

CITY COUNCIL  
JANUARY 3, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on January 3, 2011, 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, City Inspector Dan Allen, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Martin Goedecke, Eric Christinat, Kevin Christinat, Steve Compton, Mark Bryant, and Tommy Martin.

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

Minutes: Leffler made a motion to approve the minutes from the December 20, 2010 meeting. Griffith seconded the motion. Motion carried without opposition.

Appropriations:

December (12A): Wallace inquired about the payment to Pitney Bowes in the amount of \$2,000 and asked if any of that amount is refunded if not used. Jones stated the balance will remain there until it is used up and then the City issues a payment to replenish the postage funds. Huddleston asked if the City has paid Go Wichita before. Keefer stated we have and that it is for the Convention and Tourism Bureau. Huddleston stated the Go Wichita site is mostly about the chamber of commerce. Williams stated it promotes both the convention and tourism bureau and the chamber of commerce. Reavis inquired about the payment to Hampel Oil. Keefer stated it was for diesel purchased for the power plant. Wallace made a motion to approve Ordinance 12 in the amount of \$589,109.03. Huddleston seconded the motion. Motion carried without opposition.

New Business:

2011 Street Repair Program: Williams stated there is \$355,000 to work with this year. Reavis asked how many square feet of brick work will be repaired on Euclid. Williams stated there will be a cost savings in repairing the brick versus the asphalt overlay. Martin Goedecke stated there will be approximately 1,000 sq ft of brick repaired, and that most of it is in good condition. Reavis stated he would have to disagree and asked how many council members have driven on this road recently. Huddleston stated he drives on it a couple of times a week and Williams stated she drives on it. Reavis asked if the council is ready to vote on something only two of them ever drive on. Reavis stated this is not in the brick district and he thinks that they would be throwing away \$106,000 if they choose to repair the brick. Wallace stated he would agree if the street were to be completely redone in concrete but not for an asphalt overlay as it will only last about ten years. Reavis stated that is longer than the bricks would last. Williams asked how long the current brick have been there and Goedecke answered that they have been there since before the 1940's. Reavis agreed that the bricks do not wear out as quickly, but that they don't make a good driving surface.

Huddleston stated that most of the problems he sees with brick streets have been from utilities doing work and tearing the bricks out and not repairing them properly. Huddleston stated if we maintain the bricks properly they will last longer than an asphalt overlay. Williams stated she would hate to see more and more overlay and would like to preserve the bricks where they currently are. Reavis stated he would understand if it were in the area where bricks must be

replaced brick by brick, but that this is in an area where the rest of the street is asphalt. Reavis stated the people that live in that area deserve the same quality of street as other citizens. Williams stated she hates to put in a temporary fix like asphalt overlay when there is already a permanent street there. Huddleston asked Reavis if he believes a brick street is inferior to asphalt and Reavis stated he does. Huddleston stated the cost is less for brick than for asphalt, so if a good brick street is put in he doesn't see a problem with that. Reavis stated that \$106,000 will not be enough to make it a good street. Goedecke stated that brick streets are rough, but will not require the maintenance an asphalt overlay would require.

Wallace asked what repairs would be included in the \$106,000 repair costs. Goedecke stated it would include curb and gutter, drive approaches, and repairing the areas of brick that need to be repaired. Goedecke stated the man holes would also be adjusted. Williams asked Goedecke what his recommendation would be as an engineer. Goedecke stated the brick streets have been there for 70 years and that an asphalt overlay would last 12 to 15 years but would have to be patched and crack sealed during that time frame. Goedecke stated the life of the asphalt overlay would not be as long as the brick, but that the brick would not be as smooth of a driving surface as the asphalt overlay. Wallace made a motion to approve the recommendations from the Street Sales Tax Advisory Committee for the 2011 Street Repair Program. Harper seconded the motion.

Huddleston inquired about the half street repair on Robbins. Goedecke stated the school district ran the new storm sewer on the west side of the street and paved that half of the street, so the City would only need to repair the east side. Reavis stated if they ever approached again about only repairing half the street, they need to require them to do the whole street. Reavis stated that was a bad decision on our part. Keefer stated that the street already needed repaired but now we only have to pay for half of the street. Keefer stated it would be difficult for us to force them to repair what they didn't damage when we've never required it of others before.

Griffith asked when the sales tax committee meets if they go out and inspect the streets. Keefer stated they have done tours some years, and that several committee members drive around on their own looking at the streets. Keefer stated they also look to Goedecke and city staff for input. Griffith asked if they know the costs of the projects. Keefer stated they are provided with a list of projects and their cost estimates. Griffith stated he would rely on the committee's expertise and their recommendations. Motion carried with Reavis opposing.

**Engineering Services:** Leffler made a motion to approve an Engineering Services Agreement with Goedecke Engineering for the 2012 KLINK Project for improvements to Walnut Street (Highway 77). Childers seconded the motion. Wallace asked if this is to replace the entryways when the project is done. Keefer stated it will be the milling and overlay of Walnut Street along with the striping. Wallace asked if this agreement is only for Goedecke's fee and Keefer stated it is. Keefer stated we will be letting bids for the construction in the spring of 2012. Motion carried without opposition.

**Zoning Regulations:** Mark Bryant of SNR Denton addressed the governing body. Bryant stated his firm represents Wal-Mart in Missouri, Kansas, and Illinois. He thanked the City Manager and staff for working with Wal-Mart on their project. Bryant stated the parcel of land that is being considered for the new Wal-Mart will not be sufficient to accommodate parking spaces of 9 feet wide and 20 feet long per the City's Zoning Regulations and meet Wal-Mart's requirements of 25 foot drive lanes. Bryant stated they are appreciative of the City's willingness to consider a variance; however, state statute says that in order to grant a variance the applicant must meet certain criteria including suffering an unnecessary hardship. Bryant stated he doesn't believe they could show that it would be an unnecessary hardship, and that the likelihood that someone will challenge their

variance if granted would be great. Bryant stated Wal-Mart is frequently a target of lawsuits and by changing the zoning regulations instead of granting a variance that would help avoid such a suit. Bryant stated he appreciates the governing body's consideration of changing the Zoning Regulations.

Huddleston asked what the difference would be in the number of stalls between the current requirements and under the change. Tommy Martin with SNC Consultants stated they have planned for 461 spaces if allowed to be 9.5 feet wide and 18 feet deep with a 25 foot driving lane which will result in a parking ratio of four parking spaces per 1,000 square feet of store. Martin stated under the current regulations, the number of spaces would fall below the industry standard ratio of 4.0 but that he doesn't know how many spaces that would equate to. Williams stated the proposed measurements sound like they would be safer for our citizens.

Leffler asked when Bryant mentioned being sued for the variance, did he mean by someone outside of the community. Bryant stated it could be someone inside or outside of the community. Bryant stated that under Kansas Law, anyone who thinks they have been aggrieved by a variance can file suit in Butler County District Court. Bryant stated they are frequently sued and Wal-Mart wants to do everything absolutely right to minimize that risk. Leffler asked about setting precedence for future requests for changes to our regulations. Bryant stated that all legislation is at the request of some individual or group, but that does not make it illegal. Bryant stated they are recommending the change for stores over 100,000 square feet which would only really apply to Wal-Mart at this time. Leffler stated he doesn't want to bypass the Planning Commission. Bryant stated they are not asking for that and that according to City Code it has to go before the Planning Commission.

Dan Allen stated he measured the parking spaces at Lowes and they are 9 ft wide by 18 ft deep with a 24 ft drive lane, the New Dillon's in Andover is 9.5 ft wide by 18 ft 6 in deep with a 24 ft drive lane, the Andover YMCA is 9 ft wide by 18 ft 8 in deep with a 23 ft 6 in drive lane, the new Andover grade school is 9 ft wide by 19 ft deep with a 23 ft drive lane. Allen stated there is nothing really standard. Wallace stated this is a respectable business asking for a public hearing and that he thinks it is a good idea to go forward with a public hearing. Huddleston stated he liked the proposed option #1 the best, but would like the wording changed from "...in excess of 100,000 square feet..." to "...at least 100,000 square feet..." Childers asked why the current regulations require 20 feet deep spaces. Allen stated that a lot of the regulations were written 25 to 30 years ago and that they didn't have the smaller cars that we have today. Williams stated the regulations may need updated anyway. Allen agreed with the proposed option #1 being a good idea. Reavis inquired about the measurements of the spaces at the existing Wal-Mart. Allen stated he didn't measure them because they are angled. Reavis asked about the drive lanes. Allen stated they would be 22 to 23 feet wide on the one-way isles. Leffler asked David All if he saw any problems with option #1 and he stated he did not. The consensus from the governing body was to move forward to taking this request to the Planning Commission.

2011 Job Classification and Salary Schedule: Reavis asked if the current raise pool is 2% and Keefer stated it is. Reavis asked if most employees receive the 2% and Keefer stated approximately 90% do. Reavis asked if there have been any changes to the classifications. Keefer stated there has not, but that the Human Resources Manager is reviewing the plan and there may be recommendations for changes in 2012. Huddleston asked if there are still people below their pay grades. Keefer stated there are between 6 and 8 employees below the entry level for their job classification. Huddleston asked if the additional raises for those people will get them to where they need to be. Keefer stated he believes that it will. Reavis stated he wanted to make clear to the public that there is no cost of living increase for city employees in 2011, and that they are

only receiving up to a 2% merit increase. Reavis made a motion to approve Resolution 2011-01 approving the 2011 Job Classification and Salary Schedule. Childers seconded the motion. Motion carried without opposition.

REAP: Childers made a motion to approve the City's 2011 membership to the Regional Economic Area Partnership (REAP). Harper seconded the motion. Motion carried without opposition.

Informational Memorandum:

Huddleston – Huddleston stated he was glad to hear that we test our water for chromium and thanked staff for providing that information. Huddleston inquired about vacating portions of Dike Road and asked what portions would be vacated. Keefer stated it would be all of Dike Road between 6<sup>th</sup> and 7<sup>th</sup> Avenue. Keefer stated we are looking at this as part of the levee project because the levee will extend half of the way to the center of the current road. Keefer stated we will have to move Dike Road north of 7<sup>th</sup>. Huddleston inquired about having to purchase the property. Keefer stated we would have to acquire the property anyway as part of the levee project because we will need to have the levee easement.

Reavis – Reavis inquired about the Library not receiving their full fund allocation. Keefer stated that because of delinquencies we do not have funds available to meet the amount allocated for the Library in the budget. Reavis asked if the Library is the only one taking the hit. Keefer stated all funds supported by taxes will be affected, including the General Fund, Bond & Interest Fund, Library Fund, Library Benefit Fund, and the Employee Benefit Fund. Keefer stated he tries to be conservative when setting the budget, but that we received almost three mils less than what was budgeted to receive. Reavis asked how short the Library payment would be. Jones stated it is between \$7,000 and \$8,000 short. Keefer stated that Lynne Holloway at the Library was aware of the potential for a shortfall this last summer. Keefer stated the early tax receipts were coming in low so he warned her to be prepared. Keefer stated in the past we could use interest funds to help with shortfalls, but they weren't there this year and the cash carryover didn't totally offset the shortfall as it had in the past. Keefer stated the cash carryover in the other funds helped cover the shortfall. Huddleston stated that in the next 2 to 3 years property taxes will be lower and asked where that will leave us and if we would have to increase the mil levies. Keefer stated the governing body will have to decide. Keefer stated the only way to increase is in growth or in property values, but that it may not be able to sustain the cash carryovers and we may have to make decisions about decreasing staff and capital improvement expenditures. Keefer stated he hopes we don't get to that point. Huddleston asked if we will know better this summer what the future will look like. Keefer stated we will receive the valuation estimates this summer from the County, but that they are only estimates. Keefer stated for the budget he takes into account any know exemptions and abatements. Wallace stated he is aware of one realtor that has 50 to 60 open listings with Augusta addresses.

Final Comments:

Reavis – Reavis asked about the fire damaged house on Custer Lane. Keefer stated it will be torn down. Reavis stated the City is going to start discussions on trash and that he and councilman Wallace, citizens, and city staff are on a committee that will have its first meeting on January 13<sup>th</sup> and that it is his intention to get the public involved in this discussion.

Williams – Williams reminded everyone of the January 25<sup>th</sup> filing deadline for candidacy and stated the Mayor position and four council member positions are open. Williams stated she filed earlier today. Williams stated she again would like to welcome the 226<sup>th</sup> Engineering Company and their safe return home on December 23<sup>rd</sup>.

Huddleston – Huddleston asked if the fence around the Electric Plant includes the storage sheds. Keefer stated it does and that the cameras cover that area as well.

Griffith – Griffith asked if the mechanic is up and running at the Airport. Shaw stated they are still in the transition process. Shaw stated they are working to purchase all of the equipment they need and are interviewing for the mechanic position.

Executive Session: At 8:03 p.m. Leffler made a motion to enter into Executive Session for 15 minutes to discuss personnel issues of non-elected personnel. Harper seconded the motion. Motion carried without opposition.

At 8:18 p.m. Childers made a motion to exit executive session with no action being taken. Wallace seconded the motion. Motion carried without opposition.

At 8:18 p.m. Wallace made a motion to re-enter into Executive Session for 15 minutes to discuss personnel issues of non-elected personnel. Harper seconded the motion. Motion carried without opposition.

At 8:34 p.m. Childers made a motion to exit executive session with no action being taken. Wallace seconded the motion. Motion carried without opposition.

Williams thanked Keefer for his work with the City and stated that we are in a good financial situation despite the tax shortfalls and delinquencies because Keefer has worked diligently on building the cash reserves. Williams told Keefer that the governing body appreciates the work that he has done. Wallace made a to give Keefer a 2% merit increase but not a COLA increase. Childers seconded the motion. Wallace amended his motion to include extending Keefer's contract for two years to 2013. Childers seconded the amendment. Motion to amend approved without opposition. Motion to provide a 2% merit increase and two year contract extension for Keefer carried without opposition.

Adjourn: At 8:37 p.m. Leffler made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
JANUARY 17, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on January 17, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Bob Griffith, 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, Russell Boone, Martin Goedecke, Sharon Sudduth, and Kellyn Modlin.

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

Minutes: Harper made a motion to approve the minutes from the January 3, 2011 meeting. Leffler seconded the motion. Motion carried without opposition.

Appropriations:

December (12B): Griffith inquired about the amount paid to the Augusta Animal Clinic. Keefer explained that it was for two monthly bills. Wallace inquired about the payment to Able Software. Jones stated it was for the annual maintenance for 2009 and 2010 and for the second half payment for the new software. Huddleston made a motion to approve Ordinance 12B in the amount of \$561,004.40. Griffith seconded the motion. Motion carried without opposition.

December (12C): Wallace made a motion to approve Ordinance 12C in the amount of \$58,663.57. Harper seconded the motion. Motion carried without opposition.

December (12D): Leffler made a motion to approve Ordinance 12D in the amount of \$12,499.04. Griffith seconded the motion. Motion carried without opposition.

Visitors:

Relay For Life: Kellyn Modlin was present to make a request on behalf of the Relay For Life event planning committee to use the 500 and 600 blocks of State Street; the 100 block of East 6<sup>th</sup>; the Depot property; and the railroad right-of-way between State and Walnut for their annual fundraising event starting late afternoon and overnight on June 17, 2011. Modlin stated moving downtown will provide for more space and more community involvement. Modlin stated they would need to block the area off around 3 p.m. Williams asked if they have spoken to the downtown business owners yet. Modlin stated they will, but that they were waiting for approval from the governing body first. Wallace stated it used to be held at the lake. Modlin stated it has been held at both Garvin Park and Shryock Park, but that there was no committed path which made it difficult for survivors to participate. Modlin stated more recently it has been held at the High School, but that it lacked visibility and that they were losing participation. Huddleston inquired about issues with the Theatre and the movie that evening. Keefer stated he told the Relay For Life representatives that they need to work out those details with the Theatre in advance of the event. Rawlings inquired about affecting business traffic on Saturday morning, specifically the Pigeon's Roost. Modlin stated the event will end around 5 a.m. and should not affect the Saturday business. Huddleston stated he does not see a problem with the request. Wallace made a motion to close off the 500 and 600 blocks of State Street; the 100 block of East 6<sup>th</sup>; the Depot property; and the railroad right-of-way between State and Walnut for the annual Relay For Life fundraising event starting late afternoon and overnight on June 17, 2011. Huddleston seconded the motion. Motion carried without opposition.

Russell Boone, representing Scott's Liquor Store, presented a request asking the Governing Body to consider authorizing Sunday sales of packaged alcoholic liquor and cereal malt beverage as allowed for under State Statutes. Boone stated that both he and the owner of J's Liquor would like the Governing Body to pass a Sunday sales ordinance. Griffith inquired about the other businesses that sale alcoholic liquor and cereal malt beverages. Boone stated he contacted the Jump Start, Presto, Wal-Mart, and Dillon's and they do not want to get involved in this process, but that he believes they would sell on Sunday if the ordinance was approved. Boone stated that the owner of Brown's Liquor does not want Sunday sales. Wallace stated the owner of Brown's wants to remain closed on Sundays but that he isn't opposed to Sunday sales. Griffith asked if we are going to get this on the ballot in April. Keefer stated it depends on what decision is made tonight. Keefer stated the timing would be really tight to get it on the ballot by petition. Williams stated the governing body needs to make a decision today.

Griffith asked if there would be an expense for a special election. Keefer stated it would be several thousand dollars. Huddleston stated that by not having Sunday sales other towns are benefiting from the Alcohol tax from our citizens. Leffler asked how many sales tax dollars are being lost. Huddleston stated he doesn't know. Wallace stated these are legitimate businesses wanting to do business on legitimate business days and that who are we to tell them they cannot. Leffler stated he doesn't believe there is a loss in sales tax dollars. Leffler stated there are no other businesses here in support of this and that he would like to see citizens petition for this if they want it. Boone stated the managers for Jumpstart and Presto are not in this area, and that he came forward because someone has to do it.

Harper asked if the owner of J's has changed hands. Boone stated it hadn't. Harper stated last time she spoke to the owner of J's she was not in support of Sunday sales. Keefer stated she has requested information on how to request Sunday sales from him in the past. Wallace stated she is in bad health. Reavis stated we are not being asked to approve the ordinance now, just approve for staff to draft the ordinance. He stated he would like more input from the public between now and when staff presents the ordinance. Reavis made a motion to approve staff preparing an ordinance to allow Sunday sales, giving time until the next meeting to get input from the public. Wallace seconded the motion. Motion carried with Harper, Leffler, and Rawlings opposing. Williams stated the ordinance will be presented at the first meeting in February and encouraged citizens and businesses to contact their council members on how they feel about it.

#### Old Business:

Zoning Regulations: Huddleston asked if section 7 of the ordinance is standard terminology. Mr. All stated it is. Huddleston asked it was in the one before. Mr. All stated if there is anything out there in conflict than it should be repealed. Huddleston asked if it is in the big sign ordinance. Mr. All stated he doesn't believe section 7 is in the big sign ordinance. Huddleston stated he wonders if there aren't any other sections without that in there. Keefer stated this is for further reference and that it clarifies that it replaces any other conflicting sections of the old code. Huddleston asked if we should amend the large code section we adopted so we don't have any other conflicts arising. Keefer stated Huddleston is making a good point, but that this just clarifies it and cleans it up. Mr. All stated when we re-did the sign ordinance we repealed the old one. Huddleston asked if this is an ordinance that affects the zoning regulations. Keefer stated it does and that the Planning Commission has approved it.

Wallace asked if all of this is about signs. Keefer stated Chapter 14 is all about signs. Wallace stated he is against having political signs up more than four weeks. Williams stated we are only

talking about changing it from 30 days to 45 days and that the Planning Commission considered 60 days but is only recommending 45 days. Wallace stated the Planning Commission is only providing input and that we decide whether to approve that or not, and that he is only stating his opinion.

Reavis asked how the \$3 fee per sign for temporary sign works. Williams stated if they want it back they have to pay for it. Reavis stated the way it is worded doesn't say they only have to pay it if they pick them up. Keefer stated we do not send them a bill for the \$3. Williams stated we can reword it to say for reclaimed signs. Reavis stated that would be fine. Wallace stated in change #6 we should insert "non-political banner..." Williams stated that would start dictating what they could or couldn't put on a banner. Wallace stated he is not sure if the sign size is correct. Keefer stated he is thinking only the time frame was changed, not the size. Huddleston asked if the time limit applies to any banner or the same banner. Williams stated that is a good question. Mr. All stated it would apply to any banner. Keefer stated that several of those banners out there are considered permanent framed signs. Williams stated they can only have a banner out 120 days per year. Mr. All stated that is correct but they have to be six months apart and only two per year.

