at the building. Wallace stated there was no formal committee. Harper stated to appease the public it may be a good idea to explore it and that it might or might not be a money pit. Harper asked if there are zoning regulations that could cause problems. Williams stated her concern is that this is going to broad and not zeroing in on projects that have already been identified. Harper agreed but stated that after spending two million dollars to improve the downtown she would like for the governing body to have some oversight on what the building is used for. Keefer stated he didn't know what the City would do with the building considering the costs and requirements for the building such as off street parking. Keefer stated that Bill Morris has said that it would take significant money to repair the building.

Huddleston stated he is concerned that the building could be torn down and the City would have no control over it. Keefer stated that someone could have worked on having it designated as a historic building so it could be added to the historical register, but Williams stated that could have prevented the Church from being able to sell the building. Griffith asked if the Senior Center has been approached about possibly purchasing the building. Keefer stated he didn't know, but that the cost of improving the building would be an issue for them too. Rawlings stated the basement would have to be filled in to make it the ground floor and the current first floor would have to be removed, but that if the building were on the historical register that couldn't be done.

Williams stated there is not sufficient time to review this prior to the auction on June 3<sup>rd</sup>. Wallace stated that next time the Mayor is notified about an issue like this she needs to inform the rest of the governing body. Williams stated that the email she received did not include any details and since it was not on a list of projects she told the person that they needed to contact the council.

Huddleston – Huddleston asked about the repairs to Frisco Street. Keefer stated it is on the radar for the contractor and will be worked on while they are working on the curb and gutter on Osage. Keefer stated he hopes it will be completed in the next 30 days.

Harper – Harper stated that as soon as the rain dries up we will probably be up to our waists in properties that need to be mowed. Keefer stated that Jay Harrison is working on those and that the cost of the City mowing the property will have to be put on the tax rolls as a lien against the property. Huddleston stated that doesn't mean the City will always recover their costs. Keefer agreed and stated that the County will take their taxes first when the property is sold and there may not be funds left to cover the mowing assessment.

Harper stated she was contacted by a gentleman with property on Custer Lane south of Kelly Avenue whose back yard is cut in half by a drainage ditch. Harper asked staff if they could help her with what to tell him because he cannot get across the ditch to mow the rest of his yard. Keefer stated that is an earthen drainage easement and that there has been some erosion, and that it is the property owner's responsibility to maintain it. Rawlings stated the drainage ditch has always been there and was not just added as part of the Custer Lane project. Keefer stated the City does not have the equipment needed to maintain it.

Adjourn: At 9:13 p.m. Harper made a motion to adjourn. Wallace seconded the motion. Reavis asked if a benefit district could be set up to make an improvement to the drainage ditch such as making it concrete. Keefer stated the governing body could order it to be done and paid for by special assessments without having to provide a protest period. Reavis stated that may need to be pursued. Keefer stated he would have to speak to the City Engineer Martin Goedecke. Motion to adjourn carried without opposition.

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City Clerk

CITY COUNCIL  
JUNE 7, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on June 7, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Tom Leffler, Mike Rawlings, Ronald Reavis, and Robert Griffith. Council members Michael Huddleston and Michael Wallace were absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Director of Public Safety Tyler Brewer, Airport Manager Daniel White, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Gary Rogers, Earl Unruh, Deb Unruh, Roy Pickett, Harold Schaeffer, Karen Schaeffer, Annette Schaeffer, Myrna Rogers, Max Hubbell, Willis Wilson, Martin Goedecke, and Andrew Heart.

Prayer: Father Michael Schemm, St James Church, gave the invocation.

Minutes: Harper made a motion to approve the minutes from the May 17, 2010 meeting. Childers seconded the motion. Motion carried without opposition.

Appropriations:

May (5A): Harper inquired about the payment to the City of Augusta for other services for the pool. Jones stated that \$55 went to purchase vehicle tags for the two new police vehicles and \$150 was for the cash register at the pool. Harper inquired about the payment to Mike's and Keefer stated it was a payroll garnishment. Leffler made a motion to approve Ordinance 5A in the amount of \$754,863.58. Rawlings seconded the motion. Motion carried without opposition.

Visitors:

Myrna Rogers and Karen Schaeffer, representing the American Legion Auxiliary 189, presented the City with an American Flag that was sent to them from 1<sup>st</sup> Sgt John Short with the 226<sup>th</sup> Engine Company stationed in Afghanistan, along with a certificate of authenticity stating it had been flown in Afghanistan. Gary Rogers and Roy Pickett, representing the Leonard Whitehill American Legion Post, presented the City with a Braille American Flag. Williams thanked them and voiced her respect for their patriotism and commitment to this community.

Old Business:

Audio/Visual Equipment: Council considered bids for audio/visual equipment for the Council Room. Williams stated the bid amount does not include the purchase of a laptop. Shaw stated it would cost approximately \$1,000 to purchase the laptop and necessary software. Leffler stated that because of the problems experienced in the past with Kent Audio, his motion was to accept the bid from Sound Products in the amount of \$4,698.16 and authorize staff to purchase the laptop and necessary software. Harper seconded the motion. Harper stated she would like the agreement to include language about installation time and any warranties. Motion carried without opposition.

Downtown Design Committee: Harper made a motion to approve Resolution 2010-09 amending membership requirements and the appointment date for the City's Downtown Design Committee. Childers seconded the motion. Motion carried without opposition.

Sales Tax Renewal: Council reviewed and discussed the renewal of the City's Sales Tax. Williams stated there is a better response from a mail in ballot election, but due to the cost she would recommend considering placing this item on the ballot for the November general election.

Williams stated she hopes there will be a good turnout for the November election, but if not there would be an opportunity to do a mail in ballot before the sales tax expires. Griffith asked for clarification on where the other 50% of the sales tax goes. Williams stated 10% goes to funding the General Fund, 20% goes towards the mil levy which reduces property taxes, and 20% goes to the Capital Improvement fund. Williams stated this is a very important tax for our community. Reavis made a motion to include the Sales Tax issue on the ballot of the November general election. Rawlings seconded the motion. Motion carried without opposition.

Ohio & Kelly Intersection: Council reviewed and discussed design options for the Ohio and Kelly Street intersection. Martin Goedecke stated during the work session reviewing both plans he was asked to provide the governing body with information on safety studies, capacity, wait times, and performance for the roundabout option. Martin stated the studies show that a roundabout will slow traffic and leads to a 76% reduction in injury accidents and a 35% reduction in overall accidents as well as a reduction in maintenance costs over the signal option because we will not have to maintain the lights. Leffler inquired about the increase in size of the roundabout since the work session discussion. Goedecke stated the size was increased to accommodate the size of the delivery trucks for Dillons and Wal-Mart.

Director of Public Safety Tyler Brewer stated he spoke with the Chief of Police in Olathe who indicated the roundabout was a good thing because it reduces speed and the number of injury accidents and property damage. Brewer stated that the downside is that there can be confusion at the entry points and if there is an accident there could be a difficulty with congestion. Childers asked if the wheel base size would be a problem with fire trucks and Brewer stated that it would not be a problem.

Keefer stated his biggest concern is the cost of purchasing the additional right of way because the city is 100% responsible for that cost and we would probably have to pay for relocation expenses. Keefer voiced concerns about clearing the roundabout for emergency vehicles and Brewer agreed. Williams stated the idea was a little risky to her and Harper agreed and asked what would happen if a vehicle were to stall in the roundabout. Goedecke stated it would block all traffic. Griffith stated that same problem would exist with the intersection with traffic signals, but Williams stated there would be a total of four lanes so that wouldn't be as big of an issue.

Childers asked Goedecke if the research made him sure the roundabout could handle our traffic flow at that intersection. Goedecke stated the studies show a single lane roundabout can handle 1200 vehicles in all directions in an hour and our highest volume of traffic occurs around 3 p.m. and averaged 500 vehicles, so it could handle our traffic flow sufficiently.

Reavis stated that most articles and studies he has read that are in favor of roundabouts are written by insurance agencies, state transportation departments, etc. but when you ask the people they hate them. Reavis stated between 50-60% of the traffic going north off of Kelly are turning into Dillons and one lane will significantly slow that traffic down. Goedecke stated the traffic will already be slowed to 15 mph so he doesn't see that being a problem. Reavis stated he doesn't think a roundabout in this location is the way to go.

Keefer stated there is not money in the budget this year to purchase additional right of way, so that would have to be done in 2011. Keefer stated we would probably have to issue temp notes to fund the project but budget funds in the Capital Improvement fund to pay those temp notes off instead of issuing long term debt. Williams stated that in the long run, but options will cost basically the same amount. Leffler agreed, but stated the roundabout option would reduce the

long term maintenance costs. Leffler made a motion to move forward with the revised plans for the roundabout option. Childers seconded the motion. Motion carried with Reavis opposed.

**New Business:**

**Mulvane Water Line:** Willis explained the current situation of the water line and the proposed fix. Leffler inquired about the time frame. Willis stated it would take between one and two weeks to get started, but only one day to set up and one day to complete the work. Leffler asked if there are any drawbacks to the proposed fix. Willis stated the only issue is that no one knows what the inside of the line looks like, but that should not preclude the insertion of the 12" line. Rawlings made a motion to approve the bid from Mies Construction in the amount of \$33,391 for the repair of a section of the Mulvane water line. Leffler seconded the motion. Griffith asked if any of the cost could be passed on to the City of Mulvane. Keefer stated it is our responsibility to maintain that line, so no. Motion carried without opposition.

**Aqua Tech Engineering:** Leffler asked when the tank was build. Rawlings stated it was built in 1952. Leffler made a motion to approve a letter proposal from Aqua Tech Engineering to evaluate issues with the One Million Gallon Water Storage Tank and make recommendations for its repair. Griffith seconded the motion. Motion carried without opposition.

**Lease Agreement:** Griffith made a motion to approve a lease agreement with the Billie Little family as part of the Levee Enhancement Project. Harper seconded the motion. Motion carried with Rawlings abstaining and no opposition.

**Kansas Biological Survey:** Griffith made a motion to approve a proposal from the Kansas Biological Survey to take core samples measuring sedimentation at the Augusta City Lake and Santa Fe Lake. Leffler seconded the motion. Motion carried without opposition.

**FAA Entitlement Funds:** Rawlings made a motion to approve the transfer of FAA entitlement funds to the City of Abilene, Kansas. Harper seconded the motion. Rawlings stated he wanted it made clear that this is not money the City has but only funds that we were entitled to by the FAA. Keefer agreed and stated that we have received entitlement funds from other communities for projects in the past. Motion carried without opposition.

**Informational Memorandum:**

**Reavis –** Reavis asked for clarification on whether the City will be renting the excavator to clear the drainage easements. Keefer stated yes. Reavis stated he would support a storm water utility and would recommend staff proceed in that direction. Williams and Harper voiced agreement. Rawlings thanked Shaw for the extensive information that was provided in his memo. Keefer stated there will be additional information brought back on this issue to the governing body for discussion.

**Final Comments:**

**Rawlings –** Rawlings stated he saw something in the El Dorado times about the City of El Dorado and the City of Wichita discussing water sales to Wichita. Keefer stated he had heard they were discussing that as well.

**Childers –** Childers personally thanked Councilman Major Michael Wallace for his service to our country and stated he appreciated that service.

**Williams –** Williams stated that the possibility of ARRA funds and State funding for the Spillway and Dam Repair Project was great news. Keefer stated everyone should thank Representative Crum

for assisting us with receiving the designation of the State Funds and with potential future funding for the Spillway and Dam Repair Project.

Williams thanked everyone for their condolences regarding the recent passing of her father and for the donations for his memorial for the Play Park.

Harper – Harper inquired about a report of the activity at Santa Fe Lake during the Memorial holiday. Keefer stated Rod Davis said he had a very busy weekend and that he didn't have a lot of problems or issues. Harper thanked the Augusta Department of Safety for their patrolling of the lake road along the bicycle path as there are people who tend to speed on that road. Harper thanked those that placed the flags at Elmwood Cemetery and staff for making the cemetery look so nice.

Williams – Williams stated that six businesses have been secured as sponsors for the annual Fourth of July fireworks, so along with those funds and funds from the City of Augusta and Ignite Augusta there will be a display this year.

Adjourn: At 8:23 p.m. Leffler made a motion to adjourn. Harper seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
JUNE 21, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on June 21, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Ronald Reavis, and Robert Griffith. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Human Resource Manager Angela Casper, Parks Superintendent Brian Alfaro, Airport Manager Daniel White, Swimming Pool Assistant Manager Zach Cannady, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Eric Christinat, and Martin Goedecke.

Prayer: Father Michael Schemm, St James Church, gave the invocation.

Minutes: Harper made a motion to approve the minutes from the June 7, 2010 meeting. Childers seconded the motion. Reavis stated in the last paragraph on page two it should read "cost" instead of "const". Motion carried without opposition.

Appropriations:

June (6): Huddleston asked if there should have been a breakdown for the purchases made to card services. Jones stated it was left out in error. Keefer stated the purchases for the Safety Department were for LCD monitors and Jones stated the purchase by the Airport was the replacement of a broken printer. Wallace made a motion to approve Ordinance 6 in the amount of \$435,243.49. Rawlings seconded the motion. Motion carried without opposition.

Visitors:

Williams introduced the city's Human Resource Manager Angela Casper to the governing body and the public.

Old Business:

Downtown Design Committee: Childers made a motion to approve the following appointments to the City's Downtown Design Committee: Eric Christinat – one year term, Rick Koeppen – one year term, Mike Rawlings – one year term, Bill Morris – two year term, Tom Knudson – two year term, Renee Harrison – two year term, Mark McCollom – three year term, Paula Pressnell – three year term, and Aaron Wells – three year term. Leffler seconded the motion. Motion carried without opposition.

New Business:

Airport Bids: Leffler made a motion to approve the bid from McConnell & Associates Corp in the amount of \$89,225.75 for the runway crack fill, seal, and pavement marking project at the Municipal Airport. Harper seconded the motion. Motion carried without opposition.

Temp Notes: Reavis made a motion to approve Resolution 2010-10 authorizing the issuance of Temporary Note refinancing for the Internal Improvements to Stone Lake Estates Addition and the Belmont Place Third Addition in the amount of \$435,000 and authorizing the Mayor to execute the related documents. Wallace seconded the motion. Motion carried without opposition.

Work Sessions: Leffler made a motion to schedule work sessions on July 12<sup>th</sup> and July 26<sup>th</sup> at 7 p.m. to review and discuss the proposed 2011 Budget. Harper seconded the motion. Motion carried

without opposition. Wallace stated he would be unable to attend the meeting on the 12<sup>th</sup> as he would be in Salina and that he didn't know yet if he would be able to attend on the 26<sup>th</sup>. Keefer stated that Childers would not be able to attend on the 26<sup>th</sup>.

Informational Memorandum:

Williams – Williams stated there will be a July 4<sup>th</sup> fireworks display thanks to generous donations from the City of Augusta, Coopers, Dairy Queen, Emprise, Global Parts, Go Mart, Ignite Augusta, Insurance Guys, LakePoint, and Pro Kleen. Williams stated that LakePoint is also sponsoring the July 3<sup>rd</sup> display at Santa Fe Lake.

Williams stated there has been a lot of discussion about the roundabout throughout the community and asked if the governing body would like to have forum to provide information to the public and give them an opportunity to ask questions. Huddleston stated he thought it was a good idea and asked that the property owners directly being affected by the construction be personally invited to attend the forum. Wallace stated the forum is a good idea because the perception, whether true or not, is that the public was not informed before the decision was made. Reavis asked if the project is still moving forward as a roundabout and if the purpose of the forum is only to inform the public. Williams stated that the governing body considered both options and voted 5 to 1 to move forward with the roundabout, but if something new were to come out of the forum that would cause the governing body to change its mind they could entertain that. Reavis stated he feels the forum is a good idea. Williams stated the forum will be scheduled on July 8<sup>th</sup> at 7 p.m. at the Safety Department and will be ran by a panel including the Director of Public Safety, Mayor, City Manager, City Engineer, and at least one Kansas Department of Transportation representative.

Reavis – Reavis stated that it may be time to revisit the spring cleanup issue. Reavis stated there has to be a better way to handle it, such as giving the citizens a free pass to the dump to use during a specific time frame or any time throughout the year. Keefer stated the Public Works Superintendent is looking into several options, but that some communities do give passes to the dump. Keefer stated there will have to be a more in depth discussion about this before the next clean up. Rawlings stated it is still much better than it was several years ago because at one time the annual clean-up cost the City around \$40,000. Keefer stated we get better each year at reducing the cost. Huddleston asked if we accept refrigerators and air conditioners. Keefer stated we do but we ask that they certify that the refrigerant has been removed. Huddleston asked if there is a value in re-selling the refrigerant and would it be worth it for the City to purchase the equipment to do that. Keefer stated he didn't know what all that would involve.

Final Comments:

Reavis – Reavis stated the Parents of Murdered Children motorcycle rally was this past Saturday and that there were 200 motorcycles in town for approximately 20 minutes. Reavis stated he spoke to DAI Executive Director Eric Christinat about coming up with a plan to work with them next year to help bring them back to our community after the rally.

Reavis stated that this weekend a car came down Ohio and ended up on the railroad under the overpass. Reavis stated there are no curbs, guardrails, or signs warning about the turn. Keefer stated the incident he was aware of involved an intoxicated driver. Huddleston stated the one he heard about turned onto the railroad tracks at 5<sup>th</sup> Avenue. Keefer stated he didn't know if that was the same incident.

Wallace – Wallace stated the city-wide garage sale was this last weekend and that it was a good deal and a success.

Huddleston – Huddleston stated he voted for the appointments to the Downtown Design Committee, but he noticed several of the appointees were the same ones that were previously on the committee. Huddleston stated he hopes they show up to more meetings than they did in the past. Huddleston stated it appears to him that some meetings by this committee are done by phone and stated shouldn't they be subject to the same open meeting rules as the governing body. Williams and Jones both stated this committee would not. Wallace disagreed and cited K.S.A. 75-4318. Mr. All stated he would take a look at that statute. Huddleston stated that he is concerned that they have meetings in the future not phone calls. Keefer agreed, but also stated that they are supposed to be taking minutes during these meetings. Williams stated she asked staff if it was difficult to get nine people together for a meeting and was assured it would not be a problem, but that was her reason for recommending a smaller committee. Huddleston stated that as long as the committee members are dedicated and committed to attending the meetings it wouldn't be difficult to get a quorum of five people to the meetings.

Adjourn: At 7:37 p.m. Leffler made a motion to adjourn. Huddleston seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
JULY 6, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on July 6, 2010, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Wallace, Tom Leffler, Mike Rawlings, Ronald Reavis, and Robert Griffith. Council members Holly Harper and Michael Huddleston were absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Public Works Superintendent Cy Ricker and City Clerk Erica Jones. Visitors present were: Michael McDermott, Debra Hiser, Willis Wilson, Trent Schell, Eric Christinat, Stan Taylor, Bill Ketterman, Dale Redding, Robert Hubbard, Sharon Sudduth, Dalton Patterson, Mike Clifton, Larry Novak, and Jeff Nusz.

Prayer: Pastor John Einem, Christ Lutheran Church, gave the invocation.

Minutes: Childers made a motion to approve the minutes from the June 21, 2010 meeting. Rawlings seconded the motion. Motion carried without opposition.

Appropriations:

June (6A): Leffler made a motion to approve Ordinance 6A in the amount of \$847,439.55. Griffith seconded the motion. Motion carried without opposition.

Visitors:

Stan Taylor, 2005 Cron, spoke regarding the Spillway Dam project and his concern about the procedures for the meeting that took place on October 19, 2009. Taylor stated, in order of importance, the things that need to be considered is the safety of the dam, maintaining the water supply, and recreation. Taylor also stated the ecosystem needs to be protected. Taylor stated these are the reasons why he is not in favor of dredging the lake. Williams explained that there are safety concerns from the State that we are mandated to remedy. Williams stated that a great deal of time has been spent looking into this project and other options such as a coffer dam have been considered but it would add millions of dollars onto the cost of the project. Keefer explained that the spillway does not currently provide adequate relief for a probably maximum precipitation event. Keefer stated the current design for the project includes a labyrinth weir type of spillway and explained to Taylor how it would work. Williams and Keefer explained that the other option was to widen the dam into Garvin Park which would eliminate the road into the park. Taylor explained that he would like to see feedback or discussions on these types of subjects, including projects like the roundabout, instead of having a forum only after complaints are received. Williams stated that the roundabout was discussed in a work session and in council meetings and that the Gazette decides what it publishes in the paper. Williams stated we do want to get the message out and it was put on the city's website. Williams stated dredging the lake will cost \$3-\$4 million. Keefer stated the city is starting to lay the groundwork for a future long term goal to dredge the lake and secure funding from the State for that project. Williams thanked Taylor for his input and asked Josh Shaw if he could post known future agenda items on the website. Williams also encouraged everyone to contact council members with questions on projects or if they receive information from someone, because a recent email going around about emptying the lake was full of mis-information.

Eric Christinat, Executive Director of Downtown Augusta, Inc. (DAI) was present to make their annual funding request for the 2011 Budget in the amount of \$13,500. Christinat stated that DAI has been instrumental in bringing in five businesses in the last year and a half and 20-21 jobs.

Williams asked Christinat to provide updated information to the governing body regarding DAI's membership over that last few years. Christinat stated there have been 17 new members in the last year and he believed the total membership to be at 67 members. Christinat stated he would provide that information to the governing body. Williams asked if DAI has any specific plans for the next year and Christinat stated he plans to continue to increase his involvement with the Kansas Small Business Development.

Trent Schell of Augusta Progress, Inc. (API) was present to make their annual funding request for the 2011 Budget in the amount of \$20,000. Schell stated they have 15 active API members and their mission is to improve the number of jobs and create commerce in Augusta. Schell stated they would like the City to recognize API as the economic development group for Augusta. Schell also recommended the City establish an Economic Development Fund and put the \$20,000 allotted for 2010 into that fund as well as the \$20,000 requested for 2011. Schell stated API would come up with guidelines for a project to be eligible for those funds, which would allow for easy access to those funds by API. Schell stated API meets the second Thursday of every month at 8 a.m. at City Hall and he encouraged the governing body members to visit one of those meetings.

Reavis stated he thinks setting up an Economic Development Fund is a wonderful idea but he questions the scope of what API would define as economic development. Schell stated the guidelines should be a consensus of API and the governing body and that anything outside of those guidelines would be brought before the governing body. Reavis stated he understands that API is more interested in new industry, buildings, and jobs and not those that are existing. Schell agreed but stated the funds would also be for existing businesses that are expanding or struggling financially. Williams stated that existing businesses would qualify for other funds through DAI or E-Community grants. Schell stated a lot of the various groups in town work together as a team to find funding for businesses. Reavis stated when he thinks of economic development he thinks of the 21 jobs that DAI helped generate and that he is concerned if API is recognized by the City as the economic development group for the City that it would undercut DAI or the Chamber. Williams mentioned that DAI and the Chamber have members on the API board, and that they could not be designated because those organizations have a specific purpose. Williams stated she see these funds as something the City is building up for a big project.

Griffith stated he thinks it is a good idea but that the City should be instrumental in developing the guidelines for these funds. Williams agreed and stated that it is important for cities to have a funding stream for economic development. Reavis stated he is in full support of the funding but that he wants the guidelines to include that it is a team effort including API, DAI, the Chamber, and the City.

Leffler made a motion to approve designating API as the official economic development group for the City and approve the creation of an economic development fund subject to the approval of a resolution establishing the guidelines outlining how the funding can be used. Rawlings seconded the motion. Wallace stated he wants to see the guidelines before making the designation. Keefer stated the goal of the resolution will be to make the designation, establish the fund, and develop the guidelines. Childers asked if this made sense to the representatives of DAI and the Chamber. Both stated it would not change the way they conduct business now. Motion carried without opposition.

#### Old Business:

Emergency Water Plan: Wallace stated the City Manager should be identified as the site manager and that an on-site manager needs to be designated, because this is an issue that is being pushed by

KDHE. Shaw stated the on-site manager would vary depending on the type of incident. Leffler asked if Wallace was stating that KDHE would not approve the plan if turned in as is and Wallace said he was not stating that. Wallace stated the biggest confusion during an emergency is who is in charge, and if an on-site manager is identified it is clear and would alleviate a problem in the future. Rawlings stated the first responder would be the on-site manager. Reavis stated the chain of command should follow the guidelines of NIMS and that he would recommend using the term "incident commander" and referring to the org chart. Keefer stated staff could contact Butler County Emergency Management for input. Wallace made a motion to table this agenda item for no more than 60 days. Griffith seconded the motion. Motion carried without opposition.

**New Business:**

**Public Hearing:** A public hearing was conducted to take input on the cleanup of property located at 922 Money. Photos of the property were reviewed and Allen stated the house is filled with garbage and mouse droppings. Allen stated the property owner walked away from the property two years ago and doesn't care what happens to it and that HFC was contacted and received the registered letter but chose not to send anyone to this public hearing. Keefer asked about HFC's plan for the property. Allen stated there are currently 29 properties in Augusta in foreclosure that have been walked away from and that HFC has several properties all over. Rawlings inquired about the tax status of the property. Allen stated he believes it is delinquent. Williams closed the public hearing.

Williams asked why the property should not be torn down. Allen stated it is cheaper to clean it up then tear it down, but it would require ongoing maintenance for the mowing. Keefer stated the goal is to salvage what is salvageable because if it is kept in a presentable condition it may later sell and stay on the tax rolls. Keefer stated if it were removed it would come off the tax rolls. Williams stated she is concerned about the mold. Rawlings stated it would be to our benefit to turn the power on to the sump pump after the clean up. Childers asked if we were to clean up the property what would be the quickest time the property could be sold. Allen stated it is completely up to the bank on when it could be sold. Leffler asked what would happen if the resolution is approved. Keefer stated staff would take the necessary action to clean out the trash and mow the property. Childers asked how quickly a property can be put to auction for unpaid property taxes. Allen stated three years. Leffler made a motion to approve Resolution 2010-11 directing the cleanup of the property located at 922 Money. Reavis seconded the motion. Motion carried with Childers opposing.

**Zoning:** Rawlings made a motion to approve Ordinance 2005 changing the zoning classification for a tract of property at 8845 SW Highway 54 from Agriculture to Residential 6A. Childers seconded the motion. Motion carried without opposition.

**Letter of Intent:** Wallace made a motion to approve a Letter of Intent with the State Conservation Commission for funding assistance for the City Lake Spillway and Dam Project. Leffler seconded the motion. Motion carried without opposition.

**Burn Site:** Wallace made a motion authorizing the City to submit a permit application to KDHE for a new controlled burn site. Leffler seconded the motion. Motion carried without opposition. Reavis suggested burning more than once or twice per year to help generate the least amount of smoke possible. Cy Ricker stated he would be contacting the Safety Department prior to the burning of material.

Informational Memorandum:

Rawlings - Rawlings stated that earlier in the meeting Keefer stated the spillway was built in the 1970's, but that was when the concrete face was added to the spillway. The original spillway was built in the 1940's or 1950's.

Wallace - Wallace asked Keefer to give an update on the rail line. Keefer stated he has received a draft agreement about transitioning from trail manager to ownership. Keefer stated there are questions about legislation that he and the County need to sit down and look at. Reavis asked if the land has to be used as a trail. Keefer stated the way he understands it is that a certain portion of the right of way has to be maintained in the event that someone wants to re-establish the rail in the future. Reavis asked if it could be used as a rail spur. Keefer stated that it could, but it would probably be used for trails and green space as it would be very expensive to use as a rail spur.

Final Comments:

Reavis – Reavis thanked Stan Taylor for his input at the meeting and encouraged more people to come to the meetings. Reavis stated there were approximately thirty children walking in the Independence Day parade downtown on Sunday in rain. Reavis stated it was a good showing of their patriotism.

At 8:35 p.m. Griffith excused himself from the meeting.

Williams – Williams thanked the sponsors of the July 4<sup>th</sup> fireworks display.

Executive Session: At 8:36 p.m. Leffler made a motion to enter into Executive Session for 15 minutes to discuss property acquisition. Wallace seconded the motion. Councilman Rawlings excused himself from the session due to conflict of interest. Motion carried without opposition.

At 8:49 p.m. Childers made a motion to exit Executive Session with no action being taken. Leffler seconded the motion. Motion carried without opposition.

Executive Session: At 8:49 p.m. Rawlings made a motion to enter into Executive Session for 15 minutes to consult with the City Attorney on matters that would be deemed privileged in an attorney-client relationship. Wallace seconded the motion. Motion carried without opposition.

At 9:08 p.m. Wallace made a motion to exit Executive Session with no action being taken. Childers seconded the motion. Motion carried without opposition.

Adjourn: At 9:08 p.m. Wallace made a motion to adjourn. Leffler seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
JULY 19, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on July 19, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Tom Leffler, Ronald Reavis, and Robert Griffith. Council members Michael Wallace and Mike Rawlings were absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Airport Manager Daniel White, and City Clerk Erica Jones. Visitors present were: Michael McDermott, John Black, and Sharon Sudduth.

Prayer: Council member Holly Harper gave the invocation.

Minutes: Harper made a motion to approve the minutes from the July 6, 2010 meeting. Huddleston seconded the motion. Motion carried without opposition.

Appropriations:

July (7): Huddleston inquired about the payment to Sound Products. Shaw stated it was for the new projection equipment in the council room. Reavis made a motion to approve Ordinance 7 in the amount of \$908,164.40. Harper seconded the motion. Motion carried without opposition.

Old Business:

Emergency Water Plan: Huddleston made a motion to approve the amended Emergency Water Supply Plan. Childers seconded the motion. Motion carried without opposition.

Annexation: Griffith made a motion to approve Resolution 2010-12 rescheduling a Public Hearing for September 20<sup>th</sup> to take input on the annexation of two tracts of property that abut the south limits of the City of Augusta at Second Avenue and Highway 77. Harper seconded the motion. Motion carried without opposition.

New Business:

Temp Note Bids: Reavis made a motion to accept the bid from Country Club Bank for Temporary Notes for Internal Improvements for the Stone Lake Estates Addition and the Belmont Place Third Addition with a net interest cost of \$8,402.75. Childers seconded the motion. Motion carried without opposition.

Childers made a motion to approve Resolution 2010-13 authorizing the issuance of the temporary notes for Internal Improvements for the Stone Lake Estates Addition and the Belmont Place Third Addition. Harper seconded the motion. Motion carried without opposition.

Parking: Williams stated the proposal did not indicate a specific time of day for the parking restrictions. Huddleston stated the biggest problem with parking would be during the school day. Keefer stated there are several events outside of school hours such as sporting events and concerts that would still cause a problem for the Safety Department. Huddleston stated by restricting the parking for evening events, it will push people to park more in residential areas. Mr. All stated it is hard to make people understand if parking is only restricted during specific times. John Black stated that only restricting the parking from 7:30 a.m. to 5:00 p.m. would fit the school's needs, but that after speaking to Keefer and Director of Public Safety Tyler Brewer, it was determined that parking outside of those hours would still impact the Safety Department. Keefer stated that Brewer's memo states that parking in that area does restrict movement. Williams stated there had been previous discussion about re-paving the south lot and adding turn lanes to address safety concerns of exiting the lot. Black stated that is not a formal plan. Black stated the north parking lot could still be used for student pick-up, but that the doors will be locked to restrict entrance to the school building strictly to the south. Black stated it is in the school's overall plan

to put a hard surface on the East parking lot. Huddleston asked if parking is currently allowed on both sides of Augusta Avenue. Keefer stated there is no parking on the North side of Augusta Avenue or the West side of Greyhound Drive. Huddleston asked why the parking is only now an issue with the Safety Department. Keefer stated it is because of the new fire truck. Reavis stated the other fire trucks can be backed in off of Ohio but the new truck has to be pulled through from the East. Reavis made a motion to approve prohibiting vehicle parking along the south side of Augusta Avenue between Ohio Street and the entrance to the east high school parking lot. Leffler seconded the motion. Motion carried without opposition.

School Resource Office: Leffler made a motion to approve an updated Interlocal Agreement with USD 402 for the School Resource Office. Reavis seconded the motion. Motion carried without opposition.

T-Hangars: Leffler made a motion to approve the low bid from McMillan Seamless Gutter, Inc. in the amount of \$9,500 and authorize staff to move forward with the t-hangar guttering project. Childers seconded the motion. Huddleston commended White for the wide range of proposals. Shaw stated that KDOT met to discuss the pilot grant program today, but that we have not heard for sure whether we will be receiving grant funding. Shaw stated that they received a lot more proposed projects than they had anticipated, but that staff is still being hopeful and we should find out later this week. Motion carried without opposition.

2012 KLINK: Harper made a motion to authorize KDOT to move forward with the scheduling of a FY 2012 KLINK project for Highway 77 (Walnut Street). Leffler seconded the motion. Motion carried without opposition.

Special Meeting: Reavis made a motion to schedule a special meeting for 7 p.m., Monday, August 9, 2010 for the purpose of holding the Public Hearing for the proposed 2011 Budget and related budget actions. Harper seconded the motion. Motion carried without opposition.

Property Acquisition: Leffler made a motion to purchase 3.34 acres from Michael and Teresa Rawlings as part of the City's Levee enhancement project. Harper seconded the motion. Motion carried without opposition. Childers made a motion to acquire 0.17 acre permanent ponding easement from Michael and Teresa Rawlings as part of the Levee enhancement project. Leffler seconded the motion. Motion carried without opposition. Leffler explained that Rawlings accepted the first offer made from the City based on the appraisal and that the offer was reviewed and approved by the Corps of Engineers.

#### Informational Memorandum:

Williams – Williams stated she had never heard of a paint shortage in regard to the Runway Repair Project. Shaw stated the chemical in the paint that makes it reflective is in short supply and is not being shipped out of China, and the United States does not produce this particular chemical.

#### Final Comments:

Huddleston – Huddleston stated he noticed the work has begun on Frisco and asked if the contractor is going to build around the north side of the curb so the water drains south. Keefer stated the areas where the water ponds will be built up so it drains back to the curb to move the water, and that this will only be a temporary fix. Huddleston stated he is glad it is being taken care of.

Adjourn: At 7:26 p.m. Leffler made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
AUGUST 2, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on August 2, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Ronald Reavis, and Robert Griffith. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Martin Goedecke, and Sharon Sudduth.

Prayer: Pastor Steve Hollingsworth, Central Baptist Church, gave the invocation.

Minutes: Williams stated that the adjourned time should be listed as 7:26 p.m. instead of 8:26 p.m. Reavis asked for the temporary note project description to be included in the minutes as well as identifying the property in the annexation request. Reavis stated the minutes are the official record and the descriptions are necessary for future review of the meeting minutes. Staff agreed. Leffler made a motion to approve the minutes from the July 19, 2010 meeting with the recommended changes. Harper seconded the motion. Motion carried without opposition.

Appropriations:

July (7A): Griffith inquired about the payment to James R Watts, LLC. Keefer stated it was for court appointed attorney fees. Huddleston asked if other attorneys are used only when Cami Baker is unavailable. Keefer stated they are used if Baker is unavailable or if she has a conflict of interest, but that all the court appointed attorneys have agreed to pay the same contracted fee we have with Baker (\$200 per case). Griffith inquired about the payment to Jim Short. Keefer stated it was for hauling rock to the new storage building at the Electric Plant and that it was paid out of the funds remaining from the Electric Revenue Bond. Griffith inquired about the payment to Southwest Butler Quarry. Keefer stated it was for rock and was paid out of five different budgets. Wallace inquired about the payment to Baysinger Police Supply. Keefer stated it was for the purchase of a bullet proof vest for the Safety Department. Reavis inquired about the payment to Jadcore. Keefer stated it was for the purchase of the blue trash bags sold by the Utility Office. Wallace made a motion to approve Ordinance 7A in the amount of \$1,028,277.08. Harper seconded the motion. Motion carried without opposition.

New Business:

KDOT Agreements: Rawlings made a motion to approve an agreement cancelling an agreement dated October 9, 2009 for a project through the American Recovery and Reinvestment Act for improvements to 7<sup>th</sup> Street. Childers seconded the motion. Griffith asked what would happen with the additional funds if the project comes in under the amount listed in the contract. Keefer stated that is the amount that is available to us from the State for their match and that if the project cost was less than that amount the State would keep those funds. Huddleston asked if the \$1,083,399 amount in the agreement was based on the engineer's estimate. Keefer stated the original engineer's estimate was \$883,000 and that he spoke to KDOT and their attorney about the difference, but that this is how they wanted to list the amount. Keefer stated this is an advantage to us in case the project comes in higher than the engineer's estimate. Huddleston inquired about the engineering firm. Keefer stated Goedecke Engineering provided the estimate and that PEC will be the construction engineer. Huddleston inquired about the statement in the memo that the construction engineering services firm was selected with the assistance of the City's Insurance Committee. Keefer stated that committee has taken the role of recommending engineers for the City prior to his arrival at the City and that he has continued that tradition.

Keefer stated the Insurance Committee also reviews the Special Alcohol Loan applications. Huddleston stated he needs a list of the purpose for each committee and board. Keefer stated that their recommendations have been presented to the governing body in the past and that other committees, such as the Airport Advisory Committee, have helped with selecting engineers. Huddleston stated he was surprised they have that function and would think the board that reviews tradesmen and permits would be more appropriate. Motion carried without opposition.

Rawlings made a motion to approve an agreement with the Kansas Department of Transportation for improvements to the westbound lanes of 7<sup>th</sup> Street between the west side of the overpass and 250' west of Bluff Street. Childers seconded the motion. Motion carried without opposition.

Library Board: Huddleston made a motion to appoint Alice Roy to fill the unexpired term of Bill Ledgerwod expiring in May of 2011 and Ryan Bridwell to a four year term replacing Vesta Wicke on the Library Board. Harper seconded the motion. Motion carried without opposition.

Parking: Harper made a motion to approve Ordinance 2006 prohibiting the parking of vehicles along the south side of Augusta Avenue between Ohio Street and the entrance into the high school's east parking lot. Leffler seconded the motion. Reavis asked if the ordinance can be amended to include the north side. Keefer stated the purpose of this ordinance is to specifically address the south side. Mr. All stated there is no existing ordinance addressing the north side and that it is not required because parking has always been prohibited on the north side. Huddleston stated there was already one no parking sign up on the south side. Keefer stated that was put in a few years ago between Ohio and the first entrance into the school because parking was extending too far west and encroaching into traffic. Huddleston stated the ordinance references the southwest corner of the driveway and asked if it should just state the west corner since there is no northwest corner. Mr. All stated that he does not believe there is any confusion in the way it is currently written. Wallace asked why not include all of Augusta Avenue instead of just this section. Huddleston agreed. Keefer stated the ordinance is not required, but since there were specific boundaries involved on the south side he felt it was best to clarify it by ordinance. Motion carried without opposition.