Keefer referenced change #6 and stated the current section does not reference the type of banner, but that the size is the same. Keefer stated political sign size is the same, but the only difference is increasing the time frame from 30 days to 45 days. Shaw stated there are two different ways to look at it, which would be the structure size and the use. Shaw stated you should always look at the structure size first and then the use. Rawlings stated in the past we have interpreted one way at the meeting and then someone else interprets it differently later, and asked if we can work that we look at the structure first then the use into the wording. Kristey asked if re-wording would significantly change the ordinance. Mr. All stated it would. Huddleston asked if it would have to go back to the Planning Commission. Mr. All stated no. Keefer disagreed and stated any time we amend the zoning regulations it has to go to the Planning Commission for approval and a recommendation. Mr. All agreed that the Planning Commission should be clear on these changes. Williams stated the changes the governing body would like to see is to change Chapter 3 to say "...for each reclaimed sign...", Chapter 14 to say structure size will be considered first then use, and to change the banners to 45 days.

Wallace made a motion to send the proposed changes back to the Planning Commission. Huddleston seconded the motion. Motion carried without opposition.

#### New Business:

Ks Dept of Wildlife & Parks: Wallace inquired about the statute of limitations. Keefer stated this goes back to 1969 and that after the discussion last year he made several calls and they were adamant that we have to do this every year. Huddleston stated that Item #1 ties us into the use of our park. Williams stated we could make a request for change to them. Huddleston stated he doesn't know why they would have to give input on our property. Wallace stated this basically makes it a State Park, not ours. Williams disagreed and stated this is why there has been concern about working with them on the fish issue during the Dam Spillway project. Rawlings stated we don't want their help because of this. Keefer agreed and stated it would open the door for the Kansas Department of Wildlife and Parks to start regulating our lake. Keefer stated we have contacted them about providing advice and they have suggested that we look at a partnership. Rawlings stated that by them stocking the lake with fish they will become involved in our lake. Wallace stated this is a separate issue, and stated we should just pay them back for the original grant. Williams stated if we do not sign this we are defaulting on the agreement. Keefer stated he was told we are the only

City that is challenging signing this agreement. Williams stated we have not had any issues with them to date.

Wallace stated he cannot see any contract lasting into perpetuity and asked why we would agree to this forever. Mr. All stated Wallace is correct that you cannot have a contract in perpetuity, but that we are renewing the contract every year. Huddleston asked what we get for approving this each year. Mr. All stated we do not have to pay it back. Keefer stated the sites are protected by the Land and Water Conservation Fund forever. Williams stated if they had a request outside of the norm he would see challenging it, but not if there isn't. Rawlings stated we may have a project in the future that conflicts with the agreement. Wallace stated this town is a slave to this contract every year and that it is bad form to keep renewing this agreement. Wallace stated we cannot do what we need or want to do under this contract. Williams stated she did not realize we have a project on the budget that would conflict with the agreement. Leffler made a motion to approve the annual Operation and Maintenance Assurance Agreement with the Kansas Department of Wildlife and Parks. Reavis seconded the motion. Huddleston stated he would like to find out from the State how we could get out of the contract in the future and what would be required. Keefer stated he will ask but that he had been told that we would not be eligible for funds in the future. Reavis asked if we could legislate an end date. Mr. All asked what items the governing body objects to. Wallace stated we may not be in compliance with items 1, 2, and 4 and that there has been an organization wanting to lease property at the lake which could affect items 9 and 10. Huddleston asked if FEMA funds would be affected. Keefer stated he doesn't think so. Motion carried with Huddleston, Wallace, and Rawlings opposing.

Convention and Tourism Grant: Rawlings made a motion to approve a Convention and Tourism Grant for the Augusta Power Lifting Club in the amount of \$500. Reavis seconded the motion. Griffith asked how many people are involved in this organization. Rawlings stated 200 to 300 people attend their events. Sharon Sudduth stated there are around 10 to 15 people in the Augusta Power Lifting Club. Motion carried without opposition.

Application Fee: Huddleston stated he was going through the zoning regulations and noticed in Appendix G, page 151, item #1 states that all land annexed in the city shall be zoned R-1. Huddleston stated item #3 says that zoning other than R-1 shall be done at the time of annexation. Wallace made a motion to approve waiving the application fee for a change in Zoning Classification for Alan Cokeley as part of his consent for annexation of his property located adjacent to the City of south Walnut Street. Motion died from lack of a second. Huddleston stated he doesn't think there would be a fee to change the zoning if it were done at the time of annexation. Wallace stated approving this will allow staff to move forward with the annexation. Keefer stated that in the past the property owners have gone through the process of being re-zoned. Huddleston asked if the Kansas Museum of Military History will have to apply for a zoning change too. Keefer stated they would. Huddleston said if the Museum will have to ask for a waiver of the fee he would like to go ahead and do that now. Huddleston made a motion to approve waiving the application fee for a change in Zoning Classification for Alan Cokeley as part of his consent for annexation of his property located adjacent to the City of south Walnut Street and to waive the application fee for a change in Zoning Classification for the Kansas Museum of Military History subject to their consent of annexation. Wallace seconded the motion. Reavis asked how this would affect tract two. Keefer stated we are not doing anything with tract two at this time. Motion carried without opposition.

KDOT: Huddleston made a motion to approve a "Request to Exchange Federal Funds" with the Kansas Department of Transportation. Rawlings seconded the motion. Motion carried without opposition.

Informational Memorandum:

Rawlings – Rawlings stated he noticed that Redwood Development has their property up for sale and asked if there are any strings attached. Keefer stated he believed the specials were paid off. Jones stated they were not paid off yet, but that they had put funds into escrow to pay those off at their first maturity date. Keefer stated staff would look into it to clarify if the specials had been paid.

Wallace – Wallace stated he was glad to hear about item #3 and asked what an executed easement is. Keefer stated it is a signed easement.

Reavis – Reavis stated there is an opening on the Convention and Tourism Board and stated the Mayor needs to appoint a replacement. Williams stated she is working on it and asked Reavis if he had any recommendations. He stated he did not.

Huddleston – Huddleston stated he read that the net metering task force met in Spring 2010 and drafted a voluntary net metering policy. Huddleston asked if the City will have one. Keefer stated he will check in to that and that he would want to see what the policy entails. Huddleston stated he wants to make sure we are ready before it is mandated.

Final Comments:

Williams – Williams thanked everyone involved in the Jonathan Blank fundraiser. She also said she attended the annual Volunteer Fire Awards Dinner and thanked all of the volunteer firemen for their service.

Griffith – Griffith asked if the termination of the water contract with Sedgwick County Rural Water District #3 would make a difference in the amount of water we buy. Keefer stated it had only been two weeks so far, so we would need some time but that we would probably see a significant decline in the demand on our system. Keefer stated we are working with Rose Hill about them purchasing water from us and that the termination of this lease was one of the reasons for restructuring our debt last year. Keefer stated he needs to visit with the City of El Dorado about our take or pay. Griffith asked if now that the casino has been approved if they have contacted us about providing water to them. Keefer stated they have not, but that there have been several discussions about this over the years. Keefer stated he doesn't know anything more at this time.

Adjourn: At 8:22 p.m. Leffler made a motion to adjourn. Harper seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
FEBRUARY 7, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on February 7, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Tom Leffler, Mike Rawlings, Bob Griffith, and Ronald Reavis. Council member Michael Wallace 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 and Russell Boone.

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

Minutes: Leffler made a motion to approve the minutes from the January 17, 2011 meeting. Harper seconded the motion. Motion carried without opposition.

Appropriations:

January (1): Reavis made a motion to approve Ordinance 1 in the amount of \$401,958.03. Childers seconded the motion. Motion carried without opposition.

January (1A): Childers made a motion to approve Ordinance 1A in the amount of \$190,486.08. Reavis seconded the motion. Motion carried without opposition.

February (2): Huddleston inquired about the payment to Mi-Te Electric. Keefer stated it was for installing outlets at the Street Shop. Huddleston inquired about the payment to Opportunity Bank. Keefer stated it was for supplies ordered for the Safety Department and the business closed before we could make payment. Opportunity Bank took over the business and is collecting on their outstanding invoices. Jones stated we had the invoice, but that the company had closed and we had nowhere to send payment so we had to wait to be contacted by the bank. Huddleston stated there seems to be quite a bit of prisoner care costs in these ordinances. Keefer stated there was a couple hundred dollars charged for medical issues and the rest was for regular prisoner care. Huddleston asked if the medical care was for an accident. Keefer said not to his knowledge. Huddleston stated he was able to add up just over \$5,000 in expenses for the Airport over the three ordinances, but in the summary pages at the back it shows over \$35,000 expended. He asked how he can determine what other expenses were related to the Airport. Keefer stated a large portion of the expenses were for payroll. Shaw stated there was also a property tax payment for around \$13,000 and two or three purchases of propane due to the cold weather. Keefer stated there is not enough room to provide more of an explanation on the report and Jones stated if Huddleston had questions or needed a breakdown he could call her. Leffler made a motion to approve Ordinance 2 in the amount of \$654,887.25. Harper seconded the motion. Motion carried without opposition.

Councilman Mike Rawlings arrived at 7:06 p.m.

Old Business:

Sunday Sales: Williams acknowledged Russell Boon and asked if he wanted to make a statement. He did not. Reavis stated that he sought input and was surprised that the majority were in favor of Sunday sales. Reavis made a motion to approve an ordinance authorizing the Sunday Sales of packaged CMB and Alcoholic Liquor subject to the provisions of state statute. Childers seconded the motion. Griffith stated he received one call from someone representing a group that was not in favor of Sunday Sales. Leffler stated the only call he received was not in favor of Sunday

Sales. Rawlings and Harper both stated the only conversations they had about Sunday Sales, citizens were opposed to it. Motion did not pass with Leffler, Griffith, Harper, and Rawlings opposing approval of the ordinance.

Williams stated the options for those interested in Sunday Sales would be to get a petition and submit it to the County Clerk. Keefer stated there would need to be an election within 45 days of receiving the valid petition and that it would be a tight timeframe to get it on the April ballot. Keefer stated that time is of the essence and if not received quickly we would have to have a special election and the City would have to pay the cost of that special election. Rawlings stated the petition would need to be received by February 21<sup>st</sup> to be on the April ballot.

#### New Business:

**Tax Exemption:** Huddleston asked if this is just to renew their current exemption. Keefer stated we need to renew the exemption annually per our policy and in accordance with state statute. Keefer stated they completed their paperwork, submitted it on time, and paid the appropriate fee. Huddleston made a motion to approve the extension of the property tax exemption for Global Parts, Inc. Childers seconded the motion. Motion carried without opposition.

**Municipal Court Costs:** Huddleston asked if the Judge and City Attorney had the authority to raise the court costs to \$31 last July when the costs were set by ordinance. Mr. All stated the increase was state mandated and that he doesn't think other cities would pass a new ordinance each time the State increases their fees. Mr. All stated if we had increased the city portion of the court cost it would have had to have been done by ordinance. Huddleston stated it must be a misunderstanding on his part because he thought if there was an ordinance setting a fee it would have to be amended to change the fees. Mr. All stated if the legislature says we have to add \$1 to the State portion of the court costs then we have to do it, and it does not have to be adopted by ordinance.

Huddleston stated paragraph b in the proposed ordinance is adding a fee to discourage multiple continuances. Huddleston stated those have to be approved or granted by the judge and asked why he doesn't just say no. Mr. All stated that he does turn them down on occasion, but that there are sometimes legitimate reasons for requesting a continuance. Mr. All stated the fee is just to discourage unnecessary ones. Huddleston stated we are penalizing those with a valid request just because of those that are abusing it. Mr. All stated the fee is not a penalty, but rather the cost associated with the continuance. Huddleston stated he also doesn't like to see us doing this just because Wichita is doing it. Williams stated the change was not initiated because Wichita is doing it and that they were only being used as an example. Mr. All stated we were only changing the fees that we thought were appropriate.

Leffler made a motion to approve Ordinance 2015 amending section 9-111 of the City's Code or Ordinances relating to Municipal Court Costs. Rawlings seconded the motion. Motion carried with Huddleston opposing.

**Bids:** Leffler made a motion to approve the bid from Rusty Eck Ford in Wichita in the amount of \$36,431 with trade-ins for two vehicles for the Public Safety Department. Griffith seconded the motion. Motion carried with Huddleston opposing.

**Mowing Agreement:** Childers made a motion to approve a Mowing Agreement with Williams Petroleum for 2011. Leffler seconded the motion. Motion carried without opposition. Williams stated it should be noted that this is a 4% increase over the amount paid to us last year.

Utility Write-Offs: Leffler made a motion to authorize staff to write off twenty-one uncollectable utility accounts in the amount of \$6,104.95. Harper seconded the motion. Motion carried without opposition.

Library Board: Harper made a motion to approve the appointment of Tyson Carlson to the Library Board to fill an unexpired term. Huddleston seconded the motion. Motion carried without opposition.

Work Session: Leffler made a motion to schedule a work session for Monday, February 28, at 7 p.m. to review and discuss the proposed revisions to the Neighborhood Revitalization Program. Huddleston seconded the motion. Motion carried without opposition.

Informational Memorandum:

Huddleston – Huddleston asked if the date in item #8 should have been 2011. Keefer said yes.

Williams – Williams reminded everyone that the next council meeting will be on Tuesday, February 22<sup>nd</sup>.

Reavis – Reavis stated the Public Works report stated there were 26 saves at the Swimming Pool during the 2010 season and asked if those were near drowning. Keefer stated they were not all near drowning and that he would have to look into the definition used for a “save”. Reavis stated if they are near drowning we need to look at our policies and what is going on that would require our lifeguards to spring into action 26 times in one season. Reavis stated that is a lot for one season. Keefer stated he would look into that and report back to the governing body.

Griffith – Griffith referenced item #2 and asked if we have been approached by any other businesses about buying part of that property. Keefer stated the County had already sold some of it to Schneider Grain, the Housing Authority, and Mi-Te Electric prior to the City becoming the trail manager. Keefer stated he has asked Eric Grooms to gather more information to provide to the governing body, but that they are looking at using the area for hard surface parking for their employees. Griffith asked if it would affect the use of that area in the future. Keefer stated that the governing body has not defined how they want to use that property, but when Goedecke Engineering returns the property survey we will have a better idea of the area available. Griffith asked if we are notified by the County about what is happening with that property. Keefer stated we were not prior to becoming the trail manager.

Final Comments:

Reavis – Reavis gave kudos to the Street Department employees and other city employees that help cleared the streets during the recent snow storm. Reavis asked if we are running out of salt and sand or money for snow clearing. Keefer stated we are not as of yet, and that we are prepared for tomorrow’s snow.

Reavis stated he has received several questions about the low level of the lake and why we are not dredging it now. Reavis stated that if the Mayor needs a topic for an article, this might be a good one to explain to the public. Keefer stated the biggest issue is the cost of dredging the lake, which would be \$3-4 million or more. Keefer stated we would also have to have a permit to dispose of the material because there is contamination in the silt that has come from the drainage from the water shed over the years. Keefer stated the State recently assisted the City of Holton with dredging their lake and they had to buy over 200 acres just to settle out the silt and that it was a tremendous cost for land that could not be used for anything else. Reavis stated he tried to explain it as best he could, and that once he told them that contractors could not use the silt

removed they seemed to understand more. Keefer stated there is also a misnomer that the City is draining the lake, but we are not. Keefer stated the lack of rain and our use for the water supply have brought the levels down. Keefer stated the project that would require us to drain the lake won't start until this fall at the earliest.

Reavis asked if we have a tree trimming program or policy in place. Keefer stated we do not, but that we trim them as needed or in response to a complaint.

Williams – Williams stated that Augusta 7<sup>th</sup> grader Cole Howerton won the mayor's contest in our region and will receive an award from the Governor this Wednesday. Williams stated that this Wednesday is also City Hall Day in Topeka.

Adjourn: At 7:39 p.m. Leffler made a motion to adjourn. Harper seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
FEBRUARY 22, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on February 22, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Mike Rawlings, Bob Griffith, and Ronald Reavis. Councilman Tom Leffler 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, Dennis Elliott, Phil Roberts, Elizabeth Joyner, and Carl Dennett.

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

Minutes: Huddleston made a motion to approve the minutes from the February 7, 2011 meeting. Harper seconded the motion. Motion carried without opposition.

Appropriations:

February (2A): Griffith asked if the payment to 4PC in the amount of \$5,764.59 was a planned expense. Keefer stated it was a budgeted expense to repair/replace the security system at the Safety Department. Keefer stated this is three-fourths of the cost and the remaining one-fourth will be paid upon completion. Griffith inquired about the payment to Altec. Keefer stated it was for annual maintenance for the bucket trucks for the Electric Distribution and Public Works Departments. Huddleston made a motion to approve Ordinance 2A in the amount of \$633,792.74. Childers seconded the motion. Motion carried without opposition.

Visitors:

Carl Dennett, 10320 SW 110<sup>th</sup>, addressed the governing body with questions regarding the railroad right-of-way. Dennett stated his father's property is along the right-of-way and asked if the City annexes the right-of-way and decides to put in a waterline, who would be assessed the cost of the waterline. Keefer stated that decision would be up to the governing body. Keefer stated the way it usually works is a property owner would be assessed those costs only if they connect to the system. But Keefer said at this point it would be pure speculation. Williams stated that we are only looking at the old railroad at this time and any annexation would probably be 10 to 15 years down the road. Dennett stated there are wooden barriers blocking the path in the area of Diamond Road, but that people on ATV's have knocked them down. Williams stated she believes there are no trespassing signs up now. Williams stated if we were able to develop the property it would be more open to access and also more closely monitored. Dennett stated the ATV drivers do not stop when crossing Diamond Road. Dennett stated he is a 1974 graduate of Augusta High School and recognizes many of the council members.

Old Business:

Zoning Regulations: Huddleston stated that he assumes the wording under Chapter 13 is what we want the wording changed to. Williams agreed. Huddleston stated it says the \$3 fee per sign will be assessed to the property owner. Huddleston asked if it could be changed back to sign owner instead of property owner. He said he thinks it will be clearer if re-worded. Williams stated it would be an easy change. Mr. All stated that change could be made without taking it back to the Planning Commission. Harper made a motion to approve Ordinance 2016 amending various sections of the City of Augusta's Zoning Regulations amended to change "property owner" to "sign owner". Huddleston seconded the motion. Motion carried without opposition. Wallace stated he still thinks 45 days for political signs is too much.

New Business:

Williams Petroleum Conveyance Agreement: Phil Roberts, Project Manager for Williams Petroleum, and Elizabeth Joyner, In-house Counsel for Williams Petroleum, were present representing Williams Petroleum. Huddleston asked why there are restrictions on where the soil can be used. Phil Roberts stated that the soil borrowed is to be used to raise the levee in the former refinery and then to the east of the refinery. Huddleston asked why. Roberts stated they are unsure about use of the soil on multiple locations and they would like to know where the soil is being used. Roberts stated it is their understanding that it will take the majority of the soil to raise the levee on their property. Keefer stated that some soil from the north borrow area will have to be brought in and used on the south area.

Huddleston stated he has concerns about accepting it “as-is” because of what happened with the old Coleman building in Wichita. Huddleston asked what would happen if we start to use the soil and some other agency disapproves. Roberts stated that Williams Petroleum has an existing consent order with the EPA. If in the future the EPA determined there were contaminants in the soil it would be covered by the current consent order. Roberts stated that the indemnity is restricted to the EPA. Huddleston asked if the City of Augusta is taking on any risk. Elizabeth Joyner stated there would not be any risk to the City unless the EPA determined the contamination came from another source. Roberts stated there are many pipeline easements along the property that could contaminate the soil. Keefer stated that Williams Petroleum has done a lot of sampling in anticipation of these kinds of questions and have been providing the results of the samplings to staff. Roberts stated this particular area of the property has been used by Williams Petroleum as a background area and that there were twenty borings that were used to prepare a background data set. Roberts stated those results were provided to the City as a courtesy, but that those were collected because of requirements by the EPA. Joyner stated this area is not part of the property that had refinery activity and that it has been farmed for several years.

Huddleston asked what will happen with the property after the soil has been borrowed and if it will hold water. Keefer stated there will be two big holes in the ground and that it could hold water. Keefer stated replacement trees and plants will be planted in this area. Roberts explained that only 6 feet of soil can be used because the water table is only 8 to 10 feet deep. Huddleston asked if the City will maintain the property and spray for mosquitoes. Keefer stated that area will be secured and we will maintain it and spray if it becomes a nuisance.

Griffith asked Keefer if this agreement is what he had in mind originally. Keefer stated he had hoped for a larger area, but that it didn't work out that way. Keefer stated the second borrow area will be larger than originally thought. Childers referenced section 7 of the agreement and asked if there are any other agencies besides the EPA that are regulatory agencies, such as KDHE. Roberts stated Williams Petroleum's consent order is with the EPA, but that other agencies such as KDHE would submit their comments to the EPA for consideration. Wallace made a motion to approve a Property Conveyance Agreement with Williams Petroleum Services, LLC for a tract of property to be used as the south borrow area for the Levee Enhancement Project. Reavis seconded the motion. Motion carried without opposition.

Huddleston asked if there is an area that gets dammed up around the refinery property. Keefer stated that Williams Petroleum thinned that area out over a year ago. Robert stated they made the fence more easily removable in case of a problem or emergency. Reavis stated that all dealings

with Williams Petroleum have been positive and that they have been a really good neighbor. Roberts thanked Reavis and stated they feel the same way about the City.

Neighborhood Revitalization Plan: Wallace made a motion to approve Resolution 2011-02 setting a public hearing for March 7, 2011 at 7:00 p.m. to take input on revisions to the Neighborhood Revitalization Plan. Huddleston seconded the motion. Motion carried without opposition.

Frisco Railroad ROW (between Andover and Augusta): Williams stated that both she and the City Manager were contacted by representatives of the City of Andover saying that their work session went really well and that they look forward to working with the City of Augusta on this. Williams stated the City of Andover is trying to organize something for those that are interested in seeing the property. Huddleston stated that some of the property owners have put their fences across this property and asked when they would be required to remove those. Keefer stated he would have to look to legal counsel for how to manage those types of situations as well as other nuisances. Keefer stated we would also need to see how to limit our liability. Keefer stated the County has put up a few signs and barricades but have otherwise done very little. Huddleston, Harper, and Williams stated the joint acquisition with Andover is a good idea.

Reavis asked since we have the trail manager duties if all of that is going to be donated to us. Keefer stated the County no longer wants ownership of the railroad right-of-way. Keefer stated if this went to the City of Augusta and the City of Andover, we would have ownership of the right-of-way. Keefer stated we currently have been assigned the trail manager duties of the section running through the city limits and just West of town, but not ownership. Keefer stated the joint ownership will be between the sections the City of Augusta and City of Andover currently have trail manager duties for.

Wallace inquired about the bridges. Keefer stated he was not sure of the conditions of the bridges, including the one over the highway and whether or not it would be maintainable, but that would have to be a question for the County. Rawlings made a motion authorizing the acquisition of the old Frisco Railroad right-of-way subject to working out the details for the transition of ownership from Butler County and the development of a joint ownership agreement with the City of Andover that would outline legal, financial, and maintenance responsibilities for each party. Wallace seconded the motion. Motion carried without opposition.

Levee Project: Rawlings made a motion to approve an agreement with Land Acquisitions, Inc. for appraisal services as part of the Levee Enhancement Project. Childers seconded the motion. Motion carried without opposition.

FAA Taxiway: Wallace made a motion to approve a Supplemental Agreement with BWR for engineering design services for the FAA Taxiway Relocation Project. Harper seconded the motion. Motion carried without opposition.

Quest Transmission Co LLC: Keefer stated this request is a good example of why we are having problems with identifying pipeline ownership as part of the levee project, as they are constantly being reassigned. Huddleston asked if this includes the pipeline to the School and LakePoint. Keefer stated the franchise is a different thing and that this is just reassigning ownership of this stretch of pipeline. Rawlings made a motion to approve a request from Quest Transmission Company, LLC to assign their holding of a gas line that serves the City of Augusta to PostRock MidContinent Production, LLC. Wallace seconded the motion. Motion carried without opposition.

Cereal Malt Beverage: Reavis made a motion to approve a Cereal Malt Beverage License for KC Shell, LLC dba Jump Start located at 115 East 7<sup>th</sup> Street. Childers seconded the motion. Motion carried with Rawlings opposing.

Appointment: Huddleston made a motion to approve the appointment of Steve Cannaby to the Convention and Tourism Bureau Board to fill the unexpired term of Dulcie Chance. Wallace seconded the motion. Motion carried without opposition.

Special Alcohol Grant: Williams stated the Safety Department will be working towards more drug and alcohol education. Harper made a motion to authorize a special grant of \$1,500 in Special Alcohol Funds to assist with the annual Bugs Bunny Program. Childers seconded the motion. Motion carried without opposition. Griffith asked how much money is in that fund. Keefer stated there were ample funds, around \$30,000 to \$40,000.

Informational Memorandum:

Williams – Williams stated there will be an open house at the Airport on March 14<sup>th</sup> from 5:30 to 6:30 p.m.

Keefer - Keefer stated a pre-construction conference has been scheduled with KDOT for the 7<sup>th</sup> Street Project and that Cornejo will start construction mid-March. Keefer reminded the governing body that during the project westbound traffic will be down to one lane. Keefer stated that he and Martin Goedecke will be scheduling a work session soon to update the governing body on the Ohio/Kelly Project.

Wallace – Wallace inquired about item #8 in the Informational Memorandum regarding the disposal of found property, in particular bicycles. Keefer stated that staff will be coming back to the governing body in the future, when our storage area for bicycles is full to get authorization per our ordinance to dispose of the property in a different manner than an auction. The cost of the auction, in particular the publication required, is more than what has been netted from the auction. Huddleston stated if we did this he would like to see a certain percentage of the bicycles come back to our community. Wallace stated this is a local American Legion, so those would come back to this community.

Huddleston – Huddleston referenced item #4 and asked if interminable is the same as in perpetuity. Keefer said yes. Huddleston asked if the budget brief document is something new this year. Keefer stated that Shaw provided one last year as well.

Wallace – Wallace referenced item #4 and stated there is no way out of it. Keefer stated we do not have to sign the annual agreement, but we still have to comply with their requirements otherwise we would risk future funding. Keefer stated staff has expressed concern to the Kansas Department of Wildlife and Parks (KDWP) about upgrading our electric service at Santa Fe Lake. Keefer stated the cost to put the electric underground would be too expensive and that the representative he spoke to at KDWP said they would meet with us to see if we can work that out. Keefer stated he will be scheduling a work session with the governing body to discuss the Spillway/Dam Project and one of the discussions will be how to deal with the fish population. Keefer stated KDWP has indicated a willingness to work with us on this, but we have to be careful because their help could take the control of our lake out of our hands. Keefer stated the governing body and park board has steered away from their help in the past for that reason, but that this is something we need to talk about.

Huddleston – Huddleston asked if the cash report from the court is something that will be received monthly. Keefer stated it has been included in the past but was accidentally left out last month.

Reavis – Reavis asked if the storm siren on City Hall is the one that has been here for 50 years. Keefer stated he thought so. Reavis stated he didn't know if those types of things have historical value, but it would be a good idea to ask. Keefer stated he would check into it.

Final Comments:

Reavis – Reavis stated with all the new things going on along west 7<sup>th</sup>, he noticed the building just west of O'Reilly's. Reavis asked if that building has ever been inspected to see if it is unsafe and in need of repair. Reavis stated the windows and doors are boarded up but there are boards missing and that they have one or two signs that would qualify as abandoned under our sign ordinance. Harper asked if this had been brought up a couple of years ago. Williams stated the building next door to that one was torn down a couple years ago, and agreed that we need to take a closer look at all the signs along 7<sup>th</sup> Street. Reavis stated he thinks this needs to be addressed per our ordinances.

Childers – Childers inquired about a hydraulic fluid leak on Carter. Keefer stated he will look into that.

Williams – Williams stated at the request of a member of the governing body she wrote an article for the Gazette about the City Lake and that it should answer questions citizens have regarding the lake levels and dredging the lake.

Adjourn: At 8:00 p.m. Griffith made a motion to adjourn. Huddleston seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
MARCH 7, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on March 7, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Bob Griffith, and Ronald Reavis. 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, Eric Grooms, Pat Reardon, Mark McCollom, and Anthony Speer.

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

Minutes: Leffler made a motion to approve the minutes from the February 22, 2011 meeting. Griffith seconded the motion. Reavis stated the address listed for Carl Dennett had one too many numbers. Motion carried without opposition.

Appropriations:

March (3): Huddleston inquired about the payment amount to the Augusta Animal Clinic. Keefer stated it included two large bills in addition to the regular monthly charges. Keefer stated one was for a health check up for Basco and the second one was for when Basco passed away. Huddleston inquired about the cause of death. Keefer stated it was heart issues. Griffith made a motion to approve Ordinance 3 in the amount of \$906,932.55. Harper seconded the motion. Motion carried without opposition.

New Business:

Neighborhood Revitalization Plan: Council conducted a public hearing to take input on the proposed Neighborhood Revitalization Plan. After no public comments the Mayor closed the public hearing.

Rawlings made a motion to approve Ordinance 2017 approving implementation of the new Neighborhood Revitalization Plan. Leffler seconded the motion. Huddleston inquired about item #5 on page 3 and asked if disqualification only applies to the property with delinquent taxes. Keefer stated it would only disqualify the application on that particular property. Huddleston stated item #7 says they are only eligible for one program at a time and asked if that includes the Kansas Homestead Tax Credit. Keefer stated he didn't know about that, but would ask. Huddleston asked how many NRP rebate applications you can have on one property. Keefer stated you can only have one active rebate at a time. Huddleston asked if that applies if it is not the original application. Keefer stated there can only be one active rebate per property. Huddleston asked if you could have them on multiple properties. Keefer stated yes. Motion carried without opposition.

Childers made a motion to approve Resolution 2011-03 authorizing the Mayor to execute Interlocal Agreements with Butler County, USD 402, and Butler Community College in regards to the Neighborhood Revitalization Plan. Harper seconded the motion. Motion carried without opposition.

Leffler made a motion authorizing \$5,000 to be used towards the marketing campaign to promote the Augusta community and the Neighborhood Revitalization Plan. Harper seconded the motion. Griffith stated the Chamber tabled this at their last meeting, but that they wanted to know what

the City would do for their portion if they were involved. Griffith stated our share would be \$5,000 only. Keefer agreed and stated there would probably be an opportunity to raise additional funds through donations if the Chamber is not able to fund \$5,000. Keefer stated the current motion is for \$5,000 only. Huddleston asked if we will own the commercials. Williams stated she doesn't have that answer now, but that could be criteria when choosing a production company. Wallace stated he would want the ownership of the commercial to be a stipulation so we would have the rights to post it on our website and using social media outlets. Motion carried without opposition.

Williams stated she will follow up to make sure we will have ownership of the commercials. Williams asked when an applicant can file under the new NRP. Keefer stated as soon as the Ordinance is published in the paper this Thursday. Keefer stated it is also up to the other agencies to agree to be part of the program. Kristey thanked Eric Grooms, Mark McCollom, Wade Wilkerson, Craig Sharp, and Mark Sudduth for their support and the time they spent on this plan.

**Zoning Regulations – Parking Stalls:** Huddleston made a motion to approve Ordinance 2018 amending the City of Augusta's Zoning Regulations in regards to parking stall dimensions. Leffler seconded the motion. Wallace stated when this change was originally requested it was only for the Wal-Mart area. Keefer stated the Wal-Mart property is the only retail area that would currently meet the criteria. Motion carried without opposition.

**Kansas Affordable Airfares Program:** Harper made a motion to approve Resolution 2011-04 in Support of the Kansas Affordable Airfares Program. Childers seconded the motion. Motion carried without opposition.

**Air Capital Aircraft Sales and Service LLC Lease:** Wallace made a motion to approve an amendment to the lease agreement with Air Capital Aircraft Sales and Service, LLC for office space in the main hangar at the Augusta Municipal Airport. Rawlings seconded the motion. Motion carried without opposition.

**ARTDG Lease:** Leffler made a motion to approve a lease agreement with Advanced Research and Technology Development Group (ARTDG) for the Quonset Building located at the south end of the Augusta Municipal Airport. Harper seconded the motion. Huddleston stated there are certain things that have bothered him about leasing airport space to ARTDG. Huddleston stated this lease doesn't tie into the original NIAR lease and that it is separate because they are doing something different at this location. Anthony Speer with ARTDG passed out a letter from Dr. Tomlin from NIAR explaining what will done in this space. Speer stated it would include a couple of other laboratories. Huddleston stated the letter indicates it will be a STAR facility and asked if there will be any testing done at this facility. Speer stated there will not be any HERF testing as discussed with regard to the original lease, although that testing did not occur. Speer stated there will be a composites laboratory.

Griffith asked how NIAR is doing, specifically with funding. Speer stated he is not in a position to speak on that, as he only assists in locating property for NIAR. Williams stated NIAR will be receiving \$5 million in funding from the State.

Huddleston stated the purpose of this lease is condensed compared to the previous lease. Shaw stated the original lease was for two spaces. Shaw stated the aircraft maintenance and other uses were for what Ken Stultz was doing in that building, but they were combined into the one lease. Now that Stultz is gone it no longer includes those purposes in the lease.

Huddleston referenced item #10 regarding maintenance and asked for a definition of normal repair. Shaw stated this language is similar to what is used in our other leases, and that normal is defined on a case by case basis. Shaw stated we recently made some improvements to that building. Huddleston inquired about mechanical equipment such as the furnace, etc. Shaw stated we are responsible for making sure they are in working order at the time of occupancy, but that ARTDG would be responsible for repairs moving forward. Huddleston stated he is concerned if we leave it open-ended we will get stuck with the costs. Williams stated there is language like this in our other leases.

Huddleston stated he has other questions he would like general answers for such as the lease rate here is less than the rate for the 2009 lease rate. Shaw stated there was another lease opportunity for this space about a month ago with the rates listed in this lease, but that tenant backed out. Shaw stated the space has been vacant for a year and that this lease rate is based on the current market. Shaw stated that in the past, when the three spaces were rented out individually they netted \$750 per month. But with it all being rented by one party we are now going to be receiving \$950 per month.

Motion carried with Huddleston opposing.

Consent Annexation: Griffith made a motion to accept a Consent to Annexation Agreement with Alan and Rachel Cokeley for a tract of property located at 139 Walnut Street. Huddleston seconded the motion. Motion carried without opposition.

Wallace made a motion to approve Ordinance 2019 annexing the property located at 139 Walnut Street. Harper seconded the motion. Motion carried without opposition.

Work Session: Leffler made a motion to approve scheduling a work session for 6 p.m. Monday, March 21, 2011 to review and discuss the City Lake Spillway and Dam Project. Harper seconded the motion. Williams stated she will be out of town that night. Motion carried without opposition.

KMEA Board: Wallace made a motion to approve the reappointment of Councilman Rawlings to the Kansas Municipal Energy Agency (KMEA) Board of Directors. Harper seconded the motion. Motion carried without opposition.

Informational Memorandum:

Williams – Williams reminded everyone there will be an open house at the Municipal Airport on March 14<sup>th</sup> from 5:30 p.m. to 6:30 p.m. Shaw stated that KDOT came out and looked at it and was very happy about the improvements that had been made. Shaw stated that local photographer Paul Bowen was very happy to see his work being displayed at the Airport. Williams stated Daniel White has done a good job and wished him the best of luck. White said his last day will be this Friday.

Williams inquired about the orange fencing up around the lake. Keefer stated it is snow fence and that it is being used to stop snow from drifting across Ohio Street. Williams stated hopefully we won't need it anymore this year.

Childers – Childers stated he would like to endorse the replacement of Basco. Wallace stated Augusta picks up the tab for the dog and everyone else uses it for free. Wallace stated the Butler County Sheriff told him they would not get a dog because it is too expensive and they get to use ours for free. Wallace stated there were only four drug cases last year that Basco found and said we

should consider whether that warrants the cost of funding a replacement. Keefer stated that Basco not only served as a drug dog, but that he also worked a lot of hours as PR for the City. Keefer stated his presence has helped keep some situations from escalating and that he has proven to be a very reliable resource in several situations. Keefer stated the idea of not having a drug dog is worse than the cost. Keefer stated as indicated in the memo, staff would look for grant funding and donations to assist in the purchase, and that Sgt. Chad McCluskey has volunteered to go out and fundraise for the cost of replacing the dog. Wallace stated he is not against having a drug dog, but that he does object to the County using it for free. Childers asked Wallace to clarify he is in favor of replacing Basco but not sharing the dog for free. Wallace agreed. Keefer stated he would have Chief Brewer and Sgt. McCluskey come to a council meeting at a later date to discuss policies for the future use of the dog.

Williams – Williams stated the County will be holding a public hearing at 9 a.m. tomorrow to take comments on closing Dike Road. Leffler clarified it would only be Dike Road to the south of 7<sup>th</sup> Street. Keefer stated that farmers use that road to get across 7<sup>th</sup> Street, and stated that we might see a tractor or combine enter on Lulu and 7<sup>th</sup> Street and head west to access the north Dike Road on occasion. Keefer stated he wanted to make sure on the record that there is no objection to that. No one voiced an objection. Huddleston stated that type of situation would be minimal.

Final Comments:

Childers – Childers stated the 4<sup>th</sup> Annual Spaghetti fundraiser for Downtown Augusta Inc. will be this Saturday from 5:00 p.m. to 8:00 p.m. Harper and Leffler asked Childers if he would be cooking. Childers stated his cooking school students would be.

Williams – Williams stated there will be an Egg's and Issues coming up possibly this Saturday. Leffler stated it is March 26<sup>th</sup>. Williams stated the Chamber is sponsoring a session on banking this Thursday morning at LakePoint.

Harper – Harper inquired about the street sweeper schedule and stated that Osage is really bad. Keefer agreed that most of the streets needed some cleaning after the winter. Keefer stated the street sweeper has been out, but that its operation has been hampered due to low temperatures and repair issues. Keefer stated staff is working on getting it cleaned up.

Griffith – Griffith stated he was glad to see the brick issue addressed at Santa Fe and 6<sup>th</sup> Avenue.

Executive Session: At 7:45 p.m. Leffler made a motion to enter into executive session for 15 minutes for the purpose of consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship. Wallace seconded the motion. Motion carried without opposition.

At 8:03 p.m. Reavis made a motion to exit executive session with no action being taken. Wallace 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.

---

City Clerk

CITY COUNCIL  
MARCH 21, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on March 21, 2011, 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, Water Superintendent Jacob Walton, and City Clerk Erica Jones. Visitors present were: Michael McDermott, and John Kullman.

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

Minutes: Leffler made a motion to approve the minutes from the March 7, 2011 meeting. Harper seconded the motion. Motion carried without opposition.

Appropriations:

March (3A): Reavis inquired about the payments for fuel for the Safety Department and asked if there would be a cost savings if they were to fill up at the City's pumps rather than at a filling station. Keefer stated he would have to check in to that and visit with the Chief. Harper inquired about the payment to Viking Acoustical. Keefer stated it was for purchasing part of the console unit for the 800 MHz radio system for the Safety Department. Huddleston asked what happens to the old equipment. Keefer stated he believes it is used somewhere else in the department, but that he would check it out and report back to the council. Huddleston made a motion to approve Ordinance 3A in the amount of \$853,881.27. Leffler seconded the motion. Motion carried without opposition.

Visitors:

Downtown Augusta Inc.: Rawlings made a motion to approve the request from Downtown Augusta, Inc. for use of the City Lake road on the morning of April 2<sup>nd</sup> for their April Fool's Dash, subject to them working with the City to provide details on the logistics for the event. Harper seconded the motion. Motion carried without opposition.