Sales Tax Ballot Question: Williams explained that 50% of the sales tax revenue is transferred to the Street Sales Tax Fund and used for the costs of street maintenance, 20% is transferred to the Capital improvement Fund to assist with the costs of major capital expenses, 20% is put into the General Fund to reduce ad valorem property taxes, and 10% is put into the General Fund to assist with the costs of the General Fund. Reavis made a motion to approve the ballot question for the renewal of the City's one-cent sales tax. Childers seconded the motion. Motion carried without opposition.

Street Sales Tax Program: Griffith inquired about the longevity of the proposed overlay. Martin Goedecke stated it would last for 8-10 years. Huddleston asked if the overlay would be similar to Frisco Street. Goedecke stated it would, except that Frisco was milled and overlay was added to assist with drainage, and that this project would provide a smoother driving surface and that there would be approximately a three foot strip on either side that will not be overlaid. Goedecke stated there are areas north of the proposed project that will still have to be patched. Huddleston stated this is a heavily trafficked street and inquired about the timeframe. Goedecke estimated it will take two days to complete the project, but that they may not be consecutive. Goedecke stated the street will be open each evening and between being milled and overlaid. Leffler made a motion to approve the milling and overlay along Ohio Street between High and Main Street. Childers seconded the motion. Motion carried without opposition. Griffith asked if the

remaining patching will be an additional cost. Goedecke stated it would be for patching outside of the area being milled and overlaid.

Councilman Rawlings exited the meeting at this time due to a conflict of interest with the following agenda item and the Executive Session.

**Request for Reimbursement:** Council considered approval of a request for reimbursement from Michael Rawlings for expenses incurred securing a partial release of mortgage as required for the levee enhancement project. Huddleston asked if the \$100 endorsement fee is included in the \$1,027.90 amount. Keefer said no, that the \$100 will be included in the payment the City makes to the mortgage company. Reavis asked if this has been an issue with the other properties. Keefer stated that there has only been one other need for a partial release of mortgage from the mortgage company, but that they did not charge us. Keefer stated this was an unanticipated cost. Wallace made a motion to approve the request for reimbursement of expenses for Mike Rawlings in the amount of \$1,027.90 as they relate to the partial release of mortgage for property purchases related to the levee project. Harper seconded the motion. Motion carried without opposition.

**Informational Memorandum:**

**Huddleston –** Huddleston inquired about the street cleaning plan prior to the car show. Keefer stated there was some preliminary sweeping this morning and that they will be out there again before the end of the week. Keefer stated he had also asked the Parks Department to make sure the area is cleaned up and attractive. Huddleston stated the new street sweeper doesn't seem to pick stuff up and leaves a path. Keefer explained that reason for the issues at the Grasshopper Festival was that the driver did not operate it properly. Keefer further explained that it sometimes takes multiple passes to clear heavy debris. Williams thanked the WFO Car Club for the donation and installation of the speaker wire downtown.

**Wallace –** Wallace said that KDOT had originally stated their funding for the Kelly & Ohio Street intersection would be \$1 million, but are now stating their funding at \$800,000. Keefer stated the email that was forwarded to him said \$1 million, but that the KDOT representative at the roundabout meeting said \$800,000 like the letter from KDOT did.

**Huddleston –** Huddleston asked if a date had been set for the final walk-thru for the Streetscape project. Keefer and Goedecke stated that had not been set yet. Huddleston stated that several of the brick inlays have settled significantly.

**Griffith –** Griffith inquired on the status of the Frontier Waterline. Keefer stated they were given the official notice to proceed today and that they have started construction. Griffith stated that appropriations ordinance 7A showed \$11,920 spent out of the Frontier Waterline fund. Keefer stated it was for engineering and design costs and that those are subject to partial reimbursement. Shaw stated it was for the engineering and design work from February until now.

**Final Comments:**

**Williams –** Williams reminded everyone to get out and vote tomorrow between 6 a.m. and 7 p.m.

**Executive Session:** At 7:42 p.m. Leffler made a motion to enter into executive session for 10 minutes to discuss the acquisition of property. Childers seconded the motion. Motion carried without opposition.

At 7:54 p.m. Huddleston made a motion to exit executive session with no action being taken. Wallace seconded the motion. Motion carried without opposition.

At 7:55 p.m. Wallace made a motion to re-enter into executive session for 5 minutes to discuss the acquisition of property. Childers seconded the motion. Motion carried without opposition.

At 8:04 p.m. Wallace made a motion to exit executive session with no action being taken. Reavis seconded the motion. Motion carried without opposition.

Adjourn: At 8:04 p.m. Leffler made a motion to adjourn. Wallace seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
SPECIAL MEETING  
AUGUST 9, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in a special meeting on August 9, 2010, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Tom Leffler, Robert Griffith, and Ronald Reavis. Also present: City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, Director of Electric Utility Bill Webster, and City Clerk Erica Jones. There were no visitors present.

Mayor Williams called the meeting to order at 7:00 p.m.

Public Hearing: Council conducted a Public Hearing to take input on the City of Augusta's proposed 2010 Budget. The Public Hearing was closed after no one came forward with comments.

Proposed Budget: Council considered approval of the proposed 2011 Budget. Williams stated that staff has proposed two new options, Revised Option 1, which will increase the mil levy by 0.222 mils and Revised Option 2, which will increase the mil levy by 0.870 mils. Reavis stated that he doesn't want to raise taxes, but there is so much that can be done with that \$50,000. Reavis stated for a \$100K house the original option 2 proposed during the work session would only increase the property tax by \$21 for the year. Reavis stated that is pretty insignificant and would allow the City the freedom to get things done that need to be done. Keefer stated the only downside with that would be we haven't identified anything specific in the budget for those funds to be used, so at this time it would only be added to the reserves. Williams stated if we are going to raise taxes we need to have those types of projects identified and that she thinks we owe it to our community to hold the line. Childers agreed, stating that he is concerned about the upcoming sales tax election. Williams stated the good news is that in the last several elections the sales tax issues have passed.

Huddleston asked for clarification that sewer, water, and electric improvements are not paid out of the general fund or taxes. Keefer confirmed and stated they are usually fee driven or paid out of capital improvement funds. Childers stated there will be discussions in the next couple of months regarding a storm sewer utility.

Keefer stated he works very hard on finding ways to keep property taxes down, but the only way to keep it low is for the community to grow and/or increase valuations. Keefer stated property taxes fund a large number of things. Keefer stated we are battling several unknowns this year including a significant reduction in sales tax revenue, property tax delinquencies between 8% and 9%, and motor vehicle taxes falling behind. Keefer stated he doesn't take property taxes lightly, but it makes it hard when it doesn't look like it will turn around in the near future. Keefer applauded Reavis and his recommendation but stated staff is aware that some of the things that need to be done won't happen in the near future. Keefer also stated that within the next few years we will have to raise property taxes to cover the debt for the levee and spillway projects.

Williams stated Sedgwick County is also cutting their capital improvement reserves to reduce their budget. Keefer stated we are very fortunate not to be having to look at cutting things like the City of Wichita is. Williams stated if we had not purchased the fire truck last year we would not have had to increase the mil levy for 2011. Keefer stated that waiting to purchase the fire

truck is a good example of what has been done in the past, such as not replacing vehicles or equipment until it is falling apart.

Williams stated the school district is proposing a 4.3 mil levy increase tonight at their meeting. Reavis stated he would support the new proposal but compares reducing the budget to taking \$50,000 out of the savings account used to pay for capital improvements. Reavis stated the difference between tonight's option 2 and the option 2 presented at the work session is only \$2 per month and that he doesn't think that it makes that big of a difference. Williams disagreed. Huddleston stated it does make a difference when we are looking at people in our community without jobs, struggling to make it day to day. Huddleston doubted that \$2 would break them, but stated we would not be setting a good example by adding more to them. Huddleston stated we are telling them we are all in this together, yet we continue to build up our savings account. Huddleston stated it is bold to ask them to pay the same they paid last year, but it would be really brave to ask them to pay even more. Reavis stated he has more citizens complaining to him about things they want done in the community more than he has complaints about property taxes.

Williams stated the best thing for our community is to do things to increase our valuation so the mil levy will come down. Huddleston stated we have unique problems compared to other communities like Andover, such as flooding and the purchasing of water. Keefer stated we are also an older town with a lot of infrastructure that is 80 to 90 years old or older. Huddleston stated that our population is not increasing either.

Reavis made a motion to approve Option 2 which proposes a mil levy increase of 0.870 mils for a total of 39.675 mils in 2011. Childers seconded the motion. Leffler stated he agreed with Reavis entirely stating the City is fiscally responsible and it was the consensus of the governing body at the work session to approve option 2 and increase the mil levy by 1.881 mils. Leffler stated he is afraid that the governing body will look back and regret not including the \$50,000 in the budget. Leffler said it is very brave of Reavis to make the recommendation he did and that we have to tell people the way it is and not be afraid to face them. Williams stated she is not afraid to face the public if she thought the increase was necessary, but she doesn't feel we can continue to raise taxes and not consider the ramifications. Huddleston stated the last sales tax election included funds to reduce the mil levy, and if we now increase the mil levy and then turn around and ask them to pass a new sales tax we might be facing a problem. Williams stated we cannot continue to keep increasing the mil levy. Leffler stated the mil levy has not been increasing and has actually been going down over the last few years. Huddleston stated the levy went down because the valuations went up.

Motion carried with Huddleston opposed. Huddleston stated the reason for his opposition is he thinks it sends a wrong message to support any property tax increase at this time. Childers stated it was wrong for Huddleston to have voted for the purchase of the fire truck then, because this increase is covering the cost of the debt payments for the fire truck. Huddleston stated he thinks we could have found the funds necessary to keep the property taxes steady. Williams stated that Butler County currently has an 8.6% unemployment rate.

Adjourn: At 7:31 p.m. Huddleston made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
AUGUST 16, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on August 16, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Ronald Reavis, and Robert Griffith. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Director of Public Safety Tyler Brewer, City Inspector Dan Allen, Airport Manager Daniel White, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Andrew Kovar, Warner Harrison, Kevin Unrein, Pastor Steve Hollingsworth, and Doug Burright.

Prayer: Pastor Steve Hollingsworth, Central Baptist Church, gave the invocation.

Minutes: Wallace made a motion to approve the minutes from the August 2, 2010 meeting. Rawlings seconded the motion. Motion carried without opposition.

Reavis made a motion to approve the minutes from the August 9, 2010 special meeting. Wallace seconded the motion. Motion carried without opposition.

Appropriations:

August (8): Reavis stated we should be using credit cards to make purchases because we waste more money cutting checks. Reavis stated there should be an easier way to pay our bills. Wallace made a motion to approve Ordinance 8 in the amount of \$313,650.23. Huddleston seconded the motion. Motion carried without opposition.

Visitors:

Wallace made a motion to approve a request from the Kansas Museum of Military History for use of a sign located on City owned property on the south side of 7<sup>th</sup> Street at the west city limits. Harper seconded the motion. Huddleston asked if the sign will need to be moved in the near future. Shaw stated there is a very good chance, but if that were to occur and the council doesn't have a problem with it, he would recommend donating the sign to the Kansas Museum of Military History. Shaw stated the sign would not be able to be relocated to another property on 7<sup>th</sup> Street because of our sign regulations. Motion carried without opposition.

New Business:

Special Election: Childers made a motion to approve Resolution 2010-13 authorizing the scheduling of a special election on November 2, 2010 for the renewal of the City's one-cent sales tax. Wallace seconded the motion. Reavis stated that in the fourth "Whereas" the resolution refers to "continuing and increasing the Existing Sales Tax" and stated we are not increasing the sales tax. Reavis also stated the percentages included in the ballot question were not included in the fourth "Whereas" section. Childers made a motion to amend the Resolution by deleting "and increasing" and to include the correct percentages, both in the fourth "Whereas" section of the Resolution. Wallace seconded the amendment. Motion carried without opposition.

Mortgage Leasehold Agreement: Andrew Kovar explained the history of the City issuing IRB's to LakePoint Nursing Home in Augusta. Kovar stated that these are not general obligation bonds and therefore do not affect the City's indebtedness. Kovar stated the City owns the real estate and lease it to LakePoint who makes lease payments that go directly to pay down the bonds. As the bonds have been paid down, equity has been building. Kovar stated that Great Southern Bank is

the current bond holder of the IRB's that were issued for LakePoint in Augusta. LakePoint is building a facility in El Dorado and that Great Southern Bank will be the bond holder in that issue as well and has informed LakePoint that they are willing to let them use the equity build up on the Augusta bonds as collateral for the new facility. If for some reason LakePoint were to default on either IRB's, Great Southern Bank would be able to step in and operate either facility.

Griffith asked if LakePoint were to default on either bond issue, would the City have any liability or obligation. Kovar said no, that only LakePoint would be liable or have any obligation due to default. Huddleston asked if there is only the one bond issuer for both facilities. Kovar said yes. Huddleston asked why they need collateral from the equity on the Augusta IRB's. Kovar stated they will be securing the El Dorado facility with the Augusta facility and if LakePoint were to default on the El Dorado IRB's, Great Southern Bank would step in at the Augusta facility. Huddleston stated he doesn't want to interfere with LakePoint's ability to grow, but asked if this is necessary for them to grow. Kovar stated the collateral is required for the new facility. Mr. All stated allowing this would not adversely affect their IRB's through the City of Augusta. Kovar agreed.

Griffith made a motion to approve Resolution 2010- 14 authorizing Lakepoint Augusta, LLC to execute a Mortgage Leasehold Agreement. Harper seconded the motion. Motion carried without opposition.

Standard Traffic Ordinances: Wallace made a motion to approve Ordinance 2007 adopting by reference the 2010 LKM Standard Traffic Ordinance (STO). Childers seconded the motion. Reavis stated section two refers to maximum fines and asked if that is for any offense. Mr. All stated it is for traffic infractions or traffic offenses, and that the schedule of fines is established by the judge. Reavis inquired about DUI's. Mr. All stated that is not a traffic infraction and that there is a section that refers to that specific offense. Mr. All stated the schedule of fines set by the judge is for those that are not already established by the STO. Huddleston asked if there are any items in the STO that we handle differently. Mr. All stated there are not. Keefer stated not in the STO, but there are in the Uniform Public Offense Code and those have been identified by the ordinance. Motion carried without opposition.

Uniform Public Offense Code: Reavis asked if we will be assuming the enforcement of public smoking. Mr. All stated we are. Reavis asked if that included enforcement of no-smoking signs. Brewer stated it would come under the auspices of the Safety Department and their enforcement of signage. Wallace made a motion to approve Ordinance 2008 adopting by reference the 2010 LKM Uniform Public Offense Code. Huddleston seconded the motion. Motion carried without opposition.

1706 Highland Drive: Wallace made a motion to approve the purchase of a tract of land located at 1706 Highland Drive as part of the levee project subject to the resolution of back taxes issues by the property owner. Childers seconded the motion. Motion carried with Rawlings abstaining due to a conflict of interest.

Augusta Aircraft Maintenance: Council considered authorizing City Staff to give a 30 day notice to Augusta Aircraft Maintenance to vacate their space at the airport. Wallace asked if there is anyone interested in leasing that space. Shaw stated there have been some initial discussions, but that the space has not yet been marketed awaiting the council's decision. Reavis asked if the tenant is still in arrears. Shaw stated he is but that is not the primary reason for staff's recommendation. Shaw stated the recommendation is due to the absence of maintenance services

at the airport for over a month, and while we sympathize with the reasons for the absence we have to consider the long term issues and the impact on the Airport.

Doug (Gus) Burright addressed the governing body and explained that he had severe health issues beginning in July that led to his absence. He agreed that he is two months behind on his lease. Burright stated the Airport does not subsidize his business in any way, and that it is his business not the airports. Burright stated he is ashamed of how his business has been run but that it has not negatively impacted the airport. Wallace asked if his health issues could return. Burright said no. Williams asked how many hours per week Burright works at the airport when he is not ill and when he was last working those hours. Burright stated that prior to July 9<sup>th</sup> he was at the airport at least 40 hours per week. Williams asked if Burright is allowed to stay, when would he be back up and running. Burright stated this week. Childers asked Burright to expand on the issues in the past that staff has referenced. Burright stated his business was not generating enough income to pay his rent, but that he was able to get caught up earlier this year. Williams asked if there is a possibility that he would not be able to make ends meet again, why he would want to stay. Burright stated that the downturn in the economy affected his business. Williams asked if that has changed, and Burright stated it has been better since November 2009.

Huddleston stated the Airport Advisory Board met last week and that board members spoke of situations where pilots could not get their planes because Burright's business was closed. Huddleston stated they also said that Burright does not always answer the door when he is there or respond to phone calls. Huddleston told Burright that his conduct has caused our tenants and visitors to have a lack of confidence in the airport. Burright stated he doesn't believe that to be the case and that he doesn't agree with the comments that he doesn't answer the door or phone. Burright stated that when pilot's schedules are different than his he will leave a note with the airport staff to let them know if a plane has been fixed and it is okay for the pilot to retrieve it. Leffler stated Burright's liability insurance expires today. Burright stated that could be renewed by paying a fee and that the cancellation occurred due to his absence from the facility.

Williams asked White if he still believes it is best to move forward with the eviction. White stated he spoke to the insurance company today at close of business and they had not received payment to continue the insurance, so it is being terminated at 12:01 a.m. tomorrow. White stated that Burright is a good mechanic but that he is not a good business man. White stated it is not only pilots but other customer's of Burright's that have had customer service issues, and that this has caused people not to visit our airport. White stated that staff has received complaints that Burright is slow to make repairs and that he has lost important documents that has devalued aircraft. White stated that when Burright is absent airport staff has to act as his receptionist. And for the last month and a half we have had to tell people that we didn't have anyone that could repair their aircraft and didn't know how to contact Burright. White stated we have had aircraft stranded at the airport because there was no one to make repairs.

Griffith inquired about staff's confidence with regard to filling the space. White stated that he has come up with an aggressive marketing package and he feels confident the space will be leased. Wallace stated it is an issue that there is no one to replace him, but that he has no liability insurance and therefore cannot operate at our airport. White stated the airport's reputation has been negatively impacted by Burright and it is hurting our ability to recruit new tenants and customers. Childers asked if the customer service issues have been long term. White said they have been an issue since he started at the airport in February and that he has been told that they existed prior to that.

Burright stated he does not know what White is referring to about the lost documents, and that he thinks that has been fabricated. Burright stated the insurance issue can be resolved with a payment. Wallace stated it would have been better for Burright had he taken care of the insurance issue before the meeting tonight. Childers asked Huddleston about the nature of the discussion of the Airport Advisory Board concerning Burright. Huddleston deferred to White. White stated that Shaw gave a presentation to the Board about the current situation at the Airport and that two board members, one a customer of Burright's and the other a tenant, stated that Burright has damaged the reputation of the airport. Williams stated there are so many negatives that go quite far back and that we want to help Burright but we have to do what is best for our citizens and customers. Wallace asked if it is better to have bad service than no service. Huddleston stated it would be better to have no service. Williams stated the reliability is not there with Burright.

Leffler made a motion to authorize City Staff to give a 30 day notice to Augusta Aircraft Maintenance to vacate their space at the airport, based on Burright's history and current issues at the airport. Harper seconded the motion. Huddleston stated we are basically enforcing item #18 in the lease. Shaw stated yes, except that the lease has already expired. Motion carried with Griffith opposing. Williams wished Burright the best in his future endeavors and hoped things would turn around for him in the future.

Lease Agreement: Rawlings removed himself from the discussion due to a conflict of interest. Wallace made a motion to approve a lease agreement with Michael and Teresa Rawlings for use of a tract of property acquired for the levee project located at 1707 Sunset Drive. Leffler seconded the motion. Motion carried with Rawlings abstaining.