New Business:

2011/2012 Insurance Coverage: John Kullman with Madrigal & Welch addressed the governing body and stated the proposed premium is up \$4,700 from where it was last year, but that it was due to an increase in the coverage of the power plan. Kullman explained that EMC Insurance revaluated the property and found that it had been undervalued. Huddleston stated the city is looking at reducing tenant liability insurance requirements at our airport and asked if it would affect the city's liability coverage. Kullman stated that it would not affect the city's coverage or premium. Huddleston asked if we reduced the requirements and there was a casualty would the city be responsible. Kullman stated there has to be a legal responsibility on the side of the city. Kullman stated we could use the tenants insurance to recover costs or to cover what the city's policy does not cover.

Kullman stated the rates for the city have been remaining flat, and that there would have been a slight decrease except for the increased valuation of the power plan. Huddleston stated the city used to have fire coverage of the water towers and stated he didn't think that was necessary. Kullman stated the water towers could suffer a loss other than fire and that the property insurance covers all risks to the property, not just fire.

Griffith stated there are not many insurance companies that offer coverage to cities. Keefer stated there are companies out there that are willing to insure us, with the exception of the power plants. Keefer stated it is difficult to find anyone who will insure the power plants. Kullman stated Madrigal & Welch is an independent agency and that they always look for competitive costs, but that EMC has consistently been a provider for municipalities in Kansas. Kullman stated the city has received an average of \$25,000 per year in dividends from EMC and that no other insurance companies in Kansas do that. Kullman stated that EMC also has law enforcement professional liability coverage. Kullman stated the difficulty is finding a competitive market for power plant and professional liability coverage.

Reavis made a motion to approve the proposal from Madrigal & Welch for the City's 2011 Insurance Policy in the amount of \$280,760. Wallace seconded the motion. Motion carried without opposition. Wallace made a motion to approve the proposal from Madrigal & Welch for the Airport's 2011 Liability Policy in the amount of \$9,500. Huddleston seconded the motion. Motion carried without opposition.

Bids: Keefer stated there is a need for a contingency and we will probably have a change order at the next council meeting. Wallace inquired about the amount of the anticipated change order and Keefer stated it would probably be around \$20,000. Wallace made a motion to approve the bid from American Control and Engineering for the SCADA system in the amount of \$447,230.76 including the bids for Appendix A & B. Harper seconded the motion. Motion carried without opposition.

Childers made a motion to approve the bid from American Control and Engineering for the installation of the VFD's in the amount of \$139,418. Leffler seconded the motion. Motion carried without opposition.

Airport Tenant Liability Insurance: Huddleston asked if it is true that most aircraft liability policies have \$1 million in coverage. Shaw stated that Daniel White surveyed several airports in our region and it varied. Shaw stated that several of the airports with the \$1 million insurance requirement were larger airports and that several others have a \$500,000 insurance requirement. Shaw stated some of those surveyed rely on the city's insurance coverage and don't require liability coverage from their tenants. Shaw stated it doesn't seem to be very consistent. Shaw stated that what staff is trying to do is make our airport more competitive, especially since we have 10 to 11 hangars vacant. Shaw stated that several potential tenants have sighted the \$1 million insurance requirement as a reason for not coming to our airport. Huddleston asked if that is the only reason those people have identified. Shaw stated several have given that as their only reason for not moving to our airport. Huddleston asked if we lower the requirement would our overall cost to our tenants be less than Jabara and Benton's airports. Shaw stated our overall costs would be lower.

Reavis stated that regardless of the tenant's liability coverage amount the city's insurance will pay the claim, so the amount of their coverage doesn't really matter. Wallace said the city's insurance would only pay if there is a liability on the city's part. Keefer stated our insurance company would probably pay the claim either way and then subrogate with the tenant's insurance if they are liable. Wallace asked if it is worth the risk for \$30 a month. Keefer stated that the feedback received by staff is that the \$1 million requirement has not always been enforced, and now that it is it has caused some tenants to leave the airport. Shaw stated it is a balance between risk and maximum revenue streams. Shaw stated the likelihood of \$500,000 in damage to a building is unlikely, and that his only concern is if there was a physical injury or death but that

the \$1 million would likely not be enough to cover in the event of a death. Huddleston stated the city's insurance carrier would pay regardless of the tenant's coverage. Jones agreed. Keefer stated if there is a lawsuit it will include the city because we own the property. Wallace stated he would like to make sure the city is protected. Shaw reminded the governing body that the reduction in liability coverage only applies to the t-hangars.

Huddleston made a motion to authorize the reduction of liability insurance requirements for airport hangar tenants to \$500,000. Childers seconded the motion. Motion carried with Wallace opposing.

Informational Memorandum:

Huddleston – Huddleston asked what we have to do to achieve the Tree City USA designation. Keefer stated there are several criteria, including having an Arbor Day celebration and planting a certain number of trees per year. Keefer stated that this is the sixth consecutive year we have received the designation and that Park Foreman Brian Alfaro works hard to make sure we meet that criteria each year. Huddleston stated that is very good.

Griffith – Griffith asked how much money Sgt. McCluskey has raised for the purchase of a new K-9. Keefer stated he has probably raised around \$5,000 or more and that he is close to reaching his goal. Keefer stated it would be this fall before Sgt. McCluskey could attend the training classes and secure a new K-9.

Keefer – Keefer stated that he received a letter in the mail today from Martin Goedecke regarding the cost of the survey for a quit claim deed were are required to obtain for the railroad right of way we currently have Trail Manager duties for. Keefer stated he was informed by Goedecke that the cost would be just over \$10,000 which is about double what he anticipated. Wallace asked if the County would have the legal description and Keefer stated they do not. Griffith inquired about the city's options. Keefer stated either we pay to obtain the survey or we will only maintain trail manager duties. Huddleston asked how much the section between Augusta and Andover cost to survey, and if we could try to negotiate the survey fee. Keefer stated he would check into that. Huddleston asked if the property was deeded to the County. Keefer stated they obtained a quit claim deed from the railroad. Huddleston asked if that deed would have included a legal description. Keefer stated he had not seen it. Wallace stated he would at least request a copy of the quit claim deed from the County. Huddleston stated he would like to get a quote from another surveyor. There was a consensus to get another quote for the survey.

Final Comments:

Reavis – Reavis thanked city crews for working late on Thursday evening to address a sewer problem and for getting the power back on in 20 minutes after the outage on Friday. Reavis stated we all take those services for granted until they are not there and that a citizen asked him to publicly thank city crews for getting those issues addressed.

Adjourn: At 7:40 p.m. Leffler made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
APRIL 4, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on April 4, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Tom Leffler, Mike Rawlings, Bob Griffith, and Ronald Reavis. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Water/Wastewater Superintendent Jacob Walton, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Eric Christinat, and Martin Goedecke.

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

Minutes: Harper made a motion to approve the minutes from the March 21, 2011 meeting. Huddleston seconded the motion. Motion carried without opposition.

Appropriations:

March (3B): Huddleston inquired about the payment made to Butler County Treasurer. Keefer stated it was the bill for the primary election. Griffith made a motion to approve Ordinance 3B in the amount of \$403,803.65. Childers seconded the motion. Motion carried without opposition.

New Business:

Bids: Reavis stated the bid sheet shows one area getting two inches of asphalt and another getting six inches and asked which one is getting the six inches. Martin Goedecke stated Stadium Drive will be receiving the six inches. Goedecke stated that several years ago when we repaired Fairway we tried two inches and the base broke up, and that Stadium is in the same condition. Reavis inquired about the asphalt pavement repair line item. Goedecke stated it is on Belmont. There are a few areas of the pavement that will need to be patched before the overlay is done.

Wallace made a motion to approve the bid from APAC- Kansas for the asphalt projects in the 2011 Street Sales Tax Projects in the amount of \$109,545.10 for the base bid and \$12,502.65 for the alternate for a combined bid total of \$122,047.75. Childers seconded the motion. Motion carried without opposition.

Reavis asked if the brick street project includes replacing the entire curb and gutter on that block. Goedecke stated that it does. Reavis asked how many driveways. Goedecke stated every driveway will have some work. If it is a gravel driveway it will get a concrete approach five feet back, but if they have a concrete driveway it will be replaced back to the sidewalk. Reavis stated when the utility work was done in that area recently there were two driveways that were never repaired. Keefer asked if it got an asphalt patch. Reavis stated he did not know. Keefer stated he was contacted by a couple of residents and that he got them in contact with the gas company. Reavis stated the curb and gutter is in bad shape and needs repaired, but 1,400 square feet of brick is being repaired for \$14,000 which means 60 feet of that block will be repaired for \$14,000. Reavis stated that we will still have a rough street when the work is done. Goedecke agreed. Wallace asked if this is in the brick for brick area. Keefer stated it is not. Huddleston asked Goedecke about the durability of brick compared to asphalt. Goedecke stated the brick has been there for over 20 years and is not breaking down. Goedecke stated it is rough, but it is still a solid street. Goedecke stated if it were an asphalt overlay it would only last 10 to 15 years. Huddleston stated the residents that showed up to the committee meeting preferred brick. Keefer stated they were more concerned about the curb and gutter and the patching. Keefer stated they

were also concerned about the repairs being made by the gas company. Wallace stated there is a splint in town with wanting bricks or asphalt.

Wallace made a motion to approve the bid from Bryant & Bryant for the brick street project in the 2011 Street Sales Tax Projects in the amount of \$77,942.60. Huddleston seconded the motion. Motion carried without opposition.

Santa Fe Lake: Keefer stated the second page of the agreement says they will have unrestricted use of the premises. Keefer stated they are only concentrating on an area on the East side of the lake. Keefer stated he visited with them and they didn't have a problem changing it from "...unrestricted use of the premises..." to "...unrestricted use of the area designated specifically on the Exhibit A map unless otherwise authorized by the City of Augusta...". Keefer stated the other question he had was to ask them for liability insurance coverage, but the State is self insured and cannot provide a certificate. Keefer stated they are checking to see what they can get us to document that they are covered. Huddleston stated the agreement says they will provide labor and asked what special projects that would include. Keefer stated they would assist us with small construction projects, such as building shelters. Wallace stated they have to be small and cannot compete with local businesses. Keefer stated one project identified by the caretaker, Rod Davis, is building a bath house.

Wallace made a motion to approve an agreement with the Kansas Army National Guard and the 226<sup>th</sup> Engineering Company for the use of City owned property at Santa Fe Lake for training purposes including the change to "...unrestricted use of the area designated specifically on the Exhibit A map unless otherwise authorized by the City of Augusta..." and upon their providing proof of liability insurance coverage. Huddleston seconded the motion. Motion carried without opposition.

Water System SCADA Project: Childers asked why this was overlooked in the previous estimates in the bid. Jacob Walton stated he thought they had this under control, and only identified it as needed when they started the work. Childers asked Walton if he anticipated any other changes. Walton stated he is confident that this will take care of it. Griffith asked if this new system will help keep us from having people at the plant 24 hours. Keefer stated we do not have 24 hour coverage now, but that this new technology, software, and hardware will help us better manage the system. Keefer stated this will also help the Mulvane water line. Wallace made a motion to approve an amendment to the scope of work for the Water System SCADA project to include two additional analyzers. Childers seconded the motion. Motion carried without opposition.

Pool Pass Cards: Shaw stated the proposed passes include two changes, the price point and the card design. Shaw stated the card needs to be more durable than last year, and that the samples he handed out are very affordable. Shaw stated that attendance at the pool increased last year. Shaw stated having the punch card addressed the behaviors that we wanted it to, but that they were underpriced. Shaw said the Park Board is recommended increasing the price from \$10 a card to \$20. Williams asked Shaw if he looked at what other pools charge. Shaw stated that most charged the same per punch as they do for their daily rate. Williams stated she feels like we can do better by pricing it more fairly, at least \$1 per punch. Shaw stated it is up to the council to set the fee. He wants it to be affordable, but not too high as to lower attendance. Williams felt like it is an unnecessary loss of revenue. Huddleston stated the Park Board was pleased with the attendance and was trying to find the right break-even point without reducing attendance. Williams stated she hates to lose \$12,000 when we are already subsidizing the pool. Williams stated that if she needed childcare it would cost her \$5 to \$8 an hour. Childers stated he would rather miss the revenue than to price it too high. Childers stated he thinks we should follow the

Park Board's recommendations. Shaw stated the challenge is to find the break-even point, and that it would be easier to price the punch cards if he knew what that break-even point was. Williams stated the goal should not be to lower the revenue each year and accept it as the new norm. Williams stated \$1 per punch is very reasonable. Huddleston made a motion to approve the recommendation from the Park Board to reduce the number of punches per card to 24 and increase the price per pass card to \$20. Childers seconded the motion. Motion carried without opposition.

KDOT: Keefer stated the goal is to have the Ohio Street Project start in 2014. Keefer stated because we had a project on the list with the funding plans were changed we stayed on the list. Keefer stated our funds will accumulate each year and after the project is complete we will start paying them back to the State. Keefer stated the project is subject to the funding. Wallace asked if this project included the roundabout. Keefer stated it didn't, that it was Ohio south of the intersection to and including Frisco. Griffith inquired about how the funding works. Keefer stated we will receive \$91,796.67 of the \$101,996.30 allotted to us per year in exchange for fewer regulations and federal requirements. Griffith inquired about the payback time frame. Keefer stated it will probably take 10 to 12 years to reimburse the State. Huddleston asked if there is a special fund these monies go to. Keefer stated the State will hold the funds until the project starts. Huddleston stated the agreement says the funds cannot be deposited into our operating budget. Keefer stated once we pay off the amount we owe, we will start getting our annual allotment and that those funds can only be used for street repairs and not put into our operating budget. Childers made a motion to approve an agreement with the Kansas Department of Transportation for their fund Exchange Program. Harper seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Childers – Childers inquired about the calendar of events for Leadership Butler. Shaw stated each year the Leadership Butler classes have to do a project to benefit Butler County. Shaw stated he is part of the 2010 class and that their project is to help promote the services available to children and families in Butler County. Shaw stated that one of their ideas was a calendar on the city's website that non-profit organizations can post their events and schedules on. Shaw stated they will also be asking other cities in Butler County to put the calendar on their website as well. Shaw stated the calendar will be controlled by a third party and that they City will be able to disclaim responsibility for anything posted. Williams asked how they will have access to the calendar. Shaw stated that once they are invited to post to the calendar they will have direct access to it. Huddleston asked if it would just be for this year. Shaw stated this year would be a test run to see how many organizations participate. Huddleston stated it is a good idea, but that he is concerned about policy. Childers asked who would have oversight of the calendar. Shaw stated Leadership Butler will be the group inviting other groups to participate. Huddleston asked if it could be cut off at any time. Shaw stated it could. Williams asked if it would be open to all non-profit organizations in Butler County. Shaw stated it would be, if they are invited to participate. Childers asked if other cities have been approached yet. Shaw stated the Andover Asst. City Manager is also in this class and that people from the City of Rose Hill are also in the class so those cities will be involved, but that he isn't sure about El Dorado.

Keefer – Keefer asked Martin Goedecke to follow up on the questions regarding the legal description for the railroad property referenced in Item #2. Wallace stated it is only fair if the County has to pay for half of the cost, since they made a lot of money selling the resources off of that property. Keefer reminded the governing body that we are only looking at the railroad property here in town. Huddleston asked why the County is requesting the survey since they got it from the railroad with a quit claim deed. Keefer stated the County's attorney required we obtain the

survey when we asked them to change us from trail manager to owner of the property. Goedecke stated when the rails are there it is easier to know where the property line is, but that the rails have been removed. Goedecke stated the big cost is for the section west of Walnut Street to Dike Road. Goedecke stated there is no recorded description for that property and that it goes back in to the refinery and that description is not complete either. Goedecke stated the portion from Dike Road to the river would need to be surveyed for sure. Goedecke stated it would be good policy to record the survey for the center line to be recorded so we know where the property lies. Wallace stated he thinks we need to wait for a response from the County.

Wallace – Wallace inquired about the properties referenced in Item #8 with the obstacles that need to be removed. Keefer stated they are on property that we acquired for the levee project.

#### Final Comments:

Williams – Williams asked if people have punch cards left over from last year, would they be valid. Shaw stated they would not. Williams stated that tomorrow is Election Day and encouraged everyone to vote. Williams stated she was considering April 16<sup>th</sup> as a possible Give-Back day. She stated Brian Alfaro is identifying projects throughout the city and that Bill Rinkenbaugh called and asked if we would like the Butler County football players to help us again this year. Griffith asked if we would serve lunch like last year. Williams stated we would probably not do lunch this year since it didn't work very well last year. Huddleston asked if anyone in town could participate and Williams stated they could. Huddleston asked about a contact source. Keefer stated if we decide to do it we will post the information on the city's website. Keefer stated last year everyone met in one place and projects were assigned at that point. Williams stated if we do it she will contact the local schools. Harper stated we should do it again. Shaw stated last year we had a registration form, but it was not necessary. Shaw stated his Leadership Butler class will be doing a project on that day. The consensus of the governing body was to participate in Augusta Gives Back Day.

Harper – Harper stated the corner of Osage and Clark has been under repair for a few weeks and that the construction barricades are impeding traffic. Keefer stated he would check on it. Harper stated she went to the clean-up site yesterday and that it is well supervised. She gave kudos to the City for all their work with the clean-up.

Huddleston – Huddleston asked if there is someone who goes out and checks on the street repair work being done by the gas company. Huddleston stated some of the patches are not acceptable and asked if they are required to follow up if they do not do the work right. Keefer stated Cy Ricker has had a lot of contact with Miller, the contractor for the gas company, and that there is an understanding that before they leave town we will inspect their work and follow up with them on any additional repairs needed. Huddleston asked if we have a list of where they have been. Keefer stated he does not, but that we have had good communication with the gas company and have already had them come back and make some repairs. Huddleston stated the quality of the work has been poor and asked if we could have someone watch them more closely. Keefer stated he would check with Ricker to see what we can do. Huddleston stated it was almost like the gas company waited for us to fix the streets then they came in and tore them up. Reavis stated years ago we used to require a permit for a curb cut. Keefer agreed, but said that under the gas franchise agreement they have to have access to their lines. Wallace asked if they do not have to notify us at all. Keefer stated they do and that they talk to the City Inspector Dan Allen. Keefer stated he has not seen a specific list of repairs they will be doing. Huddleston asked if we can require them to report those to us so we can make sure we get better repair work.

Griffith – Griffith asked if the County signed off on the Neighborhood Revitalization Program. Keefer stated they did. Williams stated it was unanimously approved. Keefer stated we are waiting for approval from the School District and Butler Community College.

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

---

City Clerk

CITY COUNCIL  
APRIL 18, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on April 18, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Mike Rawlings, Bob Griffith, and Ronald Reavis. Councilman Tom Leffler 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, Sue Jones, C Ray Jones, Matt Malone, Eric Christinat, and Martin Goedecke.

Prayer: Pastor Cale Magruder, First Southern Baptist Church, gave the invocation.

Minutes: Harper made a motion to approve the minutes from the April 4, 2011 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

April (4): Harper inquired about the payment to American Control & Engineering Services in the amount of \$170,555.76. Keefer stated it was for the purchase of the SCADA system that was previously approved by the governing body. Keefer stated he thought we would only be billed 25% upfront until the work was done and recommended the governing body authorize staff to pull that payment and require American Control & Engineering Services provide a new invoice. Harper inquired about the payment to Augusta Inn. Keefer stated it was for the stay of an Airport Manager candidate. Huddleston inquired about the payment to Card Services being short \$80 compared to the breakdown of purchases that was provided. E. Jones stated a donation was made to cover the purchase of frames from Hobby Lobby for the prints that were donated to the Airport. Jones stated the purchase was charged to a city card but was paid from the funds that were donated. Huddleston made a motion to approve Ordinance 4 with the payment to American Control & Engineering Services removed for a total of \$326,948.85. Harper seconded the motion. Motion carried without opposition.

Old Business:

Railroad ROW Survey: Williams stated her concern about requesting more bids is that Goedecke has already provided a bid that has been made public and that could give other bidders an unfair advantage. Rawlings made a motion to accept the bid from Goedecke Engineering in the amount of \$10,184 for the Survey required for the acquisition of the railroad right-of-way between Ohio Street and the Whitewater River. Childers seconded the motion.

Huddleston asked if the County has already sold off a portion of the railroad right of way. Keefer stated there are three sections that have been sold to the best of his knowledge. Huddleston asked if a survey was required for those. Rawlings stated they were. Huddleston asked if Rawlings had to pay for the survey. Rawlings stated he did pay for it in the long run. Motion carried without opposition.

Keefer stated the key component with those that were already sold was that some were sold when the tracks were still there. Huddleston asked how they would measure those now that the tracts are gone. Keefer stated that is the issue. Wallace asked if the County is still going to reimburse the City for 10% of the cost of the survey and Keefer stated they are.

Airport Layout Plan: Shaw stated this is the product of the study that has been done since 2008. Shaw stated the governing body considered four alternatives and this plan is based on those discussions and the alternative that was picked by the governing body. Wallace made a motion to approve the updated Airport Layout Plan. Harper seconded the motion. Rawlings stated that the plan referenced KG & E and should be corrected to Westar. Motion carried without opposition.

New Business:

Oath of Office: The City Clerk administered the Oath of Office to Councilmembers Matt Childers, Michael Wallace, Sue Jones, Matt Malone, and Mayor Kristey Williams.

Williams recognized Councilman Leffler for his service on the Council. Williams stated that Leffler was elected in 2007 and did an admirable job. Williams stated he was a friend and stood up for what he believed in and that she wished him the best.

Williams stated that Councilman Griffith has been a senior council member that has served for 34 years as a council member and more than 20 years as President of the Council. Williams stated that Griffith has mentored many who have sat on the governing body including her and that he will be missed. Williams thanked Griffith for all that he has done. Griffith thanked Keefer and his staff for the courtesy they have shown him over the years. He thanked the employees of the City for all their hard work and everything they have done for this community. Griffith addressed the governing body and stated if they have an agenda they need to make sure it will serve the community as a whole. Griffith stated they have to work together to make Augusta a great place to live. Griffith thanked the citizens who have elected him over the years and that he hoped he had served them well.

Senator Ty Masterson welcomed the new council members and those that were re-elected. Masterson stated he wants to work on a relationship between the State and local government and invited each of them to interact with the State. Masterson handed out business cards with his personal cell phone number and encouraged the governing body members to engage him if any issues arrive. Masterson thanked the governing body for their time and again welcomed and congratulated the newly elected and re-elected members.

Harper nominated Childers as President of the Council. Rawlings seconded the nomination. Wallace nominated Huddleston as President of the Council. S. Jones seconded the nomination. Childers, Reavis, Harper and Rawlings voted in favor of Childers and Wallace, S. Jones, Malone and Huddleston voted in favor of Huddleston. Williams stated since it was a tie she would vote. Wallace stated it is to be voted on three times. Keefer stated the city's Charter Ordinance does require three votes for the election of a council member by the governing body, but that the election of the President is no different than any other action the Mayor can break a tie vote for. Williams broke the tie by voting for Childers; therefore electing Childers as the President of the Council.

Levee Enhancement Project: Reavis inquired about the cost for Dike Road and asked if it is for road and utility relocation. Keefer stated those costs are separate and distinct. Reavis asked if it will all be included in one bid or as three separate projects. Martin Goedecke stated there would be two bid processes. Goedecke stated the first bid would be for Garvin Park, the Mulvane waterline, and phase one of the raw waterline. Goedecke stated Sewer District #12, the discharge line, Santa Fe Lake, and phase two of the raw waterline will be bid as part of the Levee Enhancement Project. Childers seconded the motion. Motion carried without opposition.

Emergency Water Supply Plan: S. Jones stated that in reviewing the plan there are several routes and procedures that are inconsistent in language. S. Jones made a motion to refer the City's Emergency Water Supply Plan back to staff. Huddleston seconded the motion. Motion carried without opposition.

Airport Lease Amendment: Shaw stated that two meetings ago the City signed a new lease with ARTDG and they have now relocated to that new space. Shaw stated that Air Capital Aircraft Sales and Services, LLC had originally planned to lease this space and now that it is available would like to move forward with it. Huddleston asked if they will be charged more than they are currently being charged. Shaw stated they will be charged more based on the square footage, but at the same rate as their other space. Shaw stated they previously leased 1,100 sq ft at \$0.157 per sq ft and will now be leasing 2,750 sq ft. Shaw stated that will be approximately \$400 more in lease revenue. Williams stated the lease has been amended twice and asked if the December renewal date has changed because of those amendments. Shaw stated the renewal date will still be the same as the original lease. Huddleston made a motion to approve a second amendment to the lease agreement with Air Capital Aircraft Sales and Service, LLC for additional space in the main hangar. Harper seconded the motion. Motion carried without opposition.

BWR Contract Assignment: Reavis made a motion to approve an agreement with H.W. Lochner, Inc. authorizing the assignment and assumption of the City's contracts with Bucher Willis and Ratliff Corporation (BWR). Childers seconded the motion. Motion carried without opposition.

Spillway/Dam Project: Childers made a motion to approve an amendment to the Cost Share Assistance Agreement with the State Conservation Commission for the City Lake Spillway and Dam Project. Harper seconded the motion. Motion carried without opposition.

Zoning Classification: Wallace made a motion to approve Ordinance 2020 amending the Zoning Classification for two tracts of property at 8850 SW 95<sup>th</sup> Street, located within the City's Growth Area, as part of a lot split. Childers seconded the motion. Motion carried without opposition.

Work Session: Childers made a motion to schedule a work session on Monday, April 25<sup>th</sup> at 7 p.m. to review and discuss the Kelly and Ohio Street Intersection project. Wallace seconded the motion. Huddleston inquired about the location and Keefer stated it would be at City Hall. Huddleston asked if it is open to the public and Keefer stated that it is. Williams stated it is open for the public to attend, but public comments would not be taken. Motion carried without opposition.

#### Informational Memorandum:

Williams – Williams stated the 7<sup>th</sup> Street project is scheduled to be completed in mid-August and stated that they are currently one day ahead of schedule.

#### Final Comments:

Harper – Harper asked that the plants that were planted as part of the Augusta Give Back Day be watered if it doesn't rain. Keefer stated that he has spoken to Brian Alfaro with the Parks Department about watering what was planted at the entrance signs and the Library as well as adding more mulch at the Library. Harper said city employee Sam Tuschhoff did a great job assisting.

Harper stated she had been at the cemetery this evening and spoke to John Cox who was replacing a flag. Harper thanked all the veterans that take care of the flags in our community.

Williams – Williams thanked those who came out on Augusta Give Back Day. Williams stated she, Harper, city staff, and representatives from Butler Community College worked at the entrance

signs, the Library, and at Moyle Field. Williams thanked Butler Community College, the 15 football players, soccer players, trainers, members of staff, and Bill Rinckenbaugh for all their help at the Library and painting the Moyle Field Bleachers.

Williams stated with all the construction on 7<sup>th</sup> Street she wants to tell everyone it will look good when it is done, and that there are funds that will be used to pay for signage for business along the construction area.

Williams stated we have exceeded our \$20,000 goal for the Neighborhood Revitalization Plan Marketing Fund. Williams thanked USD 402, Augusta Developers, Craig Sharp Homes, Mark McCollom, Lakepoint, Tony Madrigal, Mark Sudduth Realty, and Sharp Realty for their contributions. Williams stated the commercials should start airing around May 16<sup>th</sup> and that the website [movetoaugusta@ks.com](mailto:movetoaugusta@ks.com) has been set up and will be connected to our city website.

Williams thanked Gary and Myrna Rogers for all of their hard work including the official welcoming back home of 226<sup>th</sup> Engineering Company last weekend. Williams stated they are appreciated a lot.

Reavis – Reavis stated a couple of meetings ago he brought up some issues on 7<sup>th</sup> Street and he wanted to recognize that two of the abandoned signs have since been removed and there are two left. Reavis stated slowly but surely the beautification process is moving forward. Reavis stated there has not been a lot of progress on the abandoned building though. Keefer stated there has been some feedback from the property owner that the property may be changing hands in the future.

S. Jones – S. Jones asked who is responsible for the planting along State Street. Keefer stated that ultimately it is the city's responsibility. S. Jones stated there are dandelions in the square planted areas. Keefer stated that is on the list of things for the Parks Department to take care of. Keefer stated they are currently working on preparing the swimming pool for opening, repairs to the play park, and starting the mowing process, but that they will be taking care of those as well.

Wallace – Wallace stated in conjunction with the return of the 226<sup>th</sup> Engineering Company, there will be a welcome back parade on May 14<sup>th</sup> at 10 a.m. and there should be a VIP from the State there. Wallace stated more information will be in the Augusta Daily Gazette hopefully, and on the city website.

Adjourn: At 7:40 p.m. Wallace made a motion to adjourn. Huddleston seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
MAY 2, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on May 2, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Mike Rawlings, Sue Jones, Ronald Reavis, and Matt Malone. 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, Martin Goedecke, Eric Christinat, and Steve Compton.

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

Minutes: Reavis made a motion to approve the minutes from the April 18, 2011 meeting. Harper seconded the motion. Motion carried without opposition.

Appropriations:

April (4A): Huddleston inquired about the two payments on page 1 and page 2 referencing API. Jones stated it was for loan payments made to the City for the loans made by API and Network Kansas. E. Jones stated the City is paid an administrative fee to handle these payments. Huddleston inquired about the payment to Dave's for towing. Keefer stated it was for towing a New Holland tractor for the Park Department. Wallace made a motion to approve Ordinance 4A in the amount of \$386,630.98. Childers seconded the motion. Motion carried without opposition.

Visitors:

Eric Christinat, Executive Director of Downtown Augusta, Inc. requested the closure of the 400,500, and 600 blocks of State Street on the afternoon and evening of Friday, June 10 for the annual Grasshopper Festival. Wallace made a motion to close the 400,500, and 600 blocks of State Street on the afternoon and evening of Friday, June 10 for the annual Grasshopper Festival. Harper seconded the motion. Motion carried without opposition.

Old Business:

Kelly & Ohio Intersection: Williams stated that there were three different options discussed at the work session and that the roundabout option is no longer feasible due to requirements by KDOT for larger trucks. Wallace made a motion authorizing a change in the scope of work for the Kelly & Ohio Intersection Project from a roundabout to a traditional four-legged intersection and authorizing the City Manager to notify KDOT of the same. Childers seconded the motion.

Huddleston stated that a square intersection is now going to cost us \$35,000 more. Huddleston stated when the roundabout was first proposed that more people than just him asked if it would support fire trucks, school buses, and interstate trucks, and that Goedecke did not explain his answer the same as he did in his memo and now the City is stuck with an additional expense of \$35,000. Keefer stated we would be responsible for the remainder of the engineer's contract and an additional \$35,000. Williams inquired about when the radius was originally measured an approved and why now is KDOT not approving it. Goedecke stated that the roundabout is a compromise of right of way cost, public safety, vehicle operation, and large trucks. Goedecke stated he felt as few large trucks as there are that use this intersection the roundabout would be able to accommodate them if they swing out on to the apron, just as they swing out into the intersection now, to make a right turn. Goedecke stated KDOT does not consider that acceptable

and would require the roundabout to accommodate a right turn by those large trucks without pulling out on to the apron, and that is not the type of roundabout we were looking at.

Williams asked Goedecke if he felt any of this was avoidable. Childers stated he does not recall Goedecke using the word “compromise” during the work session, and that the governing body had been told the roundabout would be able to handle large trucks. Goedecke stated all projects have some compromises. Malone asked Goedecke if he has worked with KDOT in the past and if they have a good working relationship. Goedecke state he has, including the current 7<sup>th</sup> Street project, but that you work with different people at KDOT on different projects. Williams stated she thinks the roundabout would have been a good project, but that she is disappointed we got this far.

Goedecke stated he had not designed a roundabout for KDOT before, but that he did a lot of work to look at things. Goedecke stated he felt like it was the right thing to do for the City with the benefits that had been identified, within the budget of the project. Goedecke stated he did not realize there would be an issue with really large trucks making right turns. Williams asked if there is a mathematical formula that could have been used. Goedecke stated there is not a formula that could have been used, but that there is software that could calculate that but that he does not have that software. Goedecke stated he did look at KDOT’s design criteria. Reavis stated that at the public meeting that was held with staff, Goedecke, and representatives from KDOT a man asked if a truck with a 63 foot trailer could use the roundabout and everyone, including the person from KDOT, said that it would. Reavis stated he didn’t specifically inquire about right turns. Goedecke stated he felt by pulling out on the apron they would be able to make a right turn at the roundabout, but that KDOT now disagrees.

Huddleston stated the next item on the agenda is a request for an additional \$35,000 to be paid to Goedecke for the new intersection when we have already paid for the design of the intersection. Goedecke stated he will have to re-create all of the drawings for a new intersection design. Williams stated she is frustrated that we wouldn’t be here now if we had all the information from the beginning. Goedecke stated he followed KDOT’s design manuals for the roundabout. Williams stated the governing body should have understood the complexity of the project.

S. Jones asked if we have received any information back from Westar about their pole and the easements. Goedecke stated he had not, but that he included the cost to relocate the pole in the cost of the project. S. Jones asked if Goedecke is the appropriate person to handle this or if it should be staff or the city attorney. Goedecke stated at some point the decision will have to be made, but that he is doing the legwork and keeping staff informed. Goedecke stated it will not be known where it will have to be moved until the plans are drawn and that they are still looking for the easement.

Reavis stated he doesn’t think we will know the property requirements until the plans are completed, so he would not recommend notifying the property owners until that is known. Keefer stated it is important to notify at least two of the property owners, because they were originally told we would be purchasing their full property. Keefer stated they need to know so they can move forward with their plans for the property, but that we will note that they will be contacted in the future about construction easements and right of way. Williams stated we should let them know that their buildings are no longer in jeopardy.

Huddleston stated Kansas is an ownership by record state, and stated that if Westar does not have a recorded easement then why do we keep going back to them. Goedecke stated they do not have a recorded easement, but that they do say they have an easement so he has asked them to provide

us with a copy. Wallace stated they should be given a deadline to produce it. Keefer agreed and stated that Westar does not have a franchise, so they are saying they have an easement with the property owners. Keefer stated there is an easement on record, but that their pole is located outside of that easement.

Motion carried without opposition.

Childers asked what would happen if the amendment to the Engineering Agreement is not made. Keefer stated we would not have a project because we wouldn't have plans. Keefer stated we would have to hire a new engineer and pay for the cost of an entirely new design. Childers asked if we do not approve this could we lose the \$500,000 funding from KDOT. Keefer stated that is a possibility. Malone stated we paid \$65,000 for the design of the roundabout and asked staff if they thought Goedecke would honor the cost in the original agreement. Keefer stated that the \$12,000 remaining out of the \$65,000 original agreement would not be enough to cover the costs of the new plans, but that he would have to defer that question to Goedecke. Malone asked how much is budgeted for this project. Keefer stated there is \$200,000 in the project fund, plus and additional \$75,000 that will be added this year. Keefer stated we will have to issue temporary notes for this project, but not issue debt. Malone stated he would like to know what he is voting on before throwing more money at this project. Keefer stated we will not know the actual costs of the project until we let bids, but that they generally come in under Goedecke's estimates. Goedecke asked the governing body if instead of a contract, they would be more in favor of paying by the hour. Goedecke stated he does not want to hold the city hostage and that he wants to work with the city, but that he will have more expenses.

Wallace stated that he told the governing body a year or two ago that the engineer should be liable for mistakes. Wallace stated he doesn't think this was a mistake on Goedecke's part, but that the governing body has said in previous meetings that Goedecke is exempt from his mistakes. With that Wallace made a motion to approve an amendment to the Engineering Services Agreement with Goedecke Engineering for the Kelly & Ohio Intersection project. Rawlings seconded the motion. Wallace amended the motion to include amend the agreement to be paid at an hourly rate not to exceed a total amount of \$35,000. Childers seconded the motion to amend. Motion to amend carried without opposition. Williams disagreed that the Council exempted Goedecke from errors. Motion carried without opposition. Malone inquired about the hourly rates. Keefer stated we will pay an hourly rate up to the \$35,000.

#### New Business:

**Dike Road:** Wallace made a motion to approve an agreement with Butler County as part of the Vacation of the Dike Road right-of-way between Highway 54 and Thunder Road. Harper seconded the motion. Motion carried without opposition.

**Levee Enhancement Project:** Rawlings abstained from the discussion and voting due to a conflict of interest. Reavis inquired about the location of the new field entrance. Keefer stated it would be in the same proximity where Dike Road intersects with Thunder Road. Reavis stated he doesn't want to promise access if we cannot since we don't own that property. Keefer stated as trail manager we do have the authority to allow access. Reavis made a motion to approve the purchase of Tract 9-A (0.10 acres) in the amount of \$250, the small tract that is a remnant of Tract 9-A (1.6 acres) and Tract 34-B (0.4 acres) in the amount of \$1,000, for a total of \$1,500 from Jerry Fritchman for the levee enhancement project. Wallace seconded the motion. Huddleston stated the sign at US 400 says the road is Hunter Road, but that everyone refers to it as Dike Road. Dan Allen stated it is officially called Hunter Road and is indicated as such on all flood maps. Motion carried without opposition.

Sanitary Sewer Easements: Childers made a motion to approve two Sanitary Sewer Easement for Butler County as part of the levee project and the relocation of the sewer force main serving Sewer District #12. Reavis seconded the motion. Motion carried without opposition.

Public Hearing: Council considered scheduling a public hearing to take input on moving forward with the issuance of General Obligation Bonds for the City's Levee Project and to appoint appraisers for the project. Keefer stated the Corp is accelerating the project, so we have no choice but to move forward with this. Keefer stated the statute requires we appoint three disinterested householders to make sure no one is receiving special considerations. Keefer stated that the Division of Water Resources is required to sign off on this part of the project as well. Keefer stated he was able to identify two individuals, Paul Oliver and Rick Blue, who were interested in serving as appraisers. S Jones asked what process was used to select the appraisers. Keefer stated he picked two people that are members of the community who do not own property in this area and would not directly benefit from the project. Huddleston recommended Steve Compton to fill the third position. Dan Allen stated Compton lives in the project area. Keefer stated the decision is up to the governing body, but that he doesn't think their appointments would be challenged. Wallace made a motion to approve Resolution 2011 – 05 authorizing several actions including the scheduling of a Public Hearing for 7 p.m. on May 16, 2011 to take input on moving forward with the issuance of General Obligation Bonds for the City's Levee Project and to appoint Paul Oliver, Rick Blue, and Steve Hollingsworth as appraisers for the project. Malone seconded the motion. Motion carried without opposition.

Appointments: Wallace made a motion to approve the Mayor's appointments to the various boards and committees of the City. S Jones seconded the motion. Motion carried without opposition.

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

Official Depository: Rawlings made a motion to designate Emprise Bank as the City's official depository. Malone seconded the motion. Motion carried without opposition.

Zoning Regulations: Williams thanked Downtown Augusta Inc. Executive Director Eric Christinat for his time and input on the changes to the ordinance. Huddleston stated he still thinks the regulations are too restrictive and that it seems we are punishing those not on the list by charging them \$325, which isn't fair. Huddleston asked how other Mainstreet Communities handle their zoning. Christinat stated that some have a list of excluded businesses, but that doesn't seem to work very well and it could be very exhaustive. Christinat recommended reviewing the list once a year and making any necessary changes. Christinat stated he thought the \$325 charge was unreasonable at first too, but he wants to make sure the costs incurred by the city are covered and maybe reducing the fee will still cover those costs. Huddleston asked if it would work better if the fee were more reasonable.

Childers inquired about the cost of notification. Dan Allen stated he and his staff have to locate the CAMA #'s and legal addresses in a 200 foot arc around the four corners of the property requesting a conditional use permit and send a notification to the property owners and publish the notice in the newspaper. Allen stated it takes a lot of labor hours to prepare all the notifications. Huddleston asked if the costs associated with a commercial request is different than a residential. Allen stated there is usually more property owners involved downtown. Huddleston stated the city should share the cost of the conditional use permit in order to get businesses downtown. Malone asked how many businesses have been told no. Allen stated a couple have, but that the

majority are granted a conditional use permit. Mr. All stated that if you don't have a list of acceptable businesses, you will have one you don't want. Mr. All stated this ordinance is the best way to take care of that, and that the process of amending the ordinance when necessary has been working. Allen stated Christinat has tried to get people downtown involved in the meetings, but that no one has showed up. Huddleston stated a clock repair shop would be prohibited under these regulations. Rawlings stated that when the ordinance was first drafted, those interested wanted the downtown to be strictly retail.