Convention and Tourism Grants: Huddleston made a motion to approve Convention and Tourism Grants to the Augusta Historical Society in the amount of \$500 for their Yesteryear Event, the Augusta Chamber of Commerce in the amount of \$1,000 for their Augusta Homecoming Fest, the Augusta Historical Theater in the amount of \$175 for the purchase of "rack cards", the Kansas Museum of Military History in the amount of \$175 for the purchase of "rack cards", and the Augusta Historical Museum in the amount of \$175 for the purchase of "rack cards". Wallace seconded the motion. Motion carried without opposition.

Work Sessions: Leffler made a motion to schedule a work session on September 13, 2010 at 7 PM for the purpose of reviewing and discussing the proposed Capital Improvement Plan and to schedule a work session on October 25, 2010 at 7 PM for the purpose of review and discussion of a Storm Water Utility. Reavis seconded the motion. Huddleston asked if we currently have a storm water utility. Keefer stated we do not, but that it has been discussed with the governing body in the past so the work session will be an opportunity to explore it further. Motion carried without opposition.

#### Informational Memorandum:

Harper – Harper asked who would be putting the sanitation committee together. Keefer stated he would look to the governing body to provide names for committee members. Reavis and Wallace volunteered to be the governing body's representatives on the committee. Harper stated it is important to have a diverse group. Huddleston stated the County Commission has been talking about recycling to extend the life of the landfill, but they are now talking about accepting trash from Bel Aire. Wallace stated the County Commission said at one time they would never take trash outside of Butler County. Rawlings stated they have been taking trash from Sedgwick County for years.

Griffith – Griffith inquired about the status of the 800 MHZ upgrade. Keefer stated they are working on it and that he will provide a time table at the next meeting.

Huddleston – Huddleston asked if the monthly and yearly valuation totals on the Inspection Department report is just for 2010. Keefer said that it is, but that \$3.6 million to \$3.7 million of that is for the new construction by the school district. Huddleston stated that still leaves around \$2 million for the valuation which is consistent with previous years. Huddleston asked why our valuation continues to go down. Keefer stated the valuation is based on a percentage of the appraised value and that we have lost valuation due to the exemption of property such as aircraft.

Final Comments:

Rawlings – Rawlings stated there were large pieces of trash and furniture next to the dumpster at the Park Lane Apartments for a week, but that it disappeared today. Keefer stated the property owner was contacted and asked to remove it. Rawlings asked if we could levy a fine. Reavis asked if the dumpster could be moved. Williams stated that it had already been moved once. Keefer stated the dumpster has to be situated where a trash truck can get to it. Huddleston stated the City is not supposed to pick up furniture and asked if there is a list of who citizens can contact to haul large items. Keefer stated we could provide them with the list we give out during spring cleanup. Keefer instructed citizens to call City Hall if they would like that list.

Williams – Williams stated Senator Brownback said he would like to see a bike path from point A to point B to the Flint Hills, and that would be something for everyone to think about if they have an opportunity to speak with Senator Brownback.

Griffith – Griffith asked if there are any new reports on the algae situation at Santa Fe Lake. Keefer stated there is nothing new outside of what has been posted on the City's website. Keefer stated they were supposed to be taking more samples today. Griffith asked if there had been any citizen comments and Keefer stated he had not had any. Huddleston asked how the situation affected the fireworks on Saturday. Keefer stated the attendance was lower than expected, probably 50-70 cars. Childers stated that could also be associated with the rain. Reavis asked if the \$5 charged for the fireworks goes to the cost of the fireworks or to the City. Keefer stated it is revenue for the City and recorded as a daily permit for Santa Fe Lake.

Adjourn: At 7:59 p.m. Leffler made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
SEPTEMBER 7, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on September 7, 2010, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Ronald Reavis, and Robert Griffith. Council absent was Holly Harper and Mike Rawlings. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Eric Christinat, Kevin Christinat, Willis Wilson, Aaron Iverson, Sharon Sudduth, Linda Foltz, Dalton Patterson, and Martin Goedecke.

Prayer: Pastor Terry Deaver, First Baptist Church, gave the invocation.

Minutes: Leffler made a motion to approve the minutes from the August 16, 2010 meeting. Huddleston seconded the motion. Motion carried without opposition.

Appropriations:

August (8A): Wallace made a motion to approve Ordinance 8A in the amount of \$1,235,464.41. Leffler seconded the motion. Huddleston inquired about the \$327,939.28 paid out of the wastewater treatment fund. Keefer explained that \$309,000 was paid to KDHE for the 2<sup>nd</sup> half of the annual debt payment for the plant. Motion carried without opposition.

September (9): Wallace inquired about the \$65 payment to AFLAC. Keefer stated it is the monthly fee the city pays for the section 125 plan for employees. Wallace made a motion to approve Ordinance 9 in the amount of \$817,964.64. Huddleston seconded the motion. Motion carried without opposition.

Announcement:

Williams stated the Leonard Whitehill American Legion 189 Auxillary was awarded the National President's Award for Excellence and a National Security Award for best troop support. She also stated that they have volunteered to paint the council room chambers.

Visitors:

Sharon Sudduth, Executive Director of the Chamber of Commerce, was present to request the closure of the 400 Block of State Street on Saturday, October 9<sup>th</sup> from 4:30 p.m. to midnight to hold a street dance during the annual homecoming festival. Sudduth also requested the City provide barricades, a dumpster, and access to electric outlets. Wallace made a motion to approve the closure of the 400 Block of State Street on Saturday, October 9<sup>th</sup> from 4:30 p.m. to midnight to hold a street dance during the annual homecoming festival, and to provide barricades, a dumpster, and access to electric outlets. Huddleston seconded the motion. Motion carried without opposition.

Sudduth also requested use of the City Lake road for the annual "Loop the Lake Run" on the morning of October 9<sup>th</sup>. Huddleston made a motion to close the City Lake road the morning of October 9<sup>th</sup>. Wallace seconded the motion. Motion carried without opposition.

Eric Christinat, Executive Director of Downtown Augusta, Inc., was present to request the closure of the 400 and 500 block of State Street be closed on Saturday, October 30<sup>th</sup> from 10:00 a.m. to 3:30 p.m. for their annual Chili Cook Off. Christinat stated there were 17 teams last year and he is

expecting 25 this year. He stated he would like to see someone from the council have a team. Wallace asked if this event is in conjunction with Trick-Or-Treat Street. Christinat stated it is. Wallace made a motion to close the 400 and 500 block of State Street be closed on Saturday, October 30<sup>th</sup> from 10:00 a.m. to 3:30 p.m. for the 2010 Chili Cook Off. Leffler seconded the motion. Motion carried without opposition.

Old Business:

Annexation: Reavis stated the address for city hall is incorrectly listed in the Resolution as 613 E 6<sup>th</sup> Avenue. Jones stated she would make that correction. Reavis made a motion to approve Resolution 2010-14 rescheduling a Public Hearing for November 15<sup>th</sup> to take input on the annexation of two tracts of property that abut the south limits of the City of Augusta at Second Avenue and Highway 77. Wallace seconded the motion. Motion carried without opposition.

Work Session: Childers made a motion to change the starting time for the September 13, 2010 work session from 7 p.m. to 6 p.m. Leffler seconded the motion. Motion carried without opposition.

New Business:

2009 Audit: Aaron Iverson with Edward B. Stephenson & Co. presented the 2009 Audited Financials to the governing body. Iverson read through the SAS 112 and stated there were no new deficiencies. Iverson read through the Management Letter and stated that KSA 9-1401 requires the City to designate an Official Depository, and that the City has not done this in a number of years. Jones stated that the Official Depository was designated this past April and will continue to be done annually. Huddleston stated the memo mentioned that the Airport's QuickBooks program is set up on an accrual basis, but stated that it can be set up to run on a cash basis. Jones stated she is not familiar with QuickBooks and didn't realize that could be changed. Huddleston stated there had been issues in years past with the bank reconciliation and asked if that is still a problem. Iverson stated that the bank reconciliations have been completed timely and all differences have been identified for the last couple of years.

Iverson read through portions of the financial report and stated there has been an improvement in the City's cash situation and that there were no budget violations. Iverson stated that the negative fund balances are for qualified projects; therefore not a violation of budget law. Iverson stated that the City's deposits were adequately secured. Huddleston stated that page 48 A says that the City's bank balance being held by two banks resulted in a concentration of credit risk. Iverson stated FDIC coverage works better if funds are held at multiple banks, but since the banks have pledged securities to cover the City's deposits, that risk has been addressed. Wallace pointed out that on page 47 B(3) says there would be a violation and asked if that should say "would not be a violation..." Iverson stated that was an error on his part and he would make that correction. Iverson stated on page 49 C that he is statutorily required to disclose the outstanding receivables and that some of it may not be collectible. Iverson also stated that the Compensated Absences on page 52 accounts for outstanding vacation and sick leave pay the City is required to account for.

Huddleston asked why the Revenue Bonds are included in the debt figures. Keefer stated they are part of the City's debt. Jones stated it is for the Utility Revenue Bonds, not the IRB's. Huddleston inquired about the \$100,000 transfer from the General Fund for the Fire Truck Purchase. Keefer stated that was correct and that it was the down payment for the fire truck. Wallace made a motion to accept the 2009 Audited Financials with the correction on page 47 to say "...would not be a violation...". Huddleston seconded the amendment. Motion carried without opposition.

**Audit Agreement:** Wallace made a motion to approve an agreement with Edward B. Stephenson & Co. for auditing services for the 2010 and 2011 Audits in the amounts not to exceed \$16,250 for 2010 and \$16,500 for 2011. Leffler seconded the motion. Motion carried without opposition.

**Economic Development Fund:** Dalton Patterson was present to answer questions from the governing body regarding the request to designate Augusta Progress Inc. (API) as the official economic development group for the City of Augusta, authorizing the creation of an Economic Development Fund, and to establish guidelines for the use of Economic Development Fund dollars. Wallace stated Section 3(B) of the resolution says the funds are not to be used for direct financial incentives, but Section 3(D) says API only has to receive prior approval from the Council for requests exceeding \$5,000. Shaw stated Section 3(D) establishes a general threshold for whether the City Manager can approve or if it requires Council approval, but Section 3(B) applies regardless of the dollar amount.

Huddleston stated he thinks API can be a great benefit to the City, but that he has reservations about making them a separate arm of the City. Huddleston stated the second paragraph of the resolution states the City does not have the resources to dedicate a staff person to economic development activities and asked if API has the resources. Patterson stated they do not, but that they have many people on call for issues based on their expertise. Huddleston asked if those volunteers would continue to work with API without this resolution being passed. Patterson said yes. Huddleston questioned the reference to enhancing accountability for funding in the resolution. Childers stated there would still be accountability for all funds disbursed, but that they wouldn't have to ask before disbursing dollars as long as it is under \$5,000 and meets the guidelines established by the resolution. Huddleston asked where there would be enhanced accountability. Childers stated the process would be quicker. Patterson stated that accountability would also include how API spends their funds, not just the City funding. Keefer stated there would be a City fund set up and that it would show up on the City's financial reports. Huddleston asked where the money would come from. Keefer stated there was \$10,000 budgeted in the General fund and \$10,000 budgeted in the Electric Administration fund. Keefer stated one of the factors for establishing this fund is to allow for these funds to build up to fund larger projects. Shaw stated there are two aspects to the enhanced accountability; financial tracking and guidelines on how the funds can be used.

Williams stated there is nothing included about infrastructure, and asked if we are excluding that as a possible use. Keefer said no, that would just have to be a specific request to the governing body. Wallace referred to the fourth paragraph of the resolution stating that API requires additional financial resources. Keefer stated that amount depends on what the governing body is comfortable with funding in the budget each year. Keefer stated \$20,000 was budgeted for 2011. Shaw stated it was a statement of need, but does not hold the governing body to any certain funding levels.

Patterson stated that this is a benefit to the City. Huddleston asked what advantage API would have being designated. Patterson stated the Mayor, City Manager, Assistant to the City Manager and Chamber Director are all on the API board. Patterson stated it comes back to financial support. Patterson stated it will allow them to network. Williams stated API is providing more to the City than the City is giving to API. Williams stated in the long term when we are looking at enhancements, we will want to team up with them. Huddleston stated he does not want to cut out other groups in town. Childers stated he asked during a previous council meeting if the Executive Director of the Chamber or Executive Director of DAI were comfortable with the proposed arrangement and they both said they were. Patterson stated that they both are very involved in API. Williams stated there is good collaboration. Wallace asked what would happen if another

group stepped forward. Keefer stated it would be driven by the specific situation, but that API does not have the legal authority to stop another group. Keefer stated there needs to be a lead from a specific group, but that it would not be all inclusive.

Huddleston asked about the growth area reference in Section 3(C) of the resolution. Shaw stated it is the same growth area designated in the zoning regulations. Huddleston asked who would be the designee as provided for in Section 5. Keefer stated in the event of his absence the Assistant to the City Manager would make the decision. Huddleston stated Section 4 says "if necessary or desirable" and asked why that was included. Shaw stated that could be left out. Childers stated it was semantics. Huddleston inquired about Section 3(A) limiting it to public space enhancements. Williams stated public space enhancements was clarified in the memo.

Leffler made a motion to approve Resolution 2010-15 designating Augusta Progress Inc. as the official economic development group for the City of Augusta; authorizing the creation of an Economic Development Fund; and establishes guidelines for the use of Economic Development Fund dollars. Childers seconded the motion. Reavis asked if API's meetings would fall under Kansas Open Meeting and Records Acts. Mr. All stated they would. Reavis asked if that would change how API does business. Mr. All said he needed to retract what he said earlier, that he does not think they would be an official form of the governing body and therefore would be exempt from the Kansas Open Meetings and Records Acts. Keefer agreed. Wallace asked if the word "official" economic development group could be changed to "lead". Williams suggested "recognized". Shaw stated the purpose is to tie API to the development of this fund specifically for their use of the funds, upon request to the City for each expense. Shaw stated the dollars in this fund would be for API's use and not any other group. Motion carried with Wallace and Huddleston opposing.

Wallace stated his issue is with the word "official". Huddleston stated if this would have made API subject to the Kansas Open Meetings Act he might have gone along with it. Huddleston stated he wants to avoid the appearance of things being done secretly. Childers stated that if someone comes to Huddleston concerned about things being done in secret, that he should invite them to attend the meetings. Williams thanked those that work with API for donating their time and thinking bigger.

**Property Purchase Agreement:** Huddleston asked how much the City paid for this property. Keefer stated that he has no idea when the City purchased the property or for how much, as the City has owned the property for many years. Huddleston asked what would be done with the proceeds from the sale. Keefer stated it would be up to the governing body, but that there may be a need from improvements to the ingress and egress for any project. Reavis made a motion to approve a property purchase agreement with Price Properties, LLC for the acquisition of City owned property located along the south side of 7<sup>th</sup> Street just east of the levee. Huddleston seconded the motion. Motion carried without opposition.

**Change Order:** Wallace made a motion to approve the Change Order #1 in the amount of \$18,662 for the raw waterline replacement project in the Frontier Refinery. Huddleston seconded the motion. Motion carried without opposition.

**Final Plat:** Leffler made a motion to approve the final plat for 5716 SW 60<sup>th</sup> within the City's growth area. Wallace seconded the motion. Huddleston asked if there were any protests. Keefer stated there were not. Motion carried without opposition.

**Change Order:** Council considered approval of a change order for the 2010 Street Sales Tax Project. Reavis stated the letter from Goedecke was dated August 31<sup>st</sup>, and asked what would happen if the governing body does not approve the change order. Goedecke stated that when the work was being done on Osage he wrote Keefer to let him know the project was going over budget. Goedecke stated that it was unknown that time how much asphalt would be needed, so rather than come to the governing body with two different change orders he waited until the final costs were in. Goedecke stated change order #3 changed the design of the project because of the waterline and that caused an over-run on the tonnage of asphalt. Goedecke stated the waterline improvements were a significant improvement and required that bricks or some other material be put down. Childers asked why that was not included in the original bid. Goedecke stated the waterline repair was not included in the original bid because it wasn't known at the time that those repairs were needed. Reavis stated that \$30,000 has been spent on the two intersections and they are still crummy. Huddleston asked if we didn't know there would be manhole work needed on Ohio. Goedecke stated we didn't anticipate having to replace them. Goedecke stated one manhole was uncovered that had been covered for some time and there was a valve that was uncovered. Goedecke stated the manholes will get an extension ring, because that section is part of the five year plan and he didn't want to add a large expense now only to re-do it later. Wallace made a motion to approve Change Order #4 for the 2010 Street Sales tax project in the amount of \$12,791.91. Leffler seconded the motion. Motion carried without opposition.

**Charter Ordinance:** Huddleston said he thought the State Statute was changed to help save cities the cost of a primary. Keefer stated that was their goal. Williams stated that the way the Statute is currently written there can be three candidates and one can win without having the majority vote. Reavis made a motion to approve Charter Ordinance 14 exempting the City from the provisions of K.S.A. 25-2108a(b) as it relates to the requirements to hold primary elections and reestablishing the requirement to hold a primary election when there are more than two candidates for a position. Wallace seconded the motion. Motion carried without opposition.

**League Voting Delegates:** Wallace made a motion to appoint Williams, Childers, and Huddleston as voting delegates and Wallace, Keefer, and Shaw as alternates for the upcoming League of Kansas Municipalities meeting in October. Leffler seconded the motion. Motion carried without opposition.

**Informational Memorandum:**

**Griffith –** Griffith asked if the way the lease is set up for the Public Safety Building the way we thought it was set up. Keefer stated it is currently set up so that we can re-negotiate the lease after the 16<sup>th</sup> year, but since the governing body has been interested in obtaining ownership he has contacted the County. Keefer stated the County is open to the discussion, but that we need to make an official request.

**Huddleston –** Huddleston asked if the church property located at Osage and 6<sup>th</sup> is properly zoned for the haunted house. Keefer stated the owners have applied for a conditional use permit.

**Final Comments:**

**Reavis –** Reavis stated he has compiled some data on the car show and that there were approximately 300 cars. Reavis stated there were 69 cars from Augusta and that people came from 33 different cities, including two from Oklahoma and one from Montana. Reavis also stated that the downtown businesses were very supportive this year. Williams asked Reavis if he knew how many people attended the event. Reavis stated he did not, but that there were probably a couple thousand people in attendance.

Wallace – Wallace asked Keefer if he has heard anything from the County about the rail line. Keefer stated that he had not, but that he needs to meet with Mr. All to discuss the issue. Wallace stated the playground equipment at Garvin Park has been removed, but has not been replaced. Keefer stated the plan is to eventually replace the equipment, but that the cost will be more than \$100,000. Shaw stated that is included in the CIP plan as a project in the next three years. Wallace stated there are tree limbs almost touching the ground on Gregg, just north of A Brown Liquor.

Childers – Childers congratulated Shaw on his appointment to Leadership Butler.

Williams – Williams stated she will not be attending the September 20<sup>th</sup> council meeting and asked Council President Griffith if he would be in attendance. He stated he will be.

Huddleston – Huddleston stated there are cars parking in the area under the overpass along Frisco and driving on and off the edge of the new asphalt. Huddleston was concerned that this would damage the asphalt. Keefer stated there is still a curb cut along Dearborn for trucks making deliveries to the grain elevator, but that they should not be pulling through and exiting on Frisco. Keefer stated he was aware of the vehicles parking there and that they have been instructed not to do that.

Executive Session: At 8:36 p.m. Childers made a motion to go into executive session for 15 minutes to confer with the City Attorney on matters that are considered privileged in an attorney-client relationship. Wallace seconded the motion. Motion carried without opposition.