S. Jones inquired about the impetus for the proposed changes tonight. Allen stated that last year a smoke shop moved in downtown over the weekend. Allen stated when he told them they were not permitted to be there, they refused for file for a conditional use permit and pay the fee. Allen stated he tried to work with them and told them if they sold coffee, they could be considered a restaurant that sells cigarettes and would be approved under the current regulations. They agreed, but then decided to move. Allen stated he tried to work with them but they didn't want to be worked with. Allen stated a Title Company that was located downtown when the regulations were first put in place decided to move to another location downtown, but since their type of business was not allowed and they were only grandfathered in for their original location they technically were not allowed downtown. Allen stated if the business owners would notify people that they need to check with the city before moving in, it could address these issues in advance. Huddleston stated if we are going to keep it as is and review it annually that is okay with him, but he still thinks the fee is excessive. Huddleston stated the city will not go out of business because of three conditional use permits per year. Keefer stated he understood and agreed with Huddleston, except that the city does have tangible expenses such as staff time, postage, publication costs, and bills from the County that will not go away. Keefer stated we want to do all these things for our citizens but we do not want to raise taxes, and we cannot keep providing these services without a cost. Huddleston stated he doesn't think \$1,000 per year would require us to cut services, and that we subsidize the pool and airport by more than that. Keefer stated he has started to work on the 2012 budget and there will probably be some hard decisions to make this year.

Keefer stated vary rarely has a conditional use permit ever been turned down. Keefer stated that most don't get to that point because of recommendations by Allen. Keefer stated if the governing body wants staff to research our tangible costs we can do that. Wallace stated if staff is making a recommendation to a business and telling them they will be approved and they are not, the city should absorb that cost. Wallace made a motion to approve Ordinance 2021 amending the City's Zoning Regulations. Huddleston seconded the motion. Motion carried without opposition.

There was a consensus by the governing body to review the conditional use permit fee. S. Jones stated that if a business cannot afford \$325 upfront, they probably will not be successful anyway.

Work Session: Wallace asked if FEMA is done with their stuff. Keefer said no and stated that is a separate and distinct issue regarding levee certification. Wallace made a motion scheduling a work session with the Corps of Engineers on Monday, May 9, at 7 p.m. to review and discuss the Levee Project. Childers seconded the motion. Motion carried with Rawlings opposing.

Tornado Siren: Keefer stated the Whitewater River Fire District has asked the City of Augusta to donate a used tornado siren to them that we are replacing. Keefer stated staff does not have a problem with donating a siren and stated the one we would most likely donate is the one currently located on Arnold Drive. Wallace stated he would like to see an article in the newspaper about the City donating the siren. Wallace made a motion to donate a used tornado siren to the Whitewater River Fire District. Huddleston seconded the motion. Motion carried without opposition.

Informational Memorandum:

Wallace – Wallace inquired about the repairs needed for the Library roof. Keefer stated the roof is 10 plus years old and that Dan Allen is getting an estimate so the funding can be included in the 2012 budget. Keefer stated in the mean time we will be doing some basic patching repairs.

Final Comments:

Huddleston – Huddleston asked if someone can close off a road without coming to the Council for permission. Keefer said it depends. Huddleston inquired about the Church downtown. Keefer stated they did block off a couple of parking spaces, but stated if it had been a large event or would have required the street to be blocked for an extended period of time they would have had to come to the Council for permission. Keefer stated we work with small groups and neighborhood block parties, etc.

Malone – Malone stated the red light on the stop light at 7<sup>th</sup> and Lulu is not working.

Wallace – Wallace stated there were a lot of maps to look at tonight and stated that staff needs to start projecting those for the citizens to be able to see them. Wallace stated the property owner at 1210 passed away, but that the property is in bad condition. Dan Allen stated he has sent letters and spoken in person to the person in charge of that property, but that there has been no response. Wallace stated there is a lot of trash and weeds. Childers asked if Allen needs assistance from the governing body in getting these types of properties addressed. Allen stated it is not as easy to get these cleaned up as one would think and that there are certain procedures that have to be followed. Childers stated there are several properties throughout town that are dangerous and need to be addressed.

Wallace stated there will be a parade on May 14<sup>th</sup> at 10 a.m. to welcome home the 226<sup>th</sup> Engineering Company from their deployment. Wallace stated the parade will be on State Street and will start at the Senior Center.

Executive Session: At 8:40 p.m. Wallace made a motion to enter executive session for 15 minutes to confer with the City Attorney on matters that would be considered privileged in an attorney-client relationship. Childers seconded the motion. Motion carried without opposition.

At 8:56 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 8:57 p.m. Wallace made a motion to adjourn. Harper seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
MAY 16, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on May 16, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Mike Rawlings, Sue Jones, Ronald Reavis, and Matt Malone. 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, Myrna Rogers, Linda Atkins, Russell Boone, and Kevin Cowan.

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

Minutes: Harper made a motion to approve the minutes from the May 2, 2011 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

May (5): S. Jones inquired about the payment to 4Media Advertising. Williams stated it was payment to the media buyer for the commercial spots. S. Jones inquired about the payment to Goedecke Engineering in the amount of \$4,380. Keefer stated it was for several different projects, including the Levee project, Street Sales Tax projects, and for assisting in reviewing the site plans and drainage plans for the new Garfield school. S. Jones asked if that was opposed to the school board hiring someone. Keefer stated the city has an engineer assist with reviewing the plans in addition to the school's person to make sure they meet our requirements. Huddleston inquired about the payment to David All in the amount of \$352. Keefer stated it was to reimburse for a payment made to the register of deeds on the city's behalf in the amount of \$12 and to pay him for an appeal of a DUI case that went to District Court. Wallace inquired about the payment to Augusta Ace Home Center. Keefer stated it was a month's worth of bills for various city departments. Wallace made a motion to approve Ordinance 5 in the amount of \$1,034,361.35. Harper seconded the motion. Motion carried without opposition.

Visitors:

Myrna Rogers, President of the American Legion Leonard Whitehill Post #89, handed out veteran-made poppies to those present. Rogers stated the poppies will be distributed in Augusta on May 28<sup>th</sup>. Rogers stated that wearing the poppies honor the living and dead veterans as well as providing assistance to disabled veterans. Rogers stated the veteran memorial will be displayed at Cooper Drug. Williams thanked Rogers for all her work on behalf of our veterans and for our community.

New Airport Manager Lloyd Partin introduced himself to the governing body and stated he is very pleased to be here. Partin stated he is very thankful to be out of California and is looking forward to developing the Augusta Airport.

Russell Boone requested the governing body consider a new ordinance allowing for the Sunday Sale of Packaged CMB and Alcoholic Liquor. Williams stated the approximate cost for a special election will be around \$6,000. Wallace made a motion to have staff prepare a new ordinance and present it on a future meeting agenda. S. Jones seconded the motion. Huddleston asked how much revenue is lost on Sunday Sales outside of this community. Boone stated he did not know. Huddleston asked if the tax from liquor sales goes into the Special Drug fund. Keefer stated it is split between the General Fund, Special Alcohol Fund, and Special Parks Fund. Childers stated he supported this last time, but his concern now is with the \$6,000 price tag for a special election and asked how long it would take to recoup that expense with the additional taxes that would be received. Keefer stated he

did not know, but that it would take several years. Williams asked if sales tax is charged on liquor sales. Keefer stated it is not. Reavis asked since it would be a city-wide election, would we have to have four polling sites or could we just have one. Keefer stated the voting records are set up by ward, but he would have to ask the County. Mr. All stated the County might be hesitant to do that because the citizens may not know where to vote and still go to their usual polling sites. Wallace stated this is the only legal business in town where we put restrictions on when they can operate. Motion carried with Harper and Rawlings opposed.

#### New Business:

**Executive Session:** At 7:18 p.m. Wallace made a motion to enter into Executive Session for 20 minutes to discuss Real Estate Acquisition as part of the Levee Enhancement Project. Harper seconded the motion. Motion carried without opposition. Rawlings did not participate due to a conflict of interest.

At 7:38 p.m. Wallace made a motion to exit Executive Session with no binding action being taken. Childers seconded the motion. Motion carried without opposition.

**Public Hearing:** A Public Hearing was conducted to take input on the “Appraisers” report regarding the Corps of Engineers “Engineering Report” for the City of Augusta’s Levee Enhancement Project as a condition to issuing General Obligation Bonds for a flood control project. After no public comments were received, the Mayor closed the public hearing.

Wallace made a motion to approve Ordinance 2022 providing for the construction of flood control improvements and authorizing the issuance of up to \$2.075 million in General Obligation Bonds for this project. Childers seconded the motion. Malone asked if Piper Jaffray has looked into issuing this debt through the Public Building Commission (PBC) so it doesn’t go against the city’s debt ratio. Kevin Cowan, the City’s Bond Counsel with Gilmore & Bell, stated they had not discussed it because we don’t have any debt issue concerns. Cowan stated the issue was time sensitive, which is the majority of the reason it is being handled this way. Cowan stated in order to run the debt through the PBC the governing body would have to pass a charter ordinance. Keefer inquired whether we could issue the temporary notes now and look at the PBC when issuing the final debt. Cowan agreed and stated that is not a bad thought. Motion carried without opposition.

Wallace made a motion to approve Resolution 2011-06 authorizing the Sale of Temporary Notes for the Levee Enhancement Project. Childers seconded the motion. Huddleston inquired about how the rate and cost of the temporary notes are determined. Cowan stated the rate depends on where the market is at the time of the sale. Cowan stated he hopes the interest rate will be set by June 6<sup>th</sup>, and that the current rate is pretty low so he expects to get a good to very good interest rate. Cowan stated the cost of the bond issue is set deal by deal and that their costs are based on their fee schedule. Cowan stated the underwriter’s discount is probably less than 1% of the issuance. Keefer stated the majority of the cost will be capitalized interest. Motion carried without opposition.

Rawlings made a motion authorizing the City Manager to execute a document with Piper Jaffray & Co. recognizing the change in their role from the City’s Financial Advisor to Underwriter for the issuance of General Obligation Temporary Notes, Series 2011. Childers seconded the motion. Wallace asked if this was a permanent action and Keefer explained it is just for this issuance. Malone asked Cowan if MSRB (Municipal Securities Rulemaking Board) passed the new rule yet. Cowan stated they have not yet and explained to the governing body that there might be a rule change in the future that they may only be able to serve as either the underwriter or financial advisor indefinitely. Keefer stated the city has historically required competitive temp note bids, but the

timing of this project has caused us to accelerate the process in order to meet the Corp of Engineer's deadline. Keefer stated this is not the norm. Motion carried without opposition.

Engineering Services Agreement: Council considered an Engineering Services Agreement with Goedecke Engineering for construction inspection services for three waterline relocation projects related to the Levee Enhancement Project. Wallace asked if we took bids for this. Keefer stated we do not normally take bids for engineering services. Wallace inquired about the moving of the waterlines. Keefer stated those will be bid as part of the construction project, but that this agreement is for engineering services only. S. Jones stated that in reading the document she was surprised by the generalities throughout the document. S. Jones referenced the term "General Conditions" in 6.a. under I. SCOPE on page one of the agreement. Goedecke stated that in the contract the city will have with the contractor there will be a section called general conditions and some sections that deal with engineering, testing, and inspection. S. Jones stated that under the terms of the agreement Goedecke will be working on behalf of the city, but that this agreement says he doesn't have any responsibility or liability for errors. Goedecke stated he is not liable for the acts of the contractor. S. Jones stated there is a lot of the term "in general" and "generally" throughout the agreement and that term is what bothers her most about the agreement. Goedecke stated this is a standard contract agreement that is drafted and recommended by the Nation Society of Professional Engineers (NSPE), American Consulting Engineers Council (ACEC), and American Society of Civil Engineers (ASCE). Goedecke stated his staff will check at certain points along the project to make sure the waterlines are made of the right material, placed at the right depth, etc. but will not be checking all along the way. Goedecke stated they will not say that the line is exactly in the right location, but that it is in and functioning as it is supposed to. S. Jones asked how they verify that and what criteria is used for progress payments. Goedecke stated the line will be pressure tested and that books will be kept on the project. Goedecke states per the contract with the contractor, we will hold 10% of the funds until the project is complete but that progress payments will be made as long as the project is moving forward.

Wallace asked what would happen if a year from now we discover something is wrong and stated he feels the Engineer should be liable for that. Goedecke stated the contractor is the one who is building the project, so they would be the one liable. Wallace stated that Goedecke is saying he will be checking to make sure it is correct so he should be liable as well. Goedecke stated there are fees that you can pay for that type of inspection, but that the city is not paying him for the type of inspection Wallace is asking for. Williams stated the contractor would be required to have liability insurance. Mr. All stated that if an incident occurs it will depend on the specifics of the incident to determine where the liability is. If it is something that was there that could have been seen, the court could find Goedecke liable. But it depends on the circumstances. Mr. All stated it depends on if the engineer failed to provide the services they are contracted to do. Mr. All stated we would have to look to the contractor for liability first.

Wallace started to speak and Williams called him to order. Wallace asked why Williams would not give him the same courtesy as the other council members and let him finish his thought. Williams allowed Wallace to finish his comment. Wallace stated he wants to avoid something we should have foreseen, and that "in general" is up for interpretation. Mr. All stated that that this is a standard contract that came from national engineering organizations. Williams stated this is a standard contract and it does not exempt Goedecke from being liable. Keefer stated that depending on the timeframe when an error or problem is discovered the contractors have a warranty period. Goedecke stated contractors have a one year warranty bond upon completion of the project. Reavis made a motion to approve an Engineering Services Agreement with Goedecke Engineering for construction inspection services for three waterline relocation projects related to the Levee Enhancement Project. Childers seconded the motion. Motion carried with S. Jones opposing.

Convention and Tourism Bureau Grants: Rawlings made a motion to approve Convention and Tourism Bureau Grants for Downtown Augusta, Inc. in the amount of \$300 for the annual Grasshopper Festival, Augusta Chamber of Commerce in the amount of \$1,000 for the annual Homecoming Fest, and the Augusta Historical Society in the amount of \$500 for the annual Yesteryear Fair. Wallace seconded the motion. Motion carried without opposition.

Informational Memorandum:

Wallace – Wallace inquired about the length of time for the easement for the portion of the old hospital property where the walking path was constructed. Keefer stated it is a permanent easement.

Final Comments:

Huddleston – Huddleston asked staff to explain future water usage in the City with the lake levels, drought, and spillway and dam project. Keefer stated the city lake typically supplies a third of the city's water supply annually. Keefer stated the lake levels are very low due to the on-going drought since last July, the lack of runoff, and evaporation. Keefer stated over the last several months we have not taken any water from the lake and have primarily relied on water from the City of El Dorado, but that we will have to draw from the lake this summer to meet our peak demand days which could be a challenge. Keefer stated the improvements to the Frontier Waterline and the purchase of the new VFD's should help though. Keefer stated he will be talking to El Dorado about our take-or-pay contract with regard to drought and the lowering of the lake for the spillway/dam project and that he should know whether or not they will be willing to work with us later this week. Huddleston asked if we will be looking at any rationing. Keefer stated he hopes not, but that will depend on how much moisture we receive in the next 30-60 days. Huddleston asked if conservation would help and Keefer stated we may have to look at that.

Williams – Williams encouraged everyone to check out [www.movetoaugustaks.com](http://www.movetoaugustaks.com) and to view the commercial that is now airing on television. Williams stated the commercial and website will help us promote our community. Williams stated there have been no housing starts in Augusta since January.

Reavis – Reavis stated he was contacted by a citizen regarding truck traffic on Stadium Drive. Keefer stated the citizen has spoken to Chief Brewer, City Clerk Erica Jones, and other staff members about this issue. Reavis stated with the construction around Kelly and Ohio increased truck traffic on Stadium will be expected. Reavis stated he understands that trucks can go off the designated truck route to make local deliveries, but wondered if we could tighten that ordinance up so that it is enforceable. Reavis asked if there is anything we can do like putting up signage to prohibit left turns.

Keefer stated the whole issue is a challenge. Keefer stated it is difficult to distinguish local deliveries because they are all over town and how would we pick and choose if we were to eliminate them on specific streets. Mr. All stated local deliveries are supposed to use the most direct route. Keefer stated some of them are coming from the North and Stadium Drive could be their most direct route to the back of the stores. Keefer stated he doesn't know if we can put signage up on personal property prohibiting left turns. Keefer stated staff is drafting a letter for Wal-Mart and Dillon's to ask for their cooperation in this matter but there are multiple challenges including that the trucks belong to multiple haulers that are not owned or under the control of the stores. Keefer stated before the Kelly/Ohio Intersection project construction starts we will have to discuss detours for this type of traffic. Reavis asked if there is a sign already there prohibiting the trucks, why can't we enforce it. Keefer stated he believes there is a way to distinguish local deliveries and prohibit those that are not.

Reavis stated he remembers Martin Goedecke stating that part of Stadium Drive will get two inches of asphalt and the other part will get six inches because of the heavy trucks. Reavis asked if Stadium Drive is not designed for truck traffic, why we wouldn't prohibit it. Goedecke stated the section of Stadium Drive that will get six inches of asphalt is from the first cul-de-sac to Fairway. Goedecke stated the rest of Stadium Drive to Ohio is currently six inches, but that it is several years old.

Reavis stated that with the construction he thinks it will get worse before it gets better, and we will have to live with it for a while. Reavis stated if there is a way to fine tune the ordinance for local deliveries, he would encourage that. Mr. All stated there is not a good way to get to Hwy 77 from the North if you do not turn onto Hwy 77 in El Dorado, because there is no signage saying trucks are not allowed until you are south of 21<sup>st</sup> Street on Ohio.

Reavis asked if a developer has to submit an official plat when they get ready to develop a plat. Keefer stated they apply to the Planning Commission and that the preliminary plat is reviewed by staff and the Planning Commission. Keefer stated the final plat is then presented to and reviewed by the Planning Commission before it comes to the governing body for final approval. Keefer stated the city's subdivision regulations outline this process.

Childers – Childers inquired about the 3-2 vote by the Butler County Commission on the relocation of Dike Road and asked why it was voted to against. Williams stated Commissioner Harris wanted to expand the project which would have added more cost. Goedecke stated he was present at the County Commission meeting and that they originally discussed building a wider road at their expense and keeping the current entrance as is. Goedecke stated they then decided they wanted to move the entrance to straighten that out but it would require considerable asphalt work to re-do that intersection. Goedecke stated the County did not want to pay that additional cost. Williams stated that was not a request of the City to make those changes.

Wallace – Wallace asked when the School District is building schools if the City Inspector reviews the project and plans. Keefer stated Dan Allen, City Inspector, does inspections on the school construction just like any other project. Allen, is frequently on site to inspect the work and make sure they are meeting the codes of the city.

Wallace thanked those that came out for the parade last Saturday to welcome home Engineering Company 226 and that he submitted a letter to the editor of the Augusta Daily Gazette thanking the community for their support.

Wallace stated he has received several calls regarding the pothole at Dillon's and he wanted to remind the citizens that this is on private property and encouraged them to contact Dillon's about getting it repaired.

Adjourn: At 8:32 p.m. Wallace made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
JUNE 6, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on June 6, 2011, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Michael Wallace, Mike Rawlings, Sue Jones, Ronald Reavis, and Matt Malone. Councilmember Holly Harper 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: Kent Bush, Dustin Avey, Corky Cook, Jason Flower, Russell Boone, and Martin Goedecke.

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

Minutes: Reavis made a motion to approve the minutes from the May 16, 2011 meeting. Childers seconded the motion. Motion carried without opposition.

Appropriations:

May (5A): Huddleston inquired about the payment to Madrigal & Welch for \$1,964. Keefer stated it was insurance for an excavator that was rented and we were required to obtain insurance coverage for. S. Jones inquired about the payment to Victor L. Phillips Co. for \$5,731.75. Keefer stated it was for the rental of the excavator. Wallace inquired about the payment to Wichita Tractor in the amount of \$4,670.06. Keefer stated it was for repairs to the Parks Department's New Holland tractor. Keefer stated there was a problem with it when it was being used this winter, and that the original bill was over \$9,000 but Cy Ricker was able to negotiate it down to the \$4,670.06. Wallace made a motion to approve Ordinance 5A in the amount of \$371,843.68. S. Jones seconded the motion. Motion carried without opposition.