At 8:52 p.m. Childers made a motion to exit executive session with no action being taken. Leffler seconded the motion. Motion carried without opposition.

At 8:53 p.m. Childers made a motion to go back into executive session for 5 minutes to confer with the City Attorney on matters that are considered privileged in an attorney-client relationship. Leffler seconded the motion. Motion carried without opposition.

At 8:58 p.m. Leffler made a motion to exit executive session with no action being taken. Huddleston seconded the motion. Motion carried without opposition.

Adjourn: At 8:59 p.m. Wallace made a motion to adjourn. Leffler seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
SEPTEMBER 20, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on September 20, 2010, with Council President Bob Griffith presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, and Ronald Reavis. Mayor Kristey Williams was absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Airport Manager Daniel White, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Kevin Cowan, and Willis Wilson.

Prayer: Pastor Larry Snodgrass, Haverhill Christian Church, gave the invocation.

Minutes: Huddleston stated the Assistant to the City Manager was incorrectly listed as the Assistant City Manager in the second paragraph on page 4. Wallace made a motion to approve the minutes from the September 7, 2010 meeting. Childers seconded the motion. Motion carried without opposition.

Appropriations:

September (9A): Reavis made a motion to approve Ordinance 9A in the amount of \$1,208,240.28. Huddleston seconded the motion. Motion carried without opposition.

New Business:

Letter of Agreement: Rawlings made a motion authorizing the City Manager to execute a letter of agreement with Piper Jaffray designating them as the City's underwriter for the City's Series 2010 through 2010 C bond issues. Harper seconded the motion. Motion carried without opposition.

Public Water Supply System: Leffler made a motion to approve Resolution 2010-16 authorizing repairing/replacing the roof of the million gallon storage tank, replacing the System SCADA and control system, extending replacement of raw water line in Frontier Refiner, and constructing various water line improvements and repairs to increase pressure and flow, provide fire protection and provide back up to the system, and to provide for the payment of the costs thereof by the issuance of general obligation bonds. Rawlings seconded the motion. Motion carried without opposition.

Wallace made a motion to approve Resolution 2010-17 authorizing the sale of General Obligation Bonds, Series 2010 A for the Public Water System improvements. Childers seconded the motion. Motion carried without opposition.

Childers made a motion to approve Resolution 2010-18 authorizing the sale of Taxable Waterworks Refunding Revenue Bonds, Series 2010. Leffler seconded the motion. Motion carried without opposition.

Bond Refunding: Rawlings made a motion to approve Resolution 2010-19 authorizing the sale of General Obligation Refunding Bonds, Series 2010 B and General Obligation Electric Utility System Refunding Bonds, Series 2010 C. Childers seconded the motion. Motion carried without opposition.

Griffith stated the Public Building Commission authorized the refunding of the bonds. Reavis inquired about the asterisk next to the \$3,025,000 in the first paragraph of the resolution. Kevin Cowan stated they put the asterisk there to note that the amount is still subject to change due to market conditions. Reavis made a motion to approve Resolution 2010-20 approving the sale of Public Building Commission Refunding Revenue Bonds, Series 2010. Childers seconded the motion. Motion carried without opposition.

Change Order: Rawlings made a motion to approve Change Order #2 in the amount of \$264,020 for the Frontier Raw Water Line Project extending the length of the project. Leffler seconded the motion. Motion carried without opposition.

Engineering Agreement: Wallace asked Willis Wilson if he sees any problem with this change order. Wilson stated that he does not. Wilson stated we are using the same type of material that the Refinery has used to replace their piping. Wallace asked if it could be eaten away by petroleum by-products. Wilson stated they could not. Wallace made a motion to approve an amendment to the engineering agreement with Aqua Tech Engineering for the design and construction engineering for the scope of work identified in Change Order #2 to the Frontier Raw Water Line Project. Childers seconded the motion. Motion carried without opposition.

Spillway and Dam Project: Wallace stated every time we cost share with someone, they later like to dictate what we can and cannot do. Keefer stated we haven't had those types of issues with the State Conservation Commission. Wallace asked if there are guidelines for what we have to do if we accept the funding. Keefer stated there isn't that he has seen, but that we have gotten to that point yet. Griffith stated we hope to receive close to \$1 million for this project. Keefer said hopefully, and stated we will also be receiving an \$180,000 EPA grant. Keefer stated we had put this project off for a while, hoping to secure more funding. Reavis made a motion to approve a Cost Share Assistance Agreement with the State Conservation Commission for the City Lake Spillway and Dam Project. Leffler seconded the motion. Motion carried without opposition.

Hangar Rent Credit: Wallace made a motion to approve a onetime Hangar Rent Credit Plan for our tenants at the Municipal Airport in response to the runway being closed during the recent runway repairs and improvements. Childers seconded the motion. Huddleston asked if this refund is just for the hangars. Shaw stated there are 74 aircraft based at our Airport. Huddleston asked if there are any hangars used for purposes other than storing aircraft. Shaw stated there are not, except for those that are vacant and the City is using for storage. Shaw stated there had been several calls from tenants that had to relocate their aircraft asking for a refund, and that it would not have a dramatic impact on the budget. Motion carried without opposition.

KMGA Board: Leffler made a motion to appoint Bill Webster as the City's primary director and Jim Sutton as the City's permanent alternate to the Kansas Municipal Gas Agency Board of Directors. Rawlings seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Keefer – Keefer stated there was a request from DAI this morning to relocate the Farmer's Market to the Depot parking lot. Keefer also stated that the Chamber has asked to use the Depot parking lot for horse apple bingo during their annual Homecoming Festival the week of October 3<sup>rd</sup>. Griffith asked if there is any space in that building that can be used. Keefer stated we are using it for storage now, and that DAI is storing tables in there too.

**Final Comments:**

Reavis – Reavis asked if anyone has stepped up to take on the Christmas lights this year. Keefer stated that no one has contacted the City with interest in taking them over this year, but he doesn't know if anyone has approached Ignite Augusta. Keefer stated Ignite Augusta has decided to step back and not facilitate the lights this year. Keefer stated Ignite Augusta owns the displays, but that the City has stored them for the organization. Reavis stated if someone doesn't step up soon it will not happen this year. Keefer agreed.

Wallace – Wallace asked if the newly hired officer was a new position or replacing someone that had left. Keefer stated it is replacing an officer that left earlier this year. Wallace inquired about the sale price of the bus that was sold by the Department of Public Safety. Keefer stated it was sold on Purple Wave, but that he would have to check on the sale price. Wallace stated there were several fire trucks and equipment on display by the Cities of Salina and Topeka at the Kansas Regional Training Institute. Wallace stated he was told that all of Salina's new equipment had been purchased with grant funds and that they have a full time grant writer on staff. Wallace stated it might be something to consider. Keefer stated there are some funds available out there. Keefer stated the FAA will provide grant funding for fire trucks at Airports, but they have to stay at the Airport. Keefer stated we have applied for grants several times but have not received them. Wallace stated the equipment from Salina and Topeka was not for their Airports. Griffith stated we have spoken about grant funding before. Reavis stated that fire fighter grants are very competitive and it is hard for a town like ours to get grants for equipment when there are communities that have fire trucks that are more than 50 years old.

Childers – Childers stated the Annual Fly-In is scheduled for October 2<sup>nd</sup> and asked White to explain what will be going on during the event. White stated there will be entertainment for our citizens and for pilots. That includes a pancake and sausage feed, sky diving demonstration, young eagle flights, Boy Scout's hamburger feed, spot landing contest, KC 135 fly over, FAA Safety classes, pilot workshops, and discussions. White stated there will be several prizes given away including a 3 day cruise to the Bahamas donated by Global Parts, a night's stay donated by Flint Hills, a \$500 savings bond donated by Intrust Bank, and \$50 fuel cards donated by PT Plus and Willie Sinsel Diesel Repair. White stated that Kerry Unrein is discounting the cost signage, PrarieLand Tractor is donating a Gator Tractor for the day, Fuel will be discounted by \$0.50 per gallon, Augusta Rental is donating Port-a-potties and wash stations, and Wooten Printing has donated their printing services for the flyers and posters. White also stated that the new runway looks great. Shaw stated the Annual Fly-In is open to the public, and that it is also the opening weekend for the pumpkin patch. White said more information can be found on the City's website. Griffith stated he saw where White had requested city officials to attend the event. White said yes, that it would be great to see them out there. Shaw stated the Kansas Museum of Military History will be bringing out their Huey Helicopter for display.

Huddleston – Huddleston stated there is a place on the City's website where someone can apply to serve on a committee and asked staff if that is working. Shaw stated that no one has applied through the website yet. Huddleston stated the monthly report from the Public Works Superintendent references the volleyball pit at the Play Park. Huddleston stated the Play Park is the playground equipment located in Shryock Park and that City staff should refer to the park with its proper name.

Huddleston stated he noticed in the County minutes that they approved DAI's request for funding, but that they will be reducing the funding by 10% each year. Huddleston stated that might be something the City should take a look at doing.

Adjourn: At 7:49 p.m. Leffler made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
OCTOBER 4, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on October 4, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Bob Griffith, Mike Rawlings, and Ronald Reavis. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Director of Public Safety Tyler Brewer, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Mike Meade, Willis Wilson, and Suzi Thein.

Prayer: Councilman Rawlings gave the invocation.

Minutes: Harper made a motion to approve the minutes from the September 20, 2010 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

September (9B): Wallace inquired about the payment made to Goedecke Engineering. Keefer stated it was mostly for the Levee project, 7<sup>th</sup> Street Project, Kelly & Ohio Project, Sales Tax Projects, and to review the storm sewer plans for the School District project at Lincoln Elementary. Wallace asked if the school district should be taking care of those costs. Keefer stated that the School District has their own engineer, and that Goedecke reviewed the plans on our behalf. Huddleston inquired about the number of employee deductions. Jones stated it is for child support and that is the way the State requires it to be paid. Huddleston inquired about the payment to Metro Courier. Jones stated it was for delivery of vehicle parts and that it is less expensive than an employee going to pick the parts up. Wallace inquired about the payment to Walt Sharp. Keefer stated it a reimbursement under the Sidewalk Program. Huddleston made a motion to approve Ordinance 9B in the amount of \$991,374.97. Wallace seconded the motion. Motion carried without opposition.

Visitors:

Suzi Thein, Executive Director of SCARF, gave a Power Point presentation to update the governing body on the organization and the services they provide.

New Business:

Engineering Services: Council reviewed and considered a proposal from Professional Engineering Consultants (PEC) for construction engineering services for the 7<sup>th</sup> Street repair project. Wallace stated #3 on the proposal stated that the LPA does require federal participation. Keefer stated we are requesting funding assistance from KDOT which includes federal funds. Wallace asked if item #7 on page 5 means that they are not liable for anything. Mr. All stated we are the LPA and therefore it is making us not liable. Huddleston made a motion to approve Professional Engineering Consultants (PEC) and the "upper limit of compensation" in the amount of \$182,496.19 for the 7<sup>th</sup> Street Project. Leffler seconded the motion.

Reavis asked how much input the City has on the selection of the contractor. Keefer stated that KDOT will be taking care of the selection of the contractor. Reavis asked if the requirement of completion within 110 days will be included in the bid. Keefer stated it would be and that this project is scheduled to be included in the late October biddings. Keefer stated the grant does not require any local match from us. Reavis asked if there is an advantage to the contractor to get the work completed quicker. Keefer stated there would be less cost to them the quicker the project is

completed. Reavis stated he hoped we would have some input into the selection of the contractor so it won't drag out the full 110 days. Keefer stated we will not have any input on the selection of the contractor. Huddleston stated he hoped it is not the same contractor that did the work on the bridge that took years. Wallace made a motion to call the question. Childers seconded. Motion carried without opposition. The Original Motion carried without opposition.

Mulvane Water Line: Wallace made a motion to approve the bid from Mies Construction for the repair to the Mulvane water line in the amount of \$16,984. Harper seconded the motion. Motion carried without opposition.

Airport Grant Agreements: Huddleston asked where the airport manager's office would be moving to. Shaw stated it will be moving to the front making it more visible and the manager would be able to see outside and help with the phone and customers. Reavis stated item #7 on the Airport Modernization Agreement states that we agree to implement an Airport Pavement Management Program. Shaw stated that may be an oversight and may not need to be in there, but that we have a pavement improvement plan regardless. Reavis stated he didn't want to tie our hands to something. Keefer stated that we have a pavement improvement plan, and that it was probably a previous grant requirement. Reavis made a motion to approve a grant agreement with KDOT to install T-Hangar Gutters at the Municipal Airport. Childers seconded the motion. Motion carried without opposition.

Leffler made a motion to approve a grant agreement with KDOT to remodel the Pilot's Lounge in the terminal at the Municipal Airport. Harper seconded the motion. Motion carried without opposition. Shaw stated the t-hangar guttering has already been completed and that the remodel will start in the next couple of weeks.

Bond Engagement Letters: Rawlings made a motion to approve a Letter Agreement with Standard & Poor's in the amount of \$5,270 for the Public Building Commission, Refunding Revenue Bonds, Series 2010. Wallace seconded the motion. Motion carried without opposition.

Rawlings made a motion to approve a Letter Agreement with Standard & Poor's in the amount of \$9,350 General Obligation Bonds, Series 2010A; General Obligation Refunding Bonds, Series 2010B; and the General Obligation for the Public Building Commission, Refunding Revenue Bonds, Series 2010. Wallace seconded the motion. Motion carried without opposition.

Municipal Airport agreements: Williams stated that items #5 and #6 on the agenda need to be put on hold and brought back to the governing body at a later date. Shaw stated there is someone interested in taking over the maintenance space in the main hanger, but to use the whole hanger would require a termination agreement with Global Parts, Inc. Shaw stated the interested party is considering bringing a maintenance facility, flight school, a jet, and full service fuel. Shaw stated we need to take time to figure out the details before moving forward, but that this is an exciting opportunity. Shaw stated it will be brought back before the governing body late October or early November. Huddleston asked what type of business entity they are. Shaw stated that is something that is not clear, and another reason to pull back to see how the partnership will come together.

Zoning Regulations and Building Codes: The council reviewed and discussed proposed amendments to the City's Zoning Regulations and Building Codes. Reavis inquired about change #5 referencing portable signs in the Downtown District. Shaw stated the change would allow portable signs in the downtown district as long as they are on private property and not on the public right of way. Keefer stated there are a couple of vacant lots and parking lots where signs could be placed out of

the public right of way. Reavis asked if they would still have to get a permit and follow the guidelines. Keefer stated yes. Reavis stated that everyone worked hard on these regulations and asked why the changes are being made based on one council member's opinion without the rest of the governing body's opinion. Keefer stated that this is the rest of the governing body's opportunity to provide their input. Williams stated the Bowling Alley would be one of the lots that would be allowed to use a portable sign and Huddleston stated it would also include the Depot and the car lot in the 600 block of State. Wallace stated he doesn't see an issue with it if they are outside of the public right of way. Rawlings stated there are probably eight or nine properties in the downtown district that this would apply to.

Wallace inquired about change #5 regarding banners. Wallace stated political signs are already covered in another area. Wallace stated we should support the change for businesses, but take out the political candidates. Williams stated she didn't think that political candidates would use banners. Wallace stated that we might need to clarify that this doesn't pertain to political candidates and refer them to the political section. Shaw stated that was an error on his part and that the change does not include political candidates.

Williams stated that one way constituents can participate in an election is to put out yard signs. Williams stated Augusta only allows them to be put out four weeks ahead of an election, and that she has contacted the County and other cities in the area to see what their regulations allow. Williams stated that Wichita and Andover do not have time limits on when signs can be put out prior to an election, and only limit the time frame for when they have to be removed. Butler County limits the signs to 45 days prior to an election. Williams stated she thinks we should look at the time limit because it appears to be arbitrarily set. Huddleston stated we need to have a restriction, otherwise someone could say they have the signs up for the next election so we cannot force them to take them down. Williams stated that political organizations do not like their signs to be out too early so that would help control it.

Keefer stated that the only public hearing that will be held on this subject will be held before the Planning Commission. Wallace mentioned having another work session. Williams suggested the governing body submit changes to staff in writing.

Huddleston stated changes #1 and #2 pertaining to setbacks and asked why it doesn't include the centerline of Indianola Road. Keefer stated the city's growth area only extends to Indianola Road, and does not extend to the center line of the road. Huddleston inquired about the fee in change #3 and stated it refers to the property owner, but what if the signs are placed on city owned property. Keefer stated the owner of the property listed on the sign will be charged the \$3 fee. Keefer stated we may need to clarify that and make it into two sections. Williams stated she would recommend the governing body submit their suggestions in writing to staff, and that staff will bring the list back to the governing body before taking it to the Planning Commission.

**Informational Memorandum:**

Wallace – Wallace inquired about grant writing. Keefer stated there is nothing to report other than what was included in the informational memorandum. Wallace asked if staff has heard back from the County regarding the rail line. Keefer stated he had not.

Reavis – Reavis stated the County Commission Minutes on 9-14-2010 discusses zoning violations on a campground at Santa Fe Lake. Keefer stated the violations are on private property and not on Santa Fe Lake property. Keefer stated the campground referenced has worked well until recently, and they want to add to it but they have not met the requirements of the conditional use permit granted by the County.

Huddleston – Huddleston stated the same County Commission Minutes suggested the Neighborhood Revitalization Program should be a six month program. Huddleston asked if the County is having a change in feeling with regard the plan. Williams stated that is not what she has heard. Williams stated that El Dorado has had 13 more new applications this year compared to last year. Keefer stated he doesn't know why Will Johnson would have recommended that, but that he thinks he only meant to suggest a six month program for city-wide plans such as the one in El Dorado. Huddleston stated perhaps we should look at a city-wide plan. Keefer stated we are looking into that and are having discussions with local developers. Huddleston stated six months is very short, and Keefer and Williams agreed.

Huddleston asked what the County is saying about paving Indianola Road. Keefer stated nothing, except that it will happen. Keefer stated the township was supposed to build up the grade, but they have backed out. Keefer stated he does not know the time line for paving the road. Huddleston stated the Fly-in on Saturday was very successful from what he saw.

Final Comments:

Reavis – Reavis commented about the insurance committee's assisting staff with the selection process of engineers and stated there is no need to bring in a new group if they are willing to continue to help as needed. Williams agreed. Reavis asked staff to elaborate on their discussions with the local developers. Keefer stated that they had an initial discussion and that the developers are getting some information together and we will meet again soon. Williams stated the goal is to bring information to the Council sooner than later. Reavis inquired about the cut across the street at High & Dearborn. Keefer stated it was done by the gas company and that the City Inspector is contacting them to see when it will be taken care of. Rawlings stated the gas company usually has a contractor that comes in and cleans all of that up after all the work is completed. Reavis inquired about the piles of dirt at the Christian Church and asked if there are any issues with construction debris. Keefer stated he would have to check into that and will provide information in the next informational memorandum. Childers stated there are several properties in the first ward where construction debris has been left behind.

Wallace – Wallace inquired about the walking path and asked since it has been there for a number of years do we have a standing. Keefer stated the City wasn't aware there was an issue with the property line until the engineer did a site plan for the property owners of the old hospital. Mr. All stated there is a fifteen year statute and the walking path has not been there long enough for it to apply. Keefer stated that those responsible for the mistake will correct it.

Rawlings – Rawlings stated he gets questioned frequently about the levee and that he wants to assure citizens that we are still working on it. Rawlings stated we are working with the Corp of Engineers, are acquiring property, and moving pipelines. Rawlings stated it could be a couple of years before construction starts. Keefer stated that it is taking a long time, but that we are continuing to plug away at it. Keefer stated Arkansas City took 30 years to complete their levee project. Keefer stated he understands the frustration of the citizens, but that a lot of work is being done on this project and that we are moving forward.

Adjourn: At 8:26 p.m. Leffler made a motion to adjourn. Wallace seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
OCTOBER 18, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on October 18, 2010, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Tom Leffler, Bob Griffith, Mike Rawlings, and Ronald Reavis. Council members Holly Harper and Michael Wallace were absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Airport Manager Daniel White, and City Clerk Erica Jones. Visitors present were: Michael McDermott and Willis Wilson.

Prayer: Pastor Terry Deaver, First Baptist Church, gave the invocation.

Minutes: Reavis made a motion to approve the minutes from the October 4, 2010 meeting. Childers seconded the motion. Motion carried without opposition.

Appropriations:

October (10): Griffith inquired about the payment to IServe . Keefer stated it is the monthly fee for janitorial services at the Safety Building. Griffith inquired about the payment to McMillen Seamless Guttering in the amount of \$9,500 and asked why only \$7,125 was paid out of fund 96. Keefer stated the KDOT grant that was awarded will pay for 75% of the cost, so the grant portion was paid out of fund 96 and the City's 25% match was paid out of the Airport Departmental budget. Huddleston inquired about the breakdown for the payment to Card Services. Jones stated the report was excluded in error and that she would provide it at the next meeting. Huddleston stated the payment for prisoner care seems higher than usual. Huddleston stated that usually when a revenue fund is listed in the fund summary there is usually a refund for an overpayment, but that there is no amount listed. Jones stated there were no refunds made in this ordinance. Griffith inquired about the Water Protection Fee. Keefer stated this is a quarterly payment to the State and that the utility customers are charged the fee monthly on their utility bills based on their water usage. Griffith made a motion to approve Ordinance 10 in the amount of \$330,095.16. Huddleston seconded the motion. Motion carried without opposition.

Old Business:

1706 Highland Drive: Council considered authorizing the payment of back taxes to be deducted from the property purchase payment for a tract of land located at 1706 Highland Drive as part of the levee enhancement project. Rawlings abstained from the discussion due to a conflict of interest. Childers made a motion to pay the County the back taxes on 1706 Highland Drive and deduct that amount from the purchase payment. Reavis seconded the motion. Motion carried without opposition.

Bond Engagement Letters: Council considered approval of the addendums to the Letters of Engagement with Standard and Poor's that were originally approved at the October 4, 2010 council meeting. Huddleston asked why the addendum is needed. Keefer stated that there was a section of the original agreement that was crossed out and initialed at the advice of our Financial Advisor with Piper Jaffray and our Bond Counsel. Keefer stated that Piper Jaffray has instructed several other clients to cross that section out and that Standard & Poor's has never questioned it before now. Keefer stated our Financial Advisor, Bond Counsel, and Standard & Poor's worked together on the language in the addendum.

Huddleston made a motion to approve the addendum to the letter agreement with Standard & Poor's for the Public Building Commission Refunding Revenue Bonds, Series 2010. Rawlings seconded the motion. Motion carried without opposition.

Rawlings stated the agreements list Augusta, GA. Jones stated she has corrected it to state Augusta, KS. Rawlings made a motion to approve the addendum to the letter agreement with Standard & Poor's for the General Obligation Bonds, Series 2010A; General Obligation Refunding Bonds, Series 2010B; and General Obligation Electric Utility System Refunding Bonds, Series 2010C. Childers seconded the motion. Motion carried without opposition.

**New Business:**

**Belt Filter Press:** Council considered approval of the selection of a vendor for the Belt Filter Press for the Wastewater Treatment Plant (WWTP). Huddleston stated in the past there have always been discussions about the sludge, and asked Willis Wilson if we will now be able to adequately handle the sludge. Wilson stated we would based on the testing done in 2009. Wilson stated they considered a centrifuge technology, but that it would not work in this situation. Wilson stated they looked at two different types of belt filter presses and are recommending a three belt machine with vertical and horizontal belts. Huddleston asked if this type of system has worked in other facilities. Wilson stated it has in three facilities back east.

Reavis stated our sludge has caused a lot of problems at the WWTP, and asked if there is any other solution on where to send the sludge to other than the WWTP. Wilson stated it has been looked at, but it is not economically viable. Reavis asked if the problem is that the sludge is alum based. Willis stated that is part of the problem. Reavis asked if there are facilities other than ours that produce alum based sludge. Willis stated the three out east using the recommended belt filter press have alum based sludge. Reavis inquired about local WWTP. Willis stated they soften their water so it produces a different type of sludge. Reavis asked if our process could be changed to soften the water instead of producing alum based sludge. Wilson stated that would require completely changing the process at the Water Plant which would cost tens of millions of dollars. Reavis made a motion to approve the purchase of a belt filter press from BDP Industries and authorizing the project engineer and Staff to negotiate a purchase price to be brought back to the Governing Body for final approval. Childers seconded the motion. Motion carried without opposition.

**Public Safety Building Lease:** Council considered authorizing a letter to the Butler County Commission requesting an amendment to the lease agreement that would transfer ownership of the Public Safety Building to the City of Augusta at the end of the current 20 year lease agreement. Griffith asked if there had been any feedback from the County. Keefer stated they are open to the concept but have asked us to make our official request in writing to start the process. Williams stated it is a good idea for the City to have the building as an asset at the end of the lease and that she appreciates Commissioner Palmer and Administrator Johnson efforts on this. Huddleston agreed that this is a good idea. Reavis asked if we would be able to charge the County rent for the portion of the building they occupy. Keefer stated we would have to talk about that during the negotiations. Keefer stated we are only currently paying a lease based upon reimbursement of the construction costs from the 37.5% portion of the building we occupy.

Huddleston stated we need to be careful because it appears the original agreement was drawn up on estimates, but that we are paying more now than those estimates and that we should have received credits that he doesn't know whether we received. Huddleston stated it is a positive thing, but that we need to be careful. Griffith inquired if this is how the lease agreements were drawn up for the other shared County facilities. Keefer stated this was the first County/City

partnered agreement, and that he hasn't been privy to the agreements that were made after ours. Griffith stated it would behoove us to review those. Keefer agreed and stated he would check into it. Reavis stated Rose Hill's building is County Fire only, so there is no County/City partnership. Reavis stated it would be nice to own the building, but that we would be assuming the maintenance costs which could be a large expense. Williams stated the lease would be paid off, so there would be no monthly payments only maintenance costs. Williams stated we would own the asset and would be better able to protect our interests.

Keefer stated the goal of this discussion is to gauge the governing body's interest in sending the letter to the County. Huddleston made a motion to authorize a letter to the Butler County Commission requesting an amendment to the lease agreement that would transfer ownership of the Public Safety Building to the City of Augusta at the end of the current 20 year lease agreement. Childers seconded the motion. Motion carried with Rawlings opposing. Rawlings stated he opposed due to the maintenance costs. Rawlings stated the heating and air units are very expensive as well as the generators. He stated if the County knows we are going to take over the building then they may not continue with the upkeep of the building. Williams stated the continued upkeep can be part of the negotiations. Williams stated if the County decides they want full use of that building we will be out and have to find another building for the Public Safety Department. Huddleston stated there are provisions in the current agreement that if we make repairs in the last few years of the agreement they will reimburse us that cost.

**Mower Bids:** Council considered bids for a replacement mower for the Airport to be funded by a KDOT Aviation Grant. Williams asked what will be done with the old mower. Daniel White stated it would be placed on Purple Wave for sale. White stated it has exceeded its lifetime at both the Cemetery and the Parks Department before being given to the Airport. Williams asked if the Parks Department or Santa Fe Lake could use it. Reavis stated the mower is worn out. Keefer stated the three estimates to repair the mower came in over \$2,000 and with the grant it is in our best interest to get a new mower. Huddleston asked how we go about publicizing the bids. Shaw stated we used written specifications based on equipment used in other departments. Shaw stated because this was an emergency, each bid spec was hand delivered to the four local vendors and only three bids were received. Reavis made a motion to approve the bid from Prairie Land Partners in the amount of \$10,000.02 with the City's 25% match for the grant in the amount of \$3,100.02. Rawlings seconded the motion. Huddleston asked where Prairie Land Partners is located. Keefer stated Andover. Motion carried without opposition.

**Zoning Classification:** Rawlings made a motion to approve Ordinance 2009 changing the zoning classification for a tract of property located in our growth area at 5502 SW 60<sup>th</sup> from R6C to R6A and R6B. Reavis seconded the motion. Motion carried without opposition.

**CMB License:** Huddleston made a motion to approve a CMB license for The Pantry, Inc., dba as Presto Store #1632. Griffith seconded the motion. Motion carried with Rawlings opposing.

#### Informational Memorandum:

**Huddleston –** Huddleston stated he read that the Airport road is going to be put off for another year. Keefer stated the chip seal will not be done until next summer due to the County's concern about the temperatures. Keefer stated the grading, culvert work, and building of the road base is happening now. Huddleston stated the gas company is doing a lot of work and cutting holes in several roads including Dearborn, Ohio, and Columbia. Huddleston asked if the patches were permanent and stated they look terrible. Keefer stated he has not been impressed with the quality of their work and that he has Public Works Superintendent Cy Ricker looking into it. Huddleston

stated that someone needs to check on them regularly to make sure they are repairing the road correctly. Keefer stated they have been directed to clean up and bring the yard back to grade. Huddleston stated that someone needs to chart their road repairs so come next April or June we can check to see if they have settled. Huddleston inquired about the results of the Streetscape Project final walk through. Keefer stated that the engineer provided a list to the contractor of things that have been identified. The contractor is supposed to be coordinating with their sub-contractors to get those items corrected. Rawlings asked when the list was submitted. Keefer stated last week. Rawlings stated he has not received anything as a sub-contractor from them yet.

Reavis – Reavis asked if the City will be providing any of the labor for moving the playground equipment at Brown Park. Keefer stated we would not, that it was included in the bid. Keefer stated the only thing we will be doing is going to Oklahoma to pick up the mulch.

Final Comments:

Reavis – Reavis inquired about the increase in the EFA charge on utility bills. Jones stated there was an error in entering the formula calculating the EFA on utility bills dated October 15<sup>th</sup> and due on October 27<sup>th</sup>. Jones stated the EFA should have been \$0.00. Jones stated that people can contact the utility office to get their corrected bill amount, or if they pay the amount they were billed there will be a credit on their November 15<sup>th</sup> bill. Jones also stated there would be an adjustment to reduce the sales tax as well.

Williams – Williams stated that she and the City Manager will be meeting with the developers again tomorrow to discuss the Neighborhood Revitalization Plan. She also stated that a small group will be meeting to discuss the westward expansion study and review the components of the plan. Williams stated they will share information from their discussion with the governing body. Huddleston asked what group would be meeting. Williams stated it is a smaller group within API including councilman Childers, Shaw, Keefer, Sharon Sudduth, and Dalton Patterson. Williams stated that Huddleston is welcome to join them.

Adjourn: At 7:45 p.m. Leffler made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
NOVEMBER 1, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on November 1, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Michael Huddleston, Michael Wallace, Tom Leffler, Bob Griffith, Mike Rawlings, and Ronald Reavis. Council member Matt Childers was absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Dustin Avey, Kevin Cowan, John Cox, Charley Havice, Eldon Laubhan, Sharon Sudduth and Willis Wilson.

Prayer: Pastor Steve Spencer, First United Methodist Church, gave the invocation.

Minutes: Harper made a motion to approve the minutes from the October 18, 2010 meeting. Huddleston seconded the motion. Motion carried without opposition.

Appropriations:

October (10A): Griffith made a motion to approve Ordinance 10A in the amount of \$948,502.92. Harper seconded the motion. Motion carried without opposition.

Visitors:

John Cox, Charley Havice, and Eldon Laubhan, local representatives for the VFW, were presented a proclamation by Mayor Williams urging the citizens of this community to support the VFW's annual distribution of Buddy Poppies. They will be handing out poppies at Dillon's and Wal-Mart this Saturday from 8 a.m. to 5 p.m. and on Sunday 1 p.m. to 5 p.m.

New Business:

Bonds: Rawlings made a motion to approve Ordinance 2010 authorizing and providing for the issuance of Taxable Waterworks System Refunding Revenue Bonds, Series 2010. Leffler seconded the motion. Motion carried without opposition.

Leffler made a motion to approve Resolution 2010-21 prescribing the form and details and authorizing the sale of Taxable Waterworks System Refunding Revenue Bonds, Series 2010. Harper seconded the motion. Motion carried without opposition.

Rawlings made a motion to approve Ordinance 2011 authorizing and providing for the issuance of General Obligation Bonds, Series 2010-A; General Obligation Refunding Bonds, Series 2010-B; and General Obligation Electric Utility System Refunding Bonds, Series 2010-C. Wallace seconded the motion. Huddleston inquired about why some of the bonds are taxable and others are not. Dustin Avey stated that you can only do one advance refunding on bonds, and that the Waterworks System Bonds had already had an advance refunding. Avey stated in order to do another refunding that portion would have to be taxable. Keefer asked Avey to explain the change in the PAR amounts. Avey stated the original documents included an estimate for the 2010 A bonds in the amount of \$2,130,000 and the actual par amount is \$2,175,000. Keefer stated these documents also amend Resolution 2010-16. Motion carried without opposition.

Rawlings made a motion to approve Resolution 2010-22 prescribing the form and details and authorizing the sale of General Obligation Bonds, Series 2010-A and General Obligation Refunding Bonds, Series 2010-B. Wallace seconded the motion. Motion carried without opposition.

Rawlings made a motion to approve Resolution 2010-23 prescribing the form and details and authorizing the sale of General Obligation Electric Utility System Refunding Bonds, Series 2010-C. Leffler seconded the motion. Reavis asked if the savings amount on this bond is \$298,000. Avey stated the present value savings will be \$298,000 and the gross savings is \$345,443. Reavis inquired about the interest rate. Avey stated the present value savings on the interest rate will be 6.77%. Reavis stated he wanted all the listeners to understand how much money we are saving by doing the refunding. Motion carried without opposition.

Leffler made a motion to approve Ordinance 2012 authorizing the City to enter into a supplemental lease agreement with the Public Building Commission and a supplemental sublease with Cottonwood Point. Huddleston seconded the motion. Motion carried without opposition.

7<sup>th</sup> Street Improvement Project: Council considered approval of a Three Party Agreement with KDOT and PEC Engineers for construction engineering services for the 7<sup>th</sup> Street Improvement Project. Keefer stated he was notified the new low bidder is Cornejo with a bid of \$544,012.85. Keefer stated the start date is still mid-March to May. Wallace asked if we have experience with Cornejo. Keefer stated they have done work for us at the Airport and on the east side of the overpass and that we have had good experiences with them. Reavis asked if we have experience with PEC. Keefer stated they will be doing only the construction engineering and inspection, but that they did a great job on the Custer Lane project. Wallace made a motion to approve a Three Party Agreement with KDOT and PEC Engineers for construction engineering services for the 7<sup>th</sup> Street Improvement Project. Harper seconded the motion. Motion carried without opposition.

Aviation Grant: Leffler made a motion to approve a KDOT Emergency Aviation Grant agreement for an airport mower. Harper seconded the motion. Motion carried without opposition.

Frisco Depot: Council considered approval of the restoration of the Frisco Depot roof. Keefer stated this project has been discussed several times in the past. Keefer stated that the roof will need to be restored in order to obtain a historical designation, and that not having the historical designation has directly affected our chances at obtaining a KDOT Transportation Enhancement grant in the past. Williams asked if after meeting with the Kansas Historic Sites Review Board at their November 20<sup>th</sup> meeting if we will automatically obtain the tax credit. Bill Morris stated that after being designated on the Register of Kansas Historical Places we will receive the tax credits. Morris stated the tax credits are non-competitive and that they will cover 20% of hard construction costs and can also be sold. Williams asked when we would find out if we received the designation. Keefer stated it would be presented to the review committee on the 20<sup>th</sup> and they would make their recommendation to the board. Morris stated it may take a day or two. Reavis asked what stipulations could be placed in the building if the designation were received. Morris stated there have not been issues in the past on Depots with regard to restrictions. Morris stated they understand that it will never be a train depot again and will work with you to make it economically feasible. Harper made a motion to approve the restoration of the Frisco Depot roof. Leffler seconded the motion.

Reavis inquired about the plan for the building. Keefer stated that for some time we have considered relocating the Chamber, Main Street Organization, and Convention and Tourism Bureau to that building. Keefer stated we would also like to have a small meeting room and reminded the governing body that S.O.S. gave the City funds to use for technology. Reavis inquired about the plan moving forward after the roof is restored. Williams stated it depended on funding. Keefer stated there will be new KDOT Transportation Enhancement grants available next year and that another option is selling the tax credits or applying for a grant program through

the Historical Register. Keefer stated there was \$30,000 set aside to help with grant matches next year. Reavis asked if the present roof is leaking. Keefer stated that it isn't that he knows of, that we are only restoring it to obtain the historical designation. Reavis asked if this is all subject to the receipt of the Windfarm Grant. Keefer stated it is. Motion carried without opposition.

Million Gallon Water Storage Tank: Council considered the Engineer's Report on the Million Gallon Water Storage Tank and authorization to move forward with the necessary repairs. Wallace asked if the repair will last 25 years. Willis Wilson stated it would last at least 25 years. Huddleston asked if the current condition of the tank is due to normal wear or due to lack of maintenance. Wilson stated it is due to a combination of both. Wallace inquired about the cost to build a new tank. Wilson stated the cost would be between \$1 and \$2 million. Huddleston asked if the tank is below grade and if that was due to it settling. Wilson stated the top ring is below grade and that it was built that way. Wilson stated the aluminum geodesic dome was recommended because it is lighter weight and more economically feasible. Wallace made a motion to approve a new aluminum geodesic dome repair. Huddleston seconded the motion. Keefer stated that Wilson had also identified other deficiencies. Wallace amended his motion to include Alternate Number 2 and to correct the listed deficiencies. Huddleston seconded the motion. Motion carried without opposition.

Sanitation Utility Committee: Huddleston made a motion to approve appointing Ross Rountree, Lynn Smith, Brian Smart, Frank Walker, Larry Williams, Michael Wallace, Ron Reavis, Bill Keefer, Cy Ricker, Erica Jones, Josh Shaw, and Anthony Craft to the Sanitation Utility Committee. Harper seconded the motion. Motion carried without opposition.

Work Sessions: Leffler made a motion to approve scheduling a work session on Monday, November 15<sup>th</sup> at 6 p.m. to discuss and review public-private partnerships to encourage the construction of local housing, a work session on Monday, November 29<sup>th</sup> at 7 p.m. to update the Council on the Roundabout Project, and a work session on Monday, December 6<sup>th</sup> at 6 p.m. to discuss the annual Utility Abatement requests for 2011. Reavis seconded the motion. Wallace stated he would not be able to attend the work session on November 29<sup>th</sup>. Motion carried without opposition.

#### Informational Memorandum:

Wallace – Wallace inquired about the reasons for the City changing its health coverage. Keefer stated it was due to several reasons including renewal costs and the current plan coverage. Griffith asked what percentage of increase is anticipated. Keefer stated he is working on preparing that information for the governing body. Keefer stated we will have to restructure the plan to stay within the budget limits. Keefer stated he will present that information in more detail at a later meeting.

#### Final Comments:

Wallace – Wallace asked if the property owned by Lake Point where the walking path was built was owned by the City at the time the path was built. Keefer stated it was not, that it had already been purchased by the current owners.

Wallace inquired about the condition of the property of the car repair place next to Dairy Queen. Keefer stated the Inspection Department has been working with them and that they have met with the owner. Keefer stated we are currently looking for ways for them to get rid of some of the vehicles at no cost to them and achieve a win/win for both parties.