Visitors:

Corky Cook was present, representing the WFO Car Club, to request use of the downtown for their annual car show on Saturday, August 6<sup>th</sup>. Wallace made a motion to approve the request of the WFO Car Club to use the downtown for their annual car show on Saturday, August 6<sup>th</sup>. Huddleston seconded the motion. Motion carried without opposition.

Old Business:

Emergency Water Supply Plan: Rawlings made a motion to approve the City of Augusta's Emergency Water Supply Plan. Childers seconded the motion. Motion carried without opposition.

New Business:

Sunday Sales: Childers stated the Ordinance does not mention Christmas day and asked if as it is written does that mean they can be open on Christmas day. Russell Boone stated that State Statute says that they cannot sell on Christmas day. Williams stated the 8% alcohol tax is sent in to the State to divvy up and that there is no sales tax. Boone agreed. Wallace made a motion to approve Ordinance 2023 authorizing the Sunday Sale of packaged Alcoholic Liquor and Cereal Malt Beverages. Childers seconded the motion. Motion carried with Rawlings voting in opposition. Keefer stated the ordinance will be published this Thursday and next Thursday, then the 60 day time period starts, making it mid-August before the ordinance takes effect.

Levee Enhancement Project: Dustin Avey with Piper Jaffray was present. Avey stated the credit rating for the temp notes was SP 1+, which is the highest rating available. Avey stated the bond amount includes \$2M for the project and additional funds to cover the capitalized interest and cost of issuance. Avey stated the construction is scheduled to be complete in 2013 and at that point we will

know the actual costs and will convert the temp notes to bonds. Wallace asked if the interest rate is 2%. Avey stated that is the coupon rate and that the net interest cost will be 1.72%. Wallace made a motion to approve Resolution 2011-07 authorizing the issuance, sale, delivery and payment of General Obligation Temporary Notes in the amount of \$2,075,000 for the Levee Enhancement Project and authorizing the execution of related documents. Reavis seconded the motion. Motion carried without opposition.

Property Purchase: Mike Rawlings abstained from the discussion and voting due to a potential conflict of interest. Reavis made a motion to approve a property purchase agreement with Daniel and Jerolyn Biehler for two tracts of property related to the Levee Enhancement Project. Childers seconded the motion. Wallace asked how many buildings are on this property and Keefer stated there are none. Keefer stated we are purchasing 3.71 acres and a ponding easement. Wallace asked if there is a potential we will use up to 14 acres. Keefer said it was possible depending on the conditions. Motion carried with Rawlings abstaining.

Bids: Council considered bids for the relocation of water lines as part of the Levee Enhancement Project. Wallace asked Goedecke how W.B. Carter Construction was able to come in so much lower than the other bidders. Goedecke stated they really wanted the job. Goedecke stated they are a reputable company that has done work for the City of Wichita. Goedecke stated this is an unusual project, as it handles potable water and has a restrictive timeline. Wallace stated he is concerned about having change orders in the near future because we didn't anticipate things. Goedecke stated their bid, like the others, included a per unit price. Huddleston stated that W.B. Carter Construction's bid was 26% lower than the next lowest bidder and asked Goedecke if there will be change orders. Goedecke stated he does not anticipate any.

Malone asked Goedecke how he comes up with his estimate. Goedecke stated he looks at material prices and makes an estimate for the labor, and that he compares it to other bids. Goedecke stated he received a call the day before the bid letting telling him that material prices had gone up. S. Jones asked if they had already turned in their bid. Goedecke stated it was a supplier that called him, not a bidder. S. Jones stated that Goedecke had estimated a unit price of \$300 for concrete thrust blocks and that Alan's Excavating bid a unit price of \$650, Dondlinger \$160, Nowak \$400, and W. B. Carter bid \$60. S. Jones asked Goedecke if he felt confident it is the same quality. Goedecke stated there is a lot that goes in to how the contractors spread their costs, such as labor. Each person reviews the plans and how much material and labor is needed. Goedecke stated he doesn't know how W.B. Carter spread their costs. Huddleston asked if they are bonded. Goedecke stated they provided a bid bond and a performance bond. Huddleston made a motion to approve the bid from W.B. Carter Construction Company in the amount of \$146,131 for relocation of water lines as part of the Levee Enhancement Project. Wallace seconded the motion. Motion carried without opposition.

REAP: Council considered approval of the City's membership in the Regional Economic Area Partnership's (REAP) Water Resource Committee. Wallace asked how many other towns in our County are on this committee. Williams stated there are over 30 cities and counties, including Wichita, Andover, Derby, and El Dorado. Wallace stated he was not sure of the cost. Williams stated that because we are joining mid-year it would be half of the full year's membership of \$1,656. Wallace asked if this rate is in addition to our current membership in REAP. Williams stated it is and that those are two different memberships, one for our government agency which we have always been a part of and the other is for the Water Resource Committee which we have never been part of. Huddleston stated all the memberships will be around \$2,400. Williams stated the important thing for this committee is water and cost and that they are looking at long term water solutions. Williams stated at the last meeting there were 57 people present, but that Augusta was not represented.

Huddleston asked if REAP has the Douglass Reservoir on the table for us. Williams stated that is not a project at this time. Keefer stated that there was a lack of participation, so it is not being pursued. Keefer stated he has heard several comments that it is still out there as an option, but that no one is willing to spear-head it. Williams stated it is very cost prohibitive.

Williams stated that Augusta has the ability to sell water and that Keefer is looking at ways to increase our sales. Williams stated if this is approved we would need to have a representative from the City that could attend the meetings. Reavis made a motion to approve the City's membership in the Regional Economic Area Partnership's (REAP) Water Resource Committee, effective July 1, 2011. Childers seconded the motion. Motion carried without opposition. Malone stated he was interested in representing the governing body at these committee meetings and Keefer stated he or Shaw would attend based on their availability.

Work Session: Childers made a motion to schedule a work session for 6 p.m., Monday, June 20<sup>th</sup> to review the site plan for the Kelly & Ohio Street Intersection Project. Reavis seconded the motion. Motion carried without opposition.

K-9 Training Agreement: Council considered approval of an agreement with Kasseburg Canine Training Center for the purchase of a trained K-9 and training for the handler. Williams stated Sgt. Chad McCluskey raised \$11,600 for the purchase of the new K-9. Keefer stated this agreement is our commitment to the training and for issuing a deposit. Keefer stated that McCluskey will go to Alabama the later part of September and will be living there for 8 to 10 weeks for training. Wallace asked if the \$14,000 in the agreement includes housing. Keefer stated it does, but that it doesn't include meals and other travel expenses. Keefer stated in addition to the \$11,600 McCluskey raised there was \$5,000 donated by the Marsh family to the Department of Safety that will be used as well as funds from the asset recovery monies. Wallace made a motion to approve an agreement with Kasseburg Canine Training Center for the purchase of a trained K-9 and training for the handler. Childers seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Williams – Williams stated the City has two new websites, [www.movetoaugustaks.com](http://www.movetoaugustaks.com) and [www.flyaugustaks.com](http://www.flyaugustaks.com). Shaw stated there was \$20,000 raised for the NRP Marketing Plan for the commercials and advertising. Shaw stated the [www.movetoaugustaks.com](http://www.movetoaugustaks.com) website was set up as part of that plan and that we are trying to generate as much interest as we can in Augusta. Shaw stated we are also testing a property listing feature to see how it works. Huddleston asked if it explains the 95% tax rebate for new construction. Shaw stated it does and that there is a whole page dedicated to the NRP, including the application, guidelines, and contact information. Huddleston asked if we own the ads. Williams stated we do. Williams stated that Shaw spent approximately 40 hours of his own time building this website.

Shaw stated the [www.flyaugustaks.com](http://www.flyaugustaks.com) site was created as part of the marketing plan to promote our Airport to new customers and get people to use the airport. Shaw stated the site went live last week and that social media is being used to promote it. Shaw stated there is an opportunity to use the site for advertising as well. Williams asked if the new airport manager is managing the Facebook page. Shaw stated he isn't yet, but will be and that he will also maintain a manager's blog. Shaw stated the site will help with communication and keep people informed about what is going on at the Airport. Childers asked who posted the last comment on Twitter. Shaw stated he has been the person posting on Twitter up to this point.

Wallace – Wallace stated the memo from the State referenced the Kelly/Ohio Intersection project as the "Roundabout" project. Keefer stated that isn't correct and that the State knows the project no longer

includes a roundabout. Keefer stated that staff is also not going to do anything with regard to property acquisition until the field check plans have been signed by KDOT and the Council.

Huddleston – Huddleston stated there was nothing mentioned in the memo regarding the work being done on 7<sup>th</sup> Street about removing the dip at 7<sup>th</sup> and Osage. Keefer stated the contractor is very aware of that dip and they know that they need to take it out.

Huddleston referenced item #14 and asked what is going on at Santa Fe Lake. Keefer stated the lake is very low. Keefer stated that KDHE has contacted Rod Davis about concern for the fish if the water continues to evaporate, and that there might be a potential for a massive fish kill due to the low water levels. Huddleston asked if the low water levels are allowing work to be done. Keefer stated that Davis is doing what work he can with the resources he has available to him.

Huddleston stated the Butler County Meeting Minutes lists the board of the Solid Waste Committee and asked why the City of Augusta does not have anyone listed. Keefer stated that Cy Ricker and Anthony Craft are the city's representatives and have been attending those meetings. Keefer stated he would check in to why Augusta was not listed.

Huddleston asked Keefer if he found out anything about the cross-cuts on Ada. Keefer stated he was able to find that one of those were ours and the other belonged to the gas company. Huddleston asked how long that would be left open, because it had been over a month. Keefer stated he did not ask Cy Ricker about that. Keefer stated he originally thought it belonged to the gas company, and that Dan Allen and Cy Ricker have been speaking with the gas company about those. Huddleston stated there are several companies that come into town and cut across our streets, sidewalks, etc. and we do not know where they have been. Huddleston asked if we could require permits so we know where they have been and can make sure they repair what they have torn up. Keefer stated permits are already required but that he doesn't know what the penalty would be for not getting one. Keefer stated he would need to research this. Huddleston stated it is something we should consider. Keefer agreed. Huddleston stated the problem is that we don't even know who is doing the work because they are not getting a permit. Huddleston stated he is not looking for a fee, but a way to get control of who is doing the repairs and how they are being done. Mr. All stated if they did not get a permit and did not make the proper repairs, they would be liable to pay for the cost of the necessary repairs. Mr. All stated the other option would be to file a complaint for them not obtaining a permit. Wallace stated the City Inspector could follow up to make sure the repairs would be made according to the city code. Huddleston agreed and stated no one had been checking on them in the past until there was a complaint.

Keefer – Keefer referenced item #11 and stated that Councilwoman Jones initiated the discussion and should be recognized for her assistance in working to develop and promote the plan. Keefer stated the pots were planted today.

#### Final Comments:

Rawlings – Rawlings stated there are several pit bulls on E. 14<sup>th</sup> from Ohio to Johnson. Keefer stated he would pass that along. Rawlings stated there was discussion on the blogs about the City needing to repair the railroad tracks on Walnut/77 Hwy and asked Keefer to explain who is responsible for the tracks. Keefer stated the tracks are outside the city limits and that it is the responsibility of KDOT and the railroad company to maintain that roadway. Rawlings stated that it seems as if the tracks are replaced every five years or so.

Rawlings stated there has also been discussion on the blogs that the City should be dredging the Augusta Lake. Rawlings stated that is a huge expense, several million dollars, and there are a lot of

KDHE rules on how to handle the material that is removed. Rawlings stated you cannot just go and dredge the lake. Rawlings also stated that the Augusta Lake is not that bad. Williams agreed and stated that the Kansas Biological Survey said that Augusta Lake is not in that bad of shape, and that it wouldn't be worth the cost to do anything to it at this time.

Malone – Malone stated that a while back there was a company that was going to do a demo for the City of a milling machine to remove asphalt, but that our equipment would not handle it so they did not. Malone stated they have new machines that are smaller and asked Keefer to look in to that as well as the cost for a new loader. Keefer stated that we do need to replace our loader in the near future. Keefer stated he would check with Cy Ricker about the milling machine.

Williams – Williams stated that Congressman Pompeo was in Augusta today.

Reavis – Reavis stated there was a request put out on the Friday before Memorial Day for help to put flags out at the cemetery for our veterans. Reavis stated that it started at 6:00 p.m. and that by the time he got there at 6:15 p.m. there were several people working on placing flags throughout the cemetery. Reavis stated it was done in half an hour. Reavis thanked everyone that was involved in that project.

Reavis referenced the Lincoln School project and asked if the project on Robbins was a new storm sewer and did it tie into the existing sewer. Keefer stated the storm sewer is new from the school to the Lake. Reavis asked where the inlet is. Keefer stated the inlet is on the school property. Reavis asked if we required a drainage plan. Keefer stated we did. Reavis stated it looks a lot like the storm water will be draining to the south. Keefer stated when the old school building is removed the majority of the storm water will flow to the inlet. Keefer stated that he and Goedecke had a discussion with the school about decreasing the amount of their flow.

Reavis stated there is a marker in Garvin Park that is part way under a tree and asked if that could be cleared out. Keefer stated we will have to move the marker or remove the tree.

Childers – Childers announced that the Grasshopper Festival is this week on June 10<sup>th</sup>.

S. Jones – Jones asked Goedecke if the trails have been surveyed yet. Goedecke stated it is in process.

Wallace – Wallace asked if we know who ran over the pole down by the museum. Keefer stated we do not. Wallace stated the sign in the median prevents large trucks from swinging out over the median to make that turn.

Wallace stated he was informed that it will be illegal to sell 75-100 watt light bulbs soon. Huddleston stated it is those over 100 watts.

Wallace stated that former councilman Leffler was a member of the Capital Improvement Committee, and stated that Huddleston was interested in serving on that committee.

Adjourn: At 8:10 p.m. Wallace made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
JUNE 20, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on June 20, 2011, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Michael Wallace, Mike Rawlings, Sue Jones, Ronald Reavis, and Matt Malone. Councilmember Holly Harper 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, Martin Goedecke, Steve Compton, John Cox, and Carl Crease.

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

Minutes: Williams stated a correction needed to be made under Reavis' Final Comments. Williams stated it should read "...the storm sewer is new from the school to the Lake." Reavis made a motion to approve the corrected minutes from the June 6, 2011 meeting. Childers seconded the motion. Huddleston stated under the bids that Goedecke stated the contractor provided a bid bond and a performance bond. Reavis made a motion to amend his original motion to include "performance bid". Childers seconded the motion to amend. Motion to amend carried without opposition. Motion to approve the June 6, 2011 minutes as amended carried without opposition.

Appropriations:

June (6): S. Jones inquired about the payment to Federal Signal Corp. Keefer stated it was for the purchase of two storm sirens that we received a grant for, and that we will be reimbursed approximately \$19,000. S. Jones inquired about the payment to Goedecke Engineering. Keefer stated approximately \$10,000 was for the Kelly/Ohio Intersection Project and the remainder was for the Corp Levee Project, including the utility relocation. S. Jones asked if the \$10,000 was for the balance of the original contract or a current billing. Keefer stated it is still under the original contract amount but also within the amended amount. S. Jones stated that the original contract listed deliverables including a field check and the final plans, and that the roundabout stopped before the final plans so she doesn't think we should pay the balance of the original agreement amount until that work is finished. Keefer stated he would have to defer to Mr. All, but when we amended the contract it changed some of the conditions of the original contract. S. Jones stated we never really received all of the work under the original contract. Keefer stated the amended agreement added \$35,000 to the original contract amount. Williams stated they were unable to deliver those plans because we changed the scope of the project. S. Jones asked how much value we received under the new contract. Wallace asked if we are now paying the final costs for the old plans for the roundabout, or for the new plans. Goedecke stated he billed for the new work they had done. Goedecke stated the amended contract said the \$35,000 was in addition to the remaining balance of the original contract amount. S. Jones if that meant the new re-alignment actually will cost us \$47,000 not \$35,000. Goedecke stated that was correct. Rawlings stated he understood that the amended contract was for the balance of the current contract plus the \$35,000 and that is what he would do as a contractor.

Huddleston asked why the utility refund to Charles Knapp was so high. E. Jones stated that the account is on a level pay program and that accounts tend to build up a credit at the first of the year to help offset the larger bills in the summer. Because this customer is moving, the credit balance is being refunded to him. Huddleston inquired about the deposit paid to Stellar Fireworks in the amount of \$2,000 and stated he thought we required \$2,500 deposits. Keefer stated that was correct, but that this is for the deposit for the July 4<sup>th</sup> display. Wallace inquired about the payment to Victor L. Phillips. Keefer stated a significant portion of it is for the rental of a bulldozer for a couple of

weeks that was used for clean up on the back side of the levee and at the water plant. Keefer stated the remaining amount was for basic expenses. Childers made a motion to approve Ordinance 6 in the amount of \$299,316.21. Wallace seconded the motion. Motion carried without opposition.

Visitors:

Carl Crease, 936 Wirth and a board member of the Senior Center, was present to request the City's assistance with mowing and snow removal on the Senior Center property. Crease thanked the governing body for the utility abatement they have approved the last couple of years. Crease stated if the City were able to mow the property it would save the Senior Center a lot of cost. Keefer stated he has had discussions with County representatives about the Senior Center and various aspects of how we can assist them with their current financial situation. Keefer stated that he told the County we might be willing to donate some in-kind services such as mowing and snow removal, but that snow removal would be done only after all streets and city property had been cleared. Keefer stated he would recommend we get something in writing though. Williams stated the Senior Center is struggling financially.

Rawlings stated he is not opposed, but asked if there will be other businesses coming forward asking us to do this for them. Williams stated that several senior centers are subsidized by their cities. Williams stated the Senior Center is a quasi-government agency and that there is a mil levy on the County level that supports them. Keefer stated that the County has tentatively agreed to provide the Senior Center with a loan to pay the IRS what they owe. Huddleston stated he isn't opposed to this either, but that he would ask that we review this annually and evaluate it. Wallace stated he is concerned like Rawlings that we are opening a can of worms, and that he too would like to see a contract because he doesn't want to open a flood gate of others asking us to do this for them. Huddleston stated we could require that they are government or tax supported to reduce the requests. Wallace stated he would like to receive feedback from the citizens.

Keefer stated that when there have been requests from the Senior Center for assistance in the past through in-kind services we have tried to help them. Williams asked if there were any objections to staff drafting an agreement to bring back to the governing body and there were not. Keefer stated there is a lot of volunteering going on at the Senior Center right now that is keeping them open. Wallace stated that John Cox volunteers for the not only the Senior Center but for many area organizations.

New Business:

**KLINK:** Council considered authorizing the submittal of an application to KDOT for a KLINK project for repairs and improvements to the eastbound lanes of 7<sup>th</sup> Street between Walnut Street and School Street. Williams asked if combining the two projects would mean the work wouldn't start until 2014. Goedecke stated that was correct. Malone stated he ran the numbers on the estimated cost of the project he showed the inflation amount of \$65,627 is 19% of the cost of the engineering and construction fees combined. Goedecke stated 16.4% was used for estimated inflation. Malone stated he couldn't imagine 16.4% inflation. Goedecke stated the numbers in the estimated cost of the project are based on KDOT's numbers. Malone asked if the city is paying Goedecke to fill out these forms. Goedecke said yes. Huddleston asked why we would want to put the two projects together. Goedecke stated so the construction can all be done at once, but that we have to apply for the two projects separately. Huddleston asked if that would limit us to one payment of \$200,000 from the State. Goedecke stated the State funds are limited to \$200,000 per project and that is the reason for breaking it into two projects, so we will receive a total of \$400,000. Wallace stated it is two projects on paper but only one construction project. Wallace made a motion to authorize the submittal of an application to KDOT for a KLINK project for repairs and improvements to the eastbound lanes of 7<sup>th</sup>

Street between Walnut Street and School Street. Childers seconded the motion. Motion carried without opposition.

Levee Enhancement Project: Wallace made a motion to approve the purchase of a small tract of land owned by Kansas Gas & Electric Company (Westar) located at 0 W Kelly Avenue in the amount of \$100 as part of the levee project. Childers seconded the motion. Keefer stated the Westar real estate person stopped him in the street before tonight's meeting and told him to do this as a fee simple could take 60 or more days and that a levee easement might be much quicker. Keefer stated he would like to see the motion amended to say either by fee simple or by easement. Wallace made a motion to amend his original motion to include by either fee simple or by easement. Childers seconded the motion to amend. Motion to amend carried without opposition. Motion to approve the purchase as amended carried without opposition.