Wallace stated he has been contacted about a dog park and suggestions to use the flood buyout area for a dog park. Keefer stated that a group met with the Park Board a couple of years ago about wanting a dog park. Keefer stated the board asked them to gather more information and bring it back to them but they never did. Keefer stated if there is a group interested again they need to contact him.

Williams – Williams thanked the community for their outpouring of support for the Jonathan Blank family. Williams stated that Jonathan's twin Linden is an officer with the Augusta Department of Public Safety.

Huddleston – Huddleston asked if the businesses along where the work is being done on 7<sup>th</sup> Street could be allowed to have portable signs longer than the regulations allow to direct traffic to their businesses. Keefer stated there will be access to the businesses and side streets along 7<sup>th</sup>, but that it would be up to the governing body to make an exception to the regulations during the construction. Keefer stated the project will be a challenge and will slow traffic down.

Huddleston inquired about the mileage reimbursement for the City Manager in the appropriations ordinance. Keefer stated the mileage was for driving himself and Huddleston to Hutchinson for the Main Street Awards Dinner. Keefer explained that is monthly car allowance is only for driving in Butler County. Keefer stated he always deducts the mileage in Butler County from his mileage reimbursement requests.

Huddleston stated the asphalt repairs at 7<sup>th</sup> and State already has a 1 ½ inch drop. He stated that even though they will be part of the 7<sup>th</sup> Street project they may need to be repaired before then. Keefer stated he has spoken to Public Works Superintendent Cy Ricker about several areas along 7<sup>th</sup> Street that were in need of some work and will make sure that area is looked at also. Keefer stated KDOT is to assist in some of these repairs.

Huddleston asked if the Council will receive a traffic plan for roundabout, including the detours for the schools. Keefer stated that information will be included in the work session discussion scheduled for November 29<sup>th</sup>. Huddleston asked if that will include vehicle counts. Keefer stated that is being researched. Keefer reminded the governing body that whether they went with the roundabout or a four way stop light intersection it would have required a detour.

Huddleston inquired about the status of the lease for an airport mechanic. Keefer stated that information is tentatively scheduled to be presented at the next council meeting.

Griffith – Griffith inquired about the status of the waterline project at the Frontier Refinery. Wilson stated Line 1 is complete and in service and that Line 2 should be completed in about two more weeks.

Adjourn: At 7:50 p.m. Leffler made a motion to adjourn. Harper seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
NOVEMBER 15, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on November 15, 2010, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Bob Griffith, Mike Rawlings, and Ronald Reavis. Council member Holly Harper was absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Human Resource Manager Angela Casper, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Mike Mead, Eric Christinat, Kevin Christinat, Charles Ilsley, and Willis Wilson.

Prayer: Pastor Steve Spencer, First United Methodist Church, gave the invocation.

Minutes: Wallace made a motion to approve the minutes from the November 1, 2010 meeting. Huddleston seconded the motion. Motion carried without opposition.

Appropriations:

November (11): Wallace inquired about the payment to the Augusta Daily Gazette for advertising. Keefer stated it was mostly for publication of legal notices. Huddleston inquired about the payment to American Control from Water Production in the amount of \$5,513.44. Keefer stated it was for repair work and maintenance of equipment at the water plant and the Mulvane pump station. Huddleston inquired about the description for the payment to Augusta Progress Inc. Jones stated it was for the API and E-Community loans that were made. The payments are made to the City and then the City splits the payment according to the loan documents and issues the appropriate portion of the payment to API and E-Community (Kansas Center for Economic Development). Huddleston asked if the description could be changed to identify it is for these loans. Jones stated she would work on that. Huddleston inquired about the payment for prisoner care. Keefer stated the amount paid varies from month to month. Keefer stated last month's payment was \$300. Wallace inquired about the payment to Goedecke Engineering. Keefer stated it was for several projects, and that approximately \$10,000 was for the Ohio/Kelly Project and \$5,000 was for the Levee Project. Wallace inquired about the payment to Prairieland Partners. Keefer stated it was for the Airport mower purchased with the KDOT grant. Huddleston made a motion to approve Ordinance 11 in the amount of \$337,833.35. Leffler seconded the motion. Motion carried without opposition.

Old Business:

Zoning Regs & Building Codes: Council reviewed and discussed proposed amendment to the City's Zoning Regulations and Building Codes. Huddleston stated when he was looking at the sign ordinance he went back and looked at the sign regulations for the downtown in the Building Codes and we are quite strict on what that code covers. Huddleston referenced the Comprehensive Plan and Hyatt-Palma Plans. Williams stated the Comprehensive Plan was completed in 2002, more than eight years ago. Huddleston stated item #64 in the Comprehensive Plan lists the guidelines and a variety of options. Huddleston stated our guidelines are too restrictive and that he would like to know what other Main Street communities are doing. Williams stated staff is willing to do that. Keefer agreed and stated he would look to Eric Christinat, Executive Director of DAI, to help with that research. Huddleston stated he feels better about voluntary compliance rather than strict regulations. Childers asked if we are getting a lot of push back from property owners' downtown. Childers stated that it seems like we are searching for a problem that doesn't exist. Huddleston stated he contacted Parsons and Winfield and that Winfield recommends they come to the City. Huddleston stated nothing happens to them

if they do not, but that grants are available to them if they do go to the City. Williams stated that a large percentage of those making improvements did receive S.O.S. grants and because of that they had to comply with certain improvement regulations. Williams agreed it would be good to get information from other communities for comparative purposes. Keefer stated he would research it.

Wallace stated change #6 lists the reason for the change as the Mayor would like to increase it. Wallace stated it would increase the time political signs could be displayed from 4 weeks to 60 days. Williams stated her recommendation was made to be consistent with the County and neighboring cities. Williams stated the number of days assigned in our regulations had no value. Williams stated with advance voting there would be a benefit to having the signs out earlier and that displaying political signs allows the citizenry to participate in elections. Wallace stated it sends a mixed message by increasing it and that he thinks four weeks is long enough.

Huddleston stated change #4 states the sign can be made permanent with the approval of the Inspection Department and asked if they could arbitrarily be decided by the Inspection Department or if they would have to follow the guidelines. Keefer stated that removing the trailer and permanently affixing to a pole, building, or structure would still have to comply with the other sign regulations.

Reavis stated there are very few downtown buildings that would benefit from change #5 and that it would give an unlevel playing field to those with empty lots available to them. Reavis stated he doesn't see this as a fair change. Reavis stated that portable signs got us into this discussion in the first place because they are unattractive. Huddleston stated he agreed that we need to level the playing field within the downtown district.

Williams asked for a consensus on the changes. There were no issues voiced for changes #1, #2, and #4 and the only concern with change #3 was Reavis concerned about enforcement issues, but that he felt those could be addressed. The only changes that the council voiced concern about were changes #5 and #6. Huddleston stated he didn't see a problem sending all the changes to the Planning Commission to obtain their feedback. Keefer stated the Planning Commission will have a public hearing and make a recommendation to the governing body.

#### New Business:

**Annexation:** A public hearing was conducted to take input on the proposed annexation of two tracts of property that are contiguous with the south legal boundaries of the City of Augusta. Charles Ilsley, property owner of I Rent Storage at 142 SW Hwy 77, stated he is opposed to the annexation. Ilsley stated the planners have said not to annex south unless it is requested by the property owners. He stated the annexation will raise his taxes \$500 per year and he does not see what he will gain from the annexations. Williams stated the recommendation in the Comprehensive Plan was written in 2002 and at that time Augusta was not growing in any direction. Williams stated it was not a written policy that the current governing body has to follow. Ilsley stated the Planning Commission supported the recommendation in the Comprehensive Plan. Williams stated the Planning Commission voted 4 to 2 to not recommend annexation. Williams stated that there are properties with access through city streets, have access to emergency services, and have utilities available to them whether they choose use them or not.

Griffith asked why it was not recommended by the Planning Commission. Keefer stated they based their decision on the comment in the 2002 Comprehensive Plan saying that we would not annex unless it is requested by the property owner. Keefer stated that outside of the Custer Lane project the only other times we have annexed have been at the request of the property owner or

developer. Keefer stated we have complied with all the State Statute requirements. Keefer stated K.S.A. 12-520a requires the following to be considered when determining the advisability of annexation at the public hearing:

- 1) Extent to which any of the area is land devoted to agricultural use – Not relevant.
- 2) Area of platted land relative to unplatted land – Not relevant.
- 3) Topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed – Does have direct access through the city and at one time had use of one city utility.
- 4) Extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries – None.
- 5) Present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed – Not residential property.
- 6) Extent of business, commercial and industrial development in the area – Commercial development.
- 7) Present cost, methods and adequacy of governmental services and regulatory controls in the area - Street maintenance, emergency services, within our growth area.
- 8) Proposed cost, extent and the necessity of governmental services to be provided by the city proposing annexation and the plan and schedule to extend such services – A plan was included in the council packet for extending service, but it would be minimal because it already exists.
- 9) Tax impact upon property in the city and the area – Little over \$400 more in property taxes and a 14 mil difference between his current total mil levy and new total mil levy.
- 10) Extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources – Property is directly adjacent to the city and is access through city streets. Several customers of the business probably reside in Augusta.
- 11) Effect of the proposed annexation on the city and other adjacent areas, including but not limited to, other cities, sewer and water districts, improvement districts, townships or industrial districts and, subject to the provisions of K.S.A. 12-521a, and amendments thereto, fire districts – No special districts there or other cities. The township was given notice and did not respond.
- 12) Existing petitions for incorporation of the area as a new city or for the creation of a special district – Not relevant.
- 13) Likelihood of significant growth in the area and in adjacent areas during the next five years – Growth is limited because it is one developed lot.
- 14) Effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan – The utilities are already in place.
- 15) Economic impact on the area – There will be an increase in property taxes.
- 16) Wasteful Duplication of services – There is a wasteful duplication of services.

Keefer stated that the Department of Public Safety has responded to a call at this property and if there were a fire our crews would respond, not just the Fire District truck. Keefer again stated that we have complied with the rules and regulations per State Statute. Williams closed the public hearing.

Wallace asked how much Ilsley's property taxes would increase. Keefer stated overall it would be approximately \$400. Wallace asked which city streets are used to access the business. Keefer stated South State Street and that it is maintained by the city. Wallace stated it seems like a common law marriage and the adage of why buy the cow when you can get the milk for free. Wallace stated the property owner is getting the benefit of city services without paying for them. Wallace made a motion to approve Ordinance 2013 annexing two tracts of property into the City of Augusta. Reavis seconded the motion. Huddleston inquired about the next two properties to be annexed. Keefer stated it would be Mr. Bilson's property and the old gas station/tire shop. Huddleston asked if the wastewater treatment plant is not in the city limits. Keefer stated it is due to island annexation. Williams stated it is like the Airport. Huddleston asked if we couldn't start at the wastewater treatment plant and annex north. Keefer said we could not because there are other properties between. Reavis asked if the current annexation will take us to the railroad tracks. Keefer said there is one more property between there and the railroad right of way. Motion carried with Griffith, Huddleston, and Rawlings opposing.

Keefer stated last spring there was a unanimous directive from the governing body to pursue the annexation, and that he is very surprised at the split vote. Huddleston stated he is supportive of annexing tract 1, but not tract 2. Griffith stated he was concerned by the recommendation of the Planning Commission. Keefer stated that a member of the Planning Commission has a strong opinion about annexation based on a personal situation with annexation in the past. Keefer stated he does not believe that was the basis of their decision, but that had an impact. Williams stated their decision was based on a recommendation from 2002 and that the westward study was not included in that recommendation, but the governing body did recommend going forward with that study. Huddleston stated staff should be careful about criticizing the Planning Commission members. Keefer stated he was not criticizing them. Griffith asked if this has to be taken back to the Planning Commission. Keefer stated it does not, and that theirs is only a recommendation to the governing body. Keefer stated by State Statute the Planning Commission has to weigh in on this, but ultimately the decision in this instance is up to the governing body. Childers stated he disagreed with Huddleston about Keefer criticizing the Planning Commission members. Childers stated Keefer's frustration is with the governing body's 4 to 3 vote because we gave staff a clear directive to staff that we were supportive of going forward with this annexation. Rawlings stated he voted against it because he put himself in the citizens' shoes. Rawlings stated he has property that could be handled like this and we wouldn't like that. Griffith stated he thinks the consensus back then was to look into the annexation, but that they hadn't voted to do it at that time.

Keefer stated annexation should not be taken lightly and that there should be a good reason for it. At the same time, it takes a lot of time and effort to go through the process and we have to think it through carefully. Williams stated she appreciates the Planning Commission for their input. Wallace stated there seems to be a consensus to move forward with the other annexation and Williams agreed.

Airport Lease Agreement: Williams stated that staff wishes to table both items 2 and 3 on the agenda. Shaw stated the basic reason to table these is that there have been new requests for changes to the lease since the document was provided to the governing body. Shaw stated more discussion is needed before moving forward and he would rather explore all those details now and provide a full lease document to the governing body for their review rather than bringing back changes to the document at the meeting. Shaw stated that all parties are still interested in moving forward with this. Rawlings made a motion to table items #2 and #3 on the agenda under New Business. Childers seconded the motion. Motion carried without opposition.

7<sup>th</sup> Street Project: Wallace made a motion to approve Resolution 2010-25 approving the selection of Cornejo & Sons by KDOT as the contractor for the 7<sup>th</sup> Street project. Leffler seconded the motion. Motion carried without opposition.

Employee Health Insurance: Wallace asked if the premiums are the amounts the employees pay. Keefer stated they are the amount the City pays per employee, minus the employee contribution. Huddleston stated this is less than the 6% increase that was projected. Keefer stated the plan was modified to fit within the budget. Huddleston asked what we would be giving up. Keefer stated the original proposal included a 15% to 16% increase. Keefer stated there are different levels of co-insurance and deductibles and the employee contributions will be increasing. Huddleston stated the cost increase is more than 6% then. Keefer agreed. Reavis inquired about the cost increase to the employees. Keefer stated the employee premium contribution will increase from \$6.12 to \$10 per month for single plans and from \$14.28 to \$20 per month for family plans. Keefer stated this is still a very good value for our employees. Mr. All stated the out of pocket costs will increase for employees and Huddleston stated it would for those that use the insurance.

Huddleston asked if the HSA will affect the income of the employees. Casper stated the HSA will be tax free. Reavis made a motion to approve Preferred Health Systems as the City's 2011 employee health insurance company and authorize the City Manager to execute documents related to the City's health insurance program. Leffler seconded the motion. Motion carried without opposition.

Rawlings made a motion to approve the implementation of a Health Reimbursement Account program for City Employees. Huddleston seconded the motion. Reavis asked if employees will have the opportunity to put pre-tax dollars into their accounts. Keefer stated they would not, but that the city already offers a section 125 plan that they can utilize. Reavis asked if the city manages that plan. Keefer stated there is a third party administrator and there will be one for the HSA too. Reavis asked if the \$500 for each employee will be used towards their deductible or co-insurance. Keefer stated it would be used for both the deductible and co-insurance up to the \$500. Childers asked if the city provides employees with annual compensation statements. Keefer stated we do and that Casper prepares those to be presented along with the employee's annual performance evaluation. Motion carried without opposition.

Lease Agreement: Rawlings abstained from discussion and voting due to a conflict of interest. Leffler made a motion to approve a Lease Agreement with Twyla Harding for the continued use and maintenance of property recently purchased by the City as part of the Levee Enhancement project. Huddleston seconded the motion. Reavis stated that others have been on vacant land and asked if they are going to be vacating the property. Keefer stated this is part of their back yard and that they will continue to maintain and mow the property and use it for the term of the lease. Motion carried without opposition.

Fee Schedule: Reavis asked if the proposed \$5 fee for mercury vapor lights covers the cost of electricity. Jones stated the \$5 is for both the light rental and cost of electricity, but that it may not cover the cost of electricity. Reavis stated he thinks someone should do the math to see if we are recouping our cost. Rawlings stated we are providing a service. Wallace made a motion to approve Resolution 2010-24 updating the Fee Schedule as part of the City's Code of Ordinances. Childers seconded the motion. Motion carried without opposition.

Engineering Services Agreement: Leffler made a motion to approve an Engineering Services Agreement with Aqua Tech Engineers for repairs and improvements to the million gallon water storage tank.

Childers seconded the motion. Wallace asked if that is enough liability insurance. Keefer stated \$1 million is pretty standard. Motion carried without opposition.

2010 Special Alcohol Grants: Williams stated staff will be contacting the two that did not meet the criteria. Huddleston asked what will be done with the excess money in this fund that was not awarded. Keefer stated it will be carried over to next year. Huddleston asked if there were new applicants this year. Keefer stated there were two, but they did not qualify for grants based on the criteria set by State Statute. Reavis asked if the Safety Department still has the DARE Program. Keefer stated there are funds set aside in the city budget to fund the DARE Program. Reavis inquired about the amount. Keefer stated \$1,000 to \$2,000 annually. Rawlings made a motion to approve the following 2010 Special Alcohol Grants: Youth Leadership Butler \$500, Augusta High School SADD program \$2,000, Family Life Center Safehouse \$2,500, and Mothers Against Meth \$1,500. Reavis seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Huddleston – Huddleston stated the swimming pool receipts were down this year and inquired about the reasons. Williams stated it was due to the punch passes. Keefer stated that prior to next year staff and the Park Board will review the pass program and make a recommendation back to the Council. Shaw stated that attendance actually went up this year. Griffith stated the punch pass was a trail this year. Shaw stated we need to discuss the pricing strategy to help level that out.

Reavis – Reavis encouraged people to contact the Street Sales Tax Committee or come to the meetings on November 30<sup>th</sup> and December 16<sup>th</sup> if they have recommendations for streets needing improvements. Reavis stated he would also like to voice his pleasure in the vote of confidence the public gave by voting to continue the 1 cent sales tax.

#### Final Comments:

Reavis – Reavis stated that during general comments Huddleston directed a question to the City Manager that he thought bordered on inappropriate. Reavis stated he has full confidence in the City Manager and the expenses he submits. Reavis stated Huddleston submitted mileage for the League Conference last month and was paid \$175 for the mileage. Reavis stated that he, Childers, Shaw, and others drove to the conference and did not submit for a reimbursement. Williams stated she does not request reimbursements for her mileage. Reavis stated that while Huddleston is entitled to the mileage reimbursement, there are others that do not submit such requests.

Wallace – Wallace inquired about the light pole that was hit downtown. Keefer stated it was backed into and we are pursuing reimbursement of the cost through the driver's insurance. Rawlings stated the new light pole should be here in 1-2 weeks.

Reavis – Reavis stated he has received a couple of questions about the water level of the city lake. Reavis asked if we are using it for city water. Willis Wilson stated during the Frontier Waterline project there was 48 ½ hours where we used the city lake for water exclusively. Wilson stated that project is now finished. Keefer stated there has not been a lot of rain since July. Reavis stated so we are not draining it for a project. Keefer said no and stated the project that will require it to be drained will not begin until next fall.

Wallace – Wallace referenced Reavis' comments about Huddleston asking about the City Manager's mileage and stated that it is Huddleston's job to ask questions. Wallace stated there is freedom of speech and that Huddleston is trying to look out for the best interest of the citizenry and has the

right to ask the question. Wallace stated he doesn't think he should be beaten up for asking a question.

Childers – Childers inquired about the improvements at Jim Brown Park. Keefer stated through the generosity of the family of Treva Dunsford there are several improvements going on at that park including adding a couple of benches, moving the playground out of the low area, adding more equipment and mulch and a border. Childers asked about the estimated completion date. Keefer stated weather permitting it should only take a couple of days.

Williams – Williams stated the Christmas tree and lights will be going up downtown after Thanksgiving. Williams stated DAI is helping with the lighting downtown and around the poles. Williams stated there are areas with mulch around the trees downtown that need some attention. Williams stated at the next meeting she will have an evaluation form for the City Manager. Williams reminded everyone about the work session scheduled for November 29<sup>th</sup> at 7 p.m. to discuss the roundabout.

Huddleston – Huddleston stated he has always avoided making public comments about other council members.

Griffith – Griffith thanked city crews for making the band-aid improvements to 7<sup>th</sup> Street. Griffith stated he was asked why we are doing anything to the intersection of Kelly and Ohio Streets. Keefer stated it was not mandated, but that we applied for a grant and received funding. Keefer stated there have been several discussions over the years about the off-set intersection and three light rotations and that we have always been looking for funding opportunities. Keefer stated another reason is due to safety concerns. Williams stated it is an inefficient intersection. Keefer stated it was originally tied to the 5 year plan to improve Ohio from Kelly Street South.

Adjourn: At 8:48 p.m. Leffler made a motion to adjourn. Reavis seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
DECEMBER 6, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on December 6, 2010, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Tom Leffler, Mike Rawlings, Bob Griffith, and Ronald Reavis. Council members Holly Harper and Michael Wallace were absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Director of Electric Utility Bill Webster, Electric Production Superintendent Jim Sutton, Airport Manager Daniel White, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Tim Davis, Ron Davis, Megan Davis, Michael Lundin, Fred Parsons, Linda Parsons, Terri Colby, Randy Certain, John Drouillard, Nancy Turnage, Neil Wilcox, Doug Wright, Pat Rierdon, Kirby Bunch, and Steve Compton.

Prayer: Councilman Rawlings gave the invocation.

Minutes: Griffith made a motion to approve the minutes from the November 15, 2010 meeting. Childers seconded the motion. Motion carried without opposition.

Appropriations:

November (11A): Leffler made a motion to approve Ordinance 11A in the amount of \$651,092.35. Childers seconded the motion. Motion carried without opposition.

Visitors:

The Council recognized Ron Davis and Tim Davis for 25 years of service with the City of Augusta and Randy Certain, John Drouillard, Fred Parsons, Nancy Turnage, Neil Wilcox, and Doug Wright for 10 years of service. Council member Rawlings was also recognized for serving as a council member for the last 10 years.

Old Business:

Lease Termination: Huddleston made a motion to approve a Lease Termination Agreement with Global Parts, Inc. for their space in the main terminal hangar at the Augusta Municipal Airport. Leffler seconded the motion. Motion carried without opposition.

Lease Agreement: Council considered approval of a Lease Agreement with Aircapital Aircraft Sales and Service, LLC for space in the main terminal hangar at the Augusta Municipal Airport. Huddleston stated that in the memo for projected revenue estimates, the per year amount does not add up to the same as the monthly rent multiplied by 12 months. Shaw stated the projection is based on their intent to have all the full hangar, office and garage space and the monthly rent in the lease before the council now is only for the hangar space. Huddleston asked if it will be a difference of \$7,000. Shaw stated it would increase that much if they added the 4,000 square feet to their lease. Huddleston asked if they heat with gas or propane. Shaw stated they use propane. Huddleston stated the expenses listed show the natural gas expenses from 2001 to 2008 have increased on average 97%. Huddleston stated we are locking ourselves in to no increase to cover utilities if they continue to increase. Shaw stated this lease is for only for one year and provides an option to renew for one year four times. Huddleston asked why the natural gas would fluctuate and increase that much year to year. Shaw stated the previous tenant kept the hangar heated at too high of a temperature and that rounding makes the amounts fluctuate as well. Huddleston stated the current amounts actually show we could be taking a loss, and based on

what we have before us tonight we cannot tell if we will actually make a profit. Shaw stated we will make a profit.

Huddleston referenced section 16 of the lease agreement and said that it states they shall obtain workers compensation and casualty insurance for their personal property as they deem appropriate. Shaw stated that is standard and is included in our other leases. Shaw stated that workers compensation regulations are set by the state and not regulated by the city. Mr. All stated it is important to have this in the lease in the event there were a problem, we could get entangled into it and this puts it back on them. Huddleston asked why we don't require it annually and on demand. Huddleston referenced section 26 and asked if they can make improvements with financed money. Mr. All stated there cannot be a lien filed. Huddleston stated this is in the agreement twice. Huddleston stated Aircapital Aircraft is an LLC, and inquired about having an individual sign as a Managing Partner instead of a Managing Member. Mr. All stated in LLC's there is normally a managing partner or a group of partners. Mr. All stated the managing partner is like the LLC's CEO.

Shaw asked Pat Reardon and Kirby Bunch to introduce themselves. Reardon stated he has 35 years in aviation and feels that there is a tremendous opportunity at our airport. He stated he would like to contribute to a source of pride in the communities around the airport. Bunch invited the governing body to come to the airport and check out their operation. Reardon recognized Shaw for all the improvements going on at the airport and Shaw credited the staff for all the improvements. Williams asked if they would be at the airport full time or part time. Bunch stated a lot of the time. Reardon stated he hopes the operation is profitable to them and good for the community.

Reavis stated he doesn't like the section of the lease referring to insurance and "as they deem appropriate". Reavis stated if someone broke in and stole a plane or if fire damage occurred due to their equipment we would probably have to subrogate and it could be a legal battle. Shaw stated that section only refers to workers compensation and casualty insurance for their personal property. Mr. All stated he was comfortable with the current language.

Leffler made a motion to approve a Lease Agreement with Aircapital Aircraft Sales and Service, LLC for space in the main terminal hangar at the Augusta Municipal Airport. Rawlings seconded the motion. Motion carried without opposition. Shaw stated the remodel is close to wrapping up and staff would like to hold an open house in mid-January.

#### New Business:

Utility Abatements: Rawlings made a motion to approve utility abatements/credits for Augusta Arts Council Theatre in the amount of \$8,500, Augusta Arts Council Gallery \$1,500, Augusta Chamber of Commerce \$1,700, Augusta Community Caring Center \$3,000, Augusta Historical Society \$4,000, Augusta Public Library \$22,000, Augusta Senior Center \$3,500, Kansas Museum of Military History \$4,000, and Mid-Kansas CAP \$6,000 for a total of \$54,200. Childers seconded the motion. Motion carried without opposition.

Sales Tax: Leffler made a motion to approve Ordinance 2014 implementing the renewal of the City's one cent sales tax effective October 1, 2011 until September 30, 2016. Griffith seconded the motion. Motion carried without opposition.

2012 KLINK: Rawlings made a motion to approve an agreement with the Kansas Department of Transportation for a 2012 KLINK Project for Highway 77 (Walnut Street). Huddleston seconded the motion. Motion carried without opposition.

Bids: Huddleston asked if this bid is just for software. Webster stated it was for software and for getting it hooked into the system. Huddleston inquired about the memo stating it would be less for mileage. Webster stated the vendor is located in Wichita, so the mileage for service calls would be less. Rawlings stated that GreenWay Electric does work world-wide. Rawlings made a motion to approve a bid from GreenWay Electric in the amount of \$16,820 for a SCADA System. Huddleston seconded the motion. Motion carried without opposition.

Leffler made a motion to approve a bid from Wesco Supply in the amount of \$15,200 for an ABB vacuum breaker. Rawlings seconded the motion. Motion carried without opposition.

Public Hearing: Reavis made a motion to schedule a public hearing on December 20, 2010 at 7:00 PM to take input on amending the 2010 Budget. Leffler seconded the motion. Motion carried without opposition.

Informational Memorandum:

Williams – Williams reminded the council to bring the City Manager’s evaluations to the next meeting. Williams stated that Wallace will enjoy seeing the information about the trail manager responsibility.

Final Comments:

Huddleston – Huddleston inquired about the County Commissioner’s minutes stating that the County wants to make sure there is conformity in place for the Neighborhood Revitalization Program and asked staff what that meant. Keefer stated they would like to have the same provisions, incentives, and ways of rebating, etc. for each city because they are struggling with administering it. Huddleston stated that each community has different needs and it may be difficult to conform. Huddleston asked if they see that. Keefer stated that we do. Huddleston asked what effect this will have on our program. Keefer stated based on the direction given by the governing body at the work session, staff is moving forward on researching and fine-tuning it to present to the council after the first of the year. Huddleston asked what we can expect from the County. Keefer stated he expects that they will approve it since they approved El Dorado’s.

Adjourn: At 7:36 p.m. Leffler made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

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City Clerk

CITY COUNCIL  
DECEMBER 20, 2010  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on December 20, 2010, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Bob Griffith, and Ronald Reavis. Councilman Mike Rawlings was absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Airport Manager Daniel White, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Val Mitchell, BW Shirley, Stephanie Compton, Steve Compton, Tony Madrigal, David Alfaro, Lynne Holloway, and Willis Wilson.

Prayer: Pastor Paul Andrews, Life Church, gave the invocation.

Minutes: Harper made a motion to approve the minutes from the December 6, 2010 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

December (12): Huddleston inquired about the credit card payment and how the payment is disbursed throughout the departments. Jones stated that information could be provided in future appropriation ordinances. Huddleston inquired about the payment to Ed Roehr Safety Program in the amount of \$453.90. Keefer stated it was for re-certifying taser training for Sgt. McCluskey. Wallace asked for an explanation of longevity. Jones stated that employees who have been employed by the City for three years or more receive a check annually in December based on the number of months of service to the City. Wallace inquired about the payment to Global Parts in the amount of \$3,000. Shaw stated that a termination agreement with Global Parts was approved at a previous meeting and this payment was part of that agreement. Wallace made a motion to approve Ordinance 12 in the amount of \$646,117.72. Harper seconded the motion. Motion carried without opposition.

Visitors:

Steve and Stephanie Compton were present to address the Council with their concerns regarding an insurance claim with the City at their property located at 503 State Street. Mr. All stated before the Compton's spoke it would be good to let them know the process of the claim to this point. Mr. All stated the claim was made against the City and turned in to the City's insurance company. The insurance company made an offer which was rejected by the Compton's. Mr. All recommended against the governing body members making statements either during the meeting or in private discussions, as those statements could be used against the City in litigation. Mr. All stated the appropriate place to make a statement or have a discussion would be in executive session. Mr. All stated his intent was not to stifle the discussion, but to advise against doing or saying things that could be used against the City. Mr. All stated the claim is currently in the hands of the insurance company where it should be and that he thinks it is important to get hold of the facts before making any decisions.

Mr. Compton (503 State) stated he is seeking \$3,287 as a result of the lack of proper remediation by the insurance company. Compton stated the damage was a result of an accidental flooding by the City. Compton stated that Eric Christinat, Executive Director of Downtown Augusta, Inc. is privy to the situation and Mark McCollom of McCollom Construction is his contractor. Compton presented the governing body with a timeline of events leading up to and following the claim.

Compton stated he received a letter from the Mayor dated December 14<sup>th</sup> and that it bothers him that she concluded that the City had fulfilled its obligation before he had an opportunity to speak to the Council. Compton stated he and his wife were persuaded by Christinat to give Augusta a chance. He stated they attended the farmers market during the summer and had an opportunity to get to know the people of this community. Compton stated they still want to stay here and start their business, but want to get this issue resolved. Compton stated they are only asking for the difference between the offer made by the insurance company and the estimate provided by McCollom Construction. Mr. Compton again thanked the governing body for the opportunity to speak. Mrs. Compton stated the times and dates on the timeline are all evidence from their cell phones which they have turned over to an attorney. She asked if \$5,000 is enough to replace 1,000 square feet of space when the insurance company is willing to pay \$12,000 for the clean-up of that same space. Mr. Compton then stated he spoke to ACT to verify the dates on the invoice, and stated that the insurance adjuster sent his auditor's adjustment prior to the ACT invoice being created and asked how he would have those exact figures before they were compiled by ACT.

Williams asked Tony Madrigal with Madrigal & Welch how the insurance company came up with the numbers that were offered to the Compton's. Madrigal stated that the insurance is not disputing the estimate provided by McCollom Construction. Madrigal stated that once a claim against the city is turned over to its agent, the responsibility is no longer in the city's hands. Madrigal stated that is why the city pays premiums. Madrigal stated EMC made an offer to the Compton's which they have rejected. Madrigal stated he spoke with Sharon Crosley at EMC about the issues with the timeline and asked if there was anything more they could do with the offer. Madrigal stated Crosley informed him they were waiting on a detailed estimate from McCollom Construction. Madrigal stated after Crosley received the detailed estimate from McCollom she was willing to increase the offer an additional \$1,100. Madrigal stated that EMC is depreciating the loss because they are only obligated to put it back to the condition prior to the loss and not to pay the replacement cost. Madrigal stated that usually the most that a loss is depreciated is 50%. Madrigal stated EMC was willing to offer the additional \$1,100 to close the claim today. Madrigal stated EMC will pay ACT for the clean-up and offered the Compton's \$7,354.38 which is only a difference of \$2,032.62 from McCollom Construction's estimate of \$9,387. Williams inquired about the depreciation of the final offer. Madrigal stated they depreciated the materials by 50% but did not depreciate the labor. Williams asked if that was because this is a liability claim and not a homeowner's claim. Madrigal said yes. Huddleston stated he had some questions and thought it would be appropriate to have an executive session to discuss this further.

At 7:50 p.m. Huddleston made a motion to enter into executive session for 15 minutes to consult with an attorney on matters that are deemed privileged in an attorney-client relationship. Wallace seconded the motion. Motion carried without opposition.

At 8:06 p.m. Childers made a motion to exit executive session with no action being taken. Leffler seconded the motion. Motion carried without opposition.

At 8:07 p.m. Leffler made a motion to enter into executive session for 10 minutes to consult with an attorney on matters that are deemed privileged in an attorney-client relationship. Harper seconded the motion. Motion carried without opposition.

At 8:17 p.m. Childers made a motion to exit executive session with no action being taken. Reavis seconded the motion. Motion carried without opposition. Mr. All stated that because no action was taken the insurance company still has the case in their control and the governing body will allow that process to move forward.

Old Business:

Belt Filter Press: Huddleston inquired about the dollar amounts listed in the memo. Keefer stated they are referencing a document about the lawsuit and that the dollar amount identified for the belt filter press was \$442,520. Keefer stated there was \$726,000 allotted for all of the projects. Keefer also stated that the trip to Albany to view the belt filter press was very beneficial. Huddleston stated the \$307,225 is less than the \$442,520 estimate. Keefer stated that amount does not include the installation.

Reavis asked if the equipment would be located in a building. Willis Wilson stated it would occupy one of the vacuum beds in the sludge water building. Reavis inquired about the dimensions of the belt. Wilson stated it is 22 feet 5 inches. Wilson stated the bid includes two pumps that will regulate the flow into the equipment. Huddleston asked what would happen to the existing vacuum belt. Wilson stated this one would be taken out but the other one would stay as it is. Reavis stated the one in Albany ends up loading into a truck and asked what would happen to our sludge. Wilson stated it will go into a chute which will take it out of the building to be stored outside under a covered area or into the sludge slinger. Reavis stated the memo listed April 30, 2010 and asked if Willis meant 2011. Willis stated that he did mean 2011.

Harper asked how long this solution will last. Wilson stated it has a 20 year design life, but that significant things will need to be done along the way such as replacing belts and bearings. Reavis asked if it will run all the time. Wilson stated that at peak load it will be running four days a week at six hours per day. Huddleston inquired about the capacity. Wilson stated the average flow is 1.5 million gallons per day. Keefer stated the capacity is for an average population of 10,000 to 11,000 and that the current drying beds are constantly full. Keefer stated this will help us get more in the storage area and closer to a 90 day storage capacity. Griffith asked if there is any problem getting rid of the sludge once it is dried. Keefer stated we own property where it can be disposed of but we do have to follow KDHE regulations in doing so.

Childers made a motion to approve a proposal from BDP Industries for the purchase and installation of a belt filter press and related equipment at the City's wastewater treatment plant in the amount of \$307,225. Harper seconded the motion. Motion carried without opposition.

New Business:

Budget Amendment: A public hearing was conducted to take input on amending the 2010 Budget. The Mayor closed the hearing after no one came forward to give input.

Wallace made a motion to approve the proposed amendments to the 2010 Budget. Harper seconded the motion. Huddleston asked if the increases for the water are the ones that have exceeded the budget on the month end reports. Jones said yes. Motion carried without opposition.

Frisco Railroad: Wallace made a motion to make a request to Butler County for the donation to the City of Augusta of the old Frisco Railroad right-of-way located between the Whitewater River on the west and BNSF right-of-way on the east. Huddleston seconded the motion. Leffler stated the rail service could possibly be re-activated and asked if the railroad wanted to re-lay the track if we would have to comply. David Alfaro stated if the city becomes the owner of the property it would have the final say on re-activating the railroad on city property. Alfaro stated the city

would have to at least consider it but would have the ultimate say. Wallace stated we are currently maintaining it but do not own it. Motion carried without opposition.

Keefer stated there is also an on-going discussion about whether there is interest by the Cities of Augusta and Andover in the rail line running between Augusta and Andover or if it should be turned back over to the adjoining property owners. Keefer stated he wanted to make sure the governing body is okay with him speaking to the City of Andover about this. The consensus from the governing body was for Keefer to contact Andover about this. Alfaro stated that the City of Andover has an interest in working with the City of Augusta on doing a rails to trails project. Keefer stated he would draft a letter to Butler County requesting the donation.

Court Appointed Attorney Agreement: Harper made a motion to approve an agreement with Cami Baker and Associates for court appointed attorney services in 2011. Wallace seconded the motion. Huddleston asked when we pay the attorney fees if that is included in the restitution. Mr. All stated it is. Huddleston stated he would like it to be broken out. Reavis stated it is broken out in Chief Brewer's monthly report. Huddleston stated he would like to see a year to date column added to that report. Motion carried without opposition.

Museum Donation: Huddleston asked who would move this piece of equipment. Daniel White stated the Museum would move it. Wallace stated the National Guard could assist with that as well if a request were made. Reavis made a motion to approve donating an outdated Automatic Direction Finder to the Museum of Military History. Childers seconded the motion. Motion carried without opposition.

Cereal Malt Beverage Licenses: Leffler made a motion to approve renewing Cereal Malt Beverage Licenses for Pizza Hut, Presto 1632, Wal-Mart Stores, Inc., Dillons Store #18, Sunshine Energy, LLC, and Casey's General Store. Harper seconded the motion. Motion carried without opposition. Reavis asked if this is everyone in town that currently has one. Jones stated it is.

#### Informational Memorandum:

Huddleston – Huddleston stated the improvements at Brown Park looks nice. Williams asked if the City has sent a written thank you for the donation. Keefer stated he would do that.

#### Final Comments:

Williams – Williams stated the 226<sup>th</sup> Engineering Company from Augusta will be returning from duty on December 23<sup>rd</sup> in Salina.

Huddleston – Huddleston stated it has been in the news the last few days about a new contaminant in water supplies. Huddleston stated it is a carcinogen and asked if that is something we can test for.

Griffith – Griffith stated he appreciated the 7<sup>th</sup> Street accident plan report from Chief Brewer. Griffith asked if there is an ordinance that would address someone field dressing a deer in their yard. Jones stated she had been contacted about that and she was able to locate in the code that a dead animal cannot be kept on public or private property in the city limits for more than 24 hours.

Adjourn: At 8:53 p.m. Leffler made a motion to adjourn. Wallace seconded the motion. Motion carried without opposition.

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City Clerk