Fee Schedule: Wallace made a motion to approve Resolution 2011-08 amending the Fee Schedule as part of the City's Code of Ordinances. Reavis seconded the motion. Huddleston stated he thinks we need to reconsider the conditional use/zoning/variance permit fees. Huddleston stated the mowing assessment for more than one acre should state a one hour minimum like the debris removal fee. Huddleston stated there is no fee listed for the late renewal of a dangerous dog. E. Jones stated that if the dangerous dog registration is not received timely that they lose their registration, as late registrations are not accepted. Huddleston stated that should be removed from the schedule and Wallace stated it should be listed as N/A. Huddleston stated there is no time designation listed for Garvin Park as there are for Shryock Park. Keefer stated the fees and process for reserving Garvin Park is based on a very old governing body policy. Huddleston asked if someone wanted it for three days if they would be billed \$75. Keefer stated it has barely been used and that he doesn't recall it every being used for more than one day. Huddleston stated the fee should be listed as \$25 per day. Keefer stated that made good sense. Huddleston asked if the Bulk Water fee includes the base fee. E. Jones stated it does. Wallace made a motion to amend the original motion to list a one hour minimum under the fee for mowing more than one acre, removing the fee for the late renewal of a dangerous dog, and listing the rental of Garvin Park as \$25 per day. Childers seconded the motion to amend. Motion to amend carried with Reavis voting in opposition. Motion to approve the amended Resolution 2011-08 carried with Reavis voting in opposition. When Williams asked Reavis why he opposed, he stated that the agenda for tonight was only to amend the pool pass and yet at the meeting other fees are being amended. Reavis stated that Huddleston has stated several times that he doesn't like to be blind-sided and have things come up spur of the moment and that neither does he. Reavis stated he didn't have an opportunity to review the amended changes and that the public did not have an opportunity to comment on those changes.

Kansas Water & Energy Partnership: Rawlings made a motion authorizing the City Manager to submit a letter of interest to the Wichita State University Environmental Finance Center (EFC) for the city's participation in the Kansas Water and Energy Partnership. Childers seconded the motion. Malone stated that the letter from Angela Buzzard states that 30-40% of most communities electric costs are used to operate water and wastewater treatment processes. Malone stated he looked through the city's budget and was not able to assess the utility costs to those departments. Keefer stated the costs associated with operating our plants as well as other departments are in-kind and absorbed within the budgets of the city. Keefer stated that each department does not pay an electric, water, or trash bill. Keefer stated that would be a matter of shuffling funds, plus we would have to make sure that we have the revenues in each of the funds to pay those expenses which we do not have in several funds. Malone asked Keefer if he thought the 30-40% estimate was high. Keefer stated he does not, and that the water and wastewater treatment plants would be our two highest billings if they were to receive a bill from Westar for example. Malone stated the purpose of this participation would be energy management and asked if we would be able to utilize the information that would come from

the study. Keefer stated our goal is to become more efficient and manage our resources better. Keefer stated we would take the information provided and look at how we could afford to apply the suggestions and recommendations given.

Williams stated our participation depends on whether or not we are selected. Huddleston asked if we participate would we have a baseline we would be able to improve on. Keefer stated we would because we read those meters even though we don't bill for them. Huddleston stated his concern was whether we have any incentive if there are not any operational costs associated with the energy we use. Keefer stated staff has provided an estimated cost of utilities for our departments in a previous budget. Keefer stated it would vary depending on whether you show the wholesale costs or if you show what retail cost would be. Huddleston asked why we wouldn't show retail cost because that is what we would have to pay for utilities if we had to pay someone else for those utilities.

Rawlings stated we cannot compare our water and wastewater treatment plants to Towanda or El Dorado, but we can track our kilowatt hours which is what we are already doing. Rawlings stated that one of the energy partners, Schneider Electric, will probably recommend products they sell that they will want us to buy from them. Huddleston asked what the purpose is then. Williams stated it will be an assessment of our processes and recommendations on how we can improve. Wallace asked if there would be a cost to the City and Williams stated there would not. Keefer again stated the goal is to be more efficient. Motion carried without opposition.

Work Session: Childers made a motion to schedule Budget work sessions for 6:30 p.m., on June 11<sup>th</sup> and July 25<sup>th</sup>. Malone seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Huddleston – Huddleston referred to item #3 and asked if it would be better to have people running over the apron or running over the light poles. Rawlings stated it appeared that the light pole had been hit intentionally by a large truck that should not have been there. Huddleston asked if we are watching for trucks in the downtown area. Keefer stated we are, but that there are more trucks in the area as a result of the construction. S. Jones stated that one sign is gone, another one has been hit, and the light pole has been struck. Rawlings stated he thinks it has been hit a couple more times and that he thinks they are doing it intentionally because they are mad about the construction. S. Jones again inquired about the missing and hit sign and the light pole. Keefer stated the light pole has been ordered and that he will check on the status of the two signs.

#### Final Comments:

Rawlings – Rawlings stated we should re-visit the mercury vapor light (mvl) fees because he does not think we are covering our costs. E. Jones stated that after the last increase we had requests to remove almost a third of the mvl's currently being rented. Rawlings stated it is important to cover our costs whether we change the fees for everyone or grandfather in those that currently have mvl's and only increase the fees for new mvl's.

Rawlings stated he would like an update on our new tank and waterline repairs. Keefer stated he would get that information and provide it to the governing body. Rawlings stated he would like to see pictures.

Williams – Williams stated the fundraising is complete for the July 4<sup>th</sup> fireworks display and she thanked Cooper Drug, Emprise, Global Parts, LakePoint, Pro-Kleen, and the Insurance Guys for their donations.

S. Jones – Jones asked if when we have a wind event like we had last week if there is any way we can help the citizens that do not have a way to haul of downed limbs. Keefer stated that we have gone out and helped in the past if there are a lot of limbs down. Keefer agreed it is a burden on our community and that we could look at it and evaluate it on a case by case situation.

Wallace – Wallace inquired about the sidewalks being re-done in front of the Chamber. Keefer stated it was a warranty item that is being repaired. Wallace stated he was told by those doing the repairs that the sidewalk was not tied in correctly.

Wallace stated there are a lot of trees in the power lines and asked how the city tracks those and whether people have to call them in to get them taken care of. Keefer stated if we get a call from a citizen we will go out and look at it and remove it if necessary. Keefer stated that the Electric Distribution Department has dedicated a crew o tree trimming and has a list of identified problem areas and that they are starting to work on clearing those trees as time permits.

Adjourn: At 8:10 p.m. made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
JULY 5, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on July 5, 2011, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Michael Wallace, Sue Jones, Ronald Reavis, and Matt Malone. Council members Holly Harper and Mike Rawlings were 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,

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

Minutes: Williams stated the sponsors listed for the fireworks display needs to be amended to include Go Mart and the Augusta Daily Gazette. Wallace made a motion to approve the minutes from the June 20, 2011 meeting as amended. Childers seconded the motion. Motion carried without opposition.

Appropriations:

June (6A): Huddleston asked if we had an inordinately high amount of cost for prisoner care over the last year. Keefer stated this is for the health care costs of prisoners while they are in our care and that our costs were higher in 2010 because of two or three cases, but that the costs for 2011 were down. Reavis inquired about the payments to A T & T long distance and A T & T mobility. E. Jones stated the bill from A T & T long distance was for the long distance for all city departments and the A T & T mobility bill is for the mobile phones provided to employees by the city. Huddleston inquired about the payment to Williams Janitorial. Keefer stated it was for cleaning supplies for the Airport and City Hall. S. Jones inquired about the payment to LaFarge. Keefer stated it was for rock and sand for Santa Fe Lake. S. Jones inquired about the payment to Madrigal & Welch. E. Jones stated it was the monthly premium for the city's property, automobile, and liability insurance. Huddleston stated there is an expense in the amount of \$1,291.53 on the warrant summary for Guest Tax and asked what that was for. Keefer stated it was the quarterly payment to the Chamber of Commerce and the reimbursement of some of their expenses. Reavis asked if there were no API loan payments made last month. E. Jones stated that there were and that they will be included in the next ordinance. Reavis made a motion to approve Ordinance 6A in the amount of \$741,697.54. Huddleston seconded the motion. Motion carried without opposition.

Visitors:

Eric Christinat, Executive Director of Downtown Augusta, Inc. (DAI) was present to request the annual support from the City of Augusta for their 2012 Budget in the amount of \$13,500. Williams stated she would like to ask DAI for something in return for the annual support. Williams stated she would like to see if DAI would implement an "Adopt-a-pot" program for the flower pots downtown. Williams stated she would also like to see DAI have quarterly meetings with downtown business and building owners. Williams stated that maybe DAI could be our liaison with those owners. Christinat stated that he spoke to Keefer and they decided we should have a meeting to discuss the pots and that DAI is willing to help with that however they can but that we need to look at that and develop a plan. Williams asked if DAI needs donors for their Christmas lights downtown. Christinat stated they have gotten enough donations in the past to support that. Williams asked Christinat if he felt there has been good communication between the City and DAI. Christinat stated he does. S. Jones asked if Williams if she meant for the quarterly meetings to include the governing body. Williams stated that she would encourage governing body members and staff to be there representing the city. Wallace made a motion to approve supporting Downtown Augusta, Inc. in the amount of \$13,500 for their 2012 Budget. Malone seconded the motion. Williams encouraged Christinat to talk to his

board to see if there is any way to put into writing if they will meet the requests she made. Motion carried without opposition.

**New Business:**

**Spillway and Dam Project:** Malone asked if temporary notes have been issued for this project yet. Keefer stated they had not, but that this is the first step in that process. S. Jones asked if any engineering firms besides MKEC were considered for this. Wallace stated he remembered there being three or four engineers that bid on this. Keefer stated this project goes back a long time so he would have to check on it, but that we have been working with MKEC for quite a while on this matter, including assistance with the DWR dam inspection. Wallace made a motion to approve Resolution 2011-09 authorizing the Spillway and Dam Improvement Project and providing for the issuance of General Obligation Bonds to assist with its financing. Childers seconded the motion. Malone asked if we already have a financial advisor for this project. Keefer stated the City contracted with PiperJaffray for ongoing financial advisor services several years ago. Motion carried without opposition.

**Levee Enhancement Project:** Childers made a motion to approve an Escrow Agreement with the Corps of Engineers for the City's local match for the Levee Enhancement Project. Wallace seconded the motion. Motion carried without opposition.

**Change Order:** Wallace made a motion to approve Change Order #1 for the 2011 Street Sales Tax Projects for a net decrease of \$5,490.13. Childers seconded the motion. Malone asked if the funds will go back into the fund. Keefer stated they have not been expended yet so they will stay in the fund. Wallace reiterated for the public that this change order is in our favor. Motion carried without opposition.

**Water Supply Concerns:** Council reviewed and discussed the City Lake water supply concerns and possible future conservation measures. Huddleston asked if this means we will ask for voluntary restrictions first, then mandatory if that does not work. Keefer stated it would be up to the governing body, but that this resolution is the required as the first step per the ordinance. Huddleston asked what would cause us to go to mandatory restrictions instead of voluntary. Keefer stated it would be if we continue to use excess amounts of water from the city lake to meet the demand as El Dorado cannot supply the peak demand alone. Keefer stated based on statistics regarding the amount of water in the lake, it is estimated that at a rate of 1 million gallons being pulled from the city lake each day we can continue to supply at that level for 7 weeks. Huddleston asked if the voluntary restrictions can be spread out over 7, 10, 12 weeks depending on how much water is being voluntarily conserved before we have to have mandatory restrictions. Keefer said yes.

Shaw stated he will put conservation tips on the city's website for voluntary conservation if the governing body approves and that he also has a slide show with photos regarding the lake levels. Shaw stated he would also put a line to the ordinance regarding water conservation and tonight's resolution if approved. Shaw stated that we know approximately how much water will be in the lake based on 1 million gallons being used each day and that he will put a meter on the website to show if we've reduced usage. Williams stated the water usage tracker is a great idea.

Malone asked how the restrictions would affect major water users such as the school district and golf course. Keefer stated that would be up to the governing body. Keefer stated he has contact the school district about his concerns and has asked them to conserve. Williams inquired about the suspension of new connections, especially since we are trying to get people to build here. Keefer stated that in an extreme situation new builds may not be allowed to connect to the city water system. Keefer stated that there are a number of wells out there and inquired whether those people would be

allowed to reconnect to the city's water system if their wells go dry. Keefer stated that some people with wells are watering once or twice a day and a number of wells are drying up.

S. Jones stated that Shaw mentioned an ordinance and asked what the different requirements are. Shaw stated voluntary conservation measures are listed in section 15-604 of the City Code and mandatory measures are in section 15-605. Shaw stated section 15-606 references emergency water rates. S. Jones asked if watering lawns would be discouraged or prohibited under voluntary measures. Shaw stated they would be discouraged. Keefer stated they would be encouraged to properly water their lawns, including early in the morning and watering so it soaks in. S. Jones stated that in Denver they could only water on certain days and times, and promoted good lawn root growth. S. Jones stated if we are going to do this we need to set parameters. Huddleston asked if she meant under voluntary or mandatory measures. S. Jones stated voluntary, but we should give tips on how to conserve. Williams stated she agreed with the tracker and limiting watering, etc.

Shaw showed the governing body a slide show regarding the level of the lake and stated most of Kansas is in a drought situation. Shaw stated we could lose the same amount of water from the lake through evaporation as from pulling from it for the water supply. Shaw stated there is no water flowing into the lake. Williams asked Shaw to put the slide show on the website.

Huddleston made a motion to approve Resolution 2011-10 declaring that an emergency exists by reason of shortage of water needed for essential uses. Wallace seconded the motion. Huddleston encouraged everyone to voluntarily conserve as much as possible. Motion carried without opposition.

S. Jones asked how long this will be monitored. Keefer stated we will need to talk about it by next Monday night if the situation is not better. Keefer stated we are supposed to have better temperatures and possible storms later this week. Keefer stated if it rains this week it will have a positive effect, but if we have heavy weekend usage we will probably need to have a special meeting before the budget meeting next Monday night to consider mandatory requirements. Childers asked staff to notify the governing body when this information will be available on the website. Keefer stated it will be available tonight.

Reavis asked if there is a way to measure what goes in and out of the water plant on a daily basis. Keefer stated yes and no. Keefer stated there is a meter for what we send to Mulvane and individual meters for all of our other users, but that there is some water that is used in the process and some that is recycled and that water is not metered. Keefer stated we only pull in what is needed to fulfill the demand. Keefer stated there is always a lot of interest in the water sent to Mulvane. Keefer stated he has had several conversations with Mulvane and that they knew the city is considering this resolution tonight. Keefer stated he has told them that at some point they will be required to address their usage. Keefer stated we cannot place water conservation restrictions on Mulvane, but that we can limit the amount of water we send to them.

Reavis stated the city is going to have to lead by example and that the pots downtown have been watering at 2 p.m. Keefer agreed and stated that we are evaluating our systems and conserving where we can. Reavis inquired about the leak at 5<sup>th</sup> Avenue and Grove. Keefer stated that we are aware of it and working on fixing it. S. Jones asked if there would be any

monitoring of usage visually. Keefer stated we will pay attention but not knock on doors unless it becomes mandatory.

Williams asked if the last time for restrictions were in 1998. Keefer stated it started then and lasted for several years until the plant could be improved. Williams stated she remembers that you could only water two or three days per week and that she thinks the restrictions should be like they were then. Williams stated we need to set guidelines for the public to follow. Huddleston stated the problem last time was that we didn't put restrictions on Mulvane, but that it would be different this time since they are in the same situation as our citizens.

Informational Memorandum:

Williams – Williams reminded everyone of the budget work session scheduled at City Hall on July 11<sup>th</sup> at 6:30 p.m., and at the Safety Department on July 25<sup>th</sup> at 6:30 p.m.

Huddleston – Huddleston reference item #3 on the information memorandum and stated that he received information from the company that gave the demo of the milling machine that they have a smaller one and asked if Cy Ricker has spoken to them since last year. Keefer stated he didn't know, but that Ricker has told him that he would like one that would attach to a skid steer.

Final Comments:

Williams – Williams stated there have been eight NRP applications received since the NRP Marketing Plan started, including four new home builds and four remodels. Williams reminded everyone that there had been none up to that point.

Reavis – Reavis referenced item #2 and stated there were several areas along the project where the surface looks like it has been ground down. Keefer stated he has a meeting with them later this week to discuss the dip at Osage & 7<sup>th</sup> and that they were looking at grinding some of that down. Keefer asked Reavis where he had seen it ground down. Reavis stated in front of the glass shop and 7<sup>th</sup> Street Café. Keefer stated he would check on that. Reavis asked if item #6 is referencing the same fee schedule we amended last meeting. Shaw stated it is. Shaw stated we needed to take care of the pool fee because the pool season had already opened and that they had been considering fee changes at the Airport as a result of the Airport's new website, but that there wasn't time to fully review the fees and have recommendations before the last meeting.

Reavis stated the sanitation committee has been meeting and is probably one meeting away from being able to make a recommendation to the governing body during the budget discussions. Reavis stated that Shaw has done a good job compiling and presenting information to the committee.

Reavis stated there have been changes to the state traffic laws and asked if the city ordinances comply with the state DUI laws. Mr. All stated that the new DUI law is not covered under our current ordinances but that it is state law. Reavis asked if we need to make changes to our ordinance in order to comply. Mr. All stated we will either need to amend our ordinance or adopt the new Standard Traffic Ordinance (STO). Reavis stated another law that changed was the dead red and asked if we would need to change that as well. Mr. All stated we would or we would need to adopt the new STO. Keefer stated he will ask Chief Brewer to review the changes and make a recommendation on whether we should amend our ordinance or adopt the new STO and new Uniform Public Offense Code (UPOC). Reavis stated it takes a bite out of the law if all these cities have to amend their ordinances to comply with state laws. Reavis stated it could cause a lot of confusion since the state laws have changed but not the city's laws.

S. Jones referenced item #5 in the informational memorandum and asked if we have a demand for rental cars. Shaw stated we have one courtesy car available to pilots, but that the rental cars would not just be for pilots. Shaw stated there is a car rental place in El Dorado and several in Wichita, but none between those towns. Shaw stated there are two car lots nearby that do not offer rental vehicles. Shaw stated we would receive a percentage of the rental receipts and if there was enough demand Hertz may staff it themselves. S. Jones asked if the Airport staff would be the ones doing the renting and Shaw stated they would.

Executive Session: At 8:06 p.m. Wallace made a motion to enter into Executive Session for 15 minutes to discuss the acquisition of property related to the Levee Enhancement Project. Childers seconded the motion. Motion carried without opposition. Malone abstained from the Executive Session due to a conflict of interest.

At 8:21 p.m. Childers made a motion to exit Executive Session with no action being taken. Wallace seconded the motion. Motion carried without opposition.

Adjourn: At 8:22 p.m. Wallace made a motion to adjourn. Reavis seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
SPECIAL MEETING  
JULY 11, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on July 11, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Michael Wallace, Sue Jones, Ronald Reavis, and Matt Malone. Councilman Mike Rawlings 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, and City Clerk Erica Jones. Visitors present were: Michael McDermott, Steve Compton, Tom Leffler, and Ray Jones.

New Business:

Emergency Mandatory Water Restrictions: Keefer stated that the water numbers have not gone down since asking the community to voluntarily conserve. Keefer stated the forecast is for extremely warm temperatures and that there is no significant chance for relief in the near future. Keefer stated the water level in the lake has gone down about one foot in the last two weeks and that it will really take a toll on us in the next thirty to sixty days if we don't get the usage under control. Keefer stated that the ordinance outlines provisions for mandatory restrictions. Keefer stated the goal needs to be to reduce the amount of water to below 3 million gallons per day. Keefer stated the council has been provided with a proposed notice but that there are still some decisions that need to be made. Keefer stated the notices will need to be mass produced and delivered door to door, it will be on the city's website, channel 7, in the Augusta Daily Gazette, and on the news channels.

Keefer stated that it had been suggested that we have an emergency water rate provision in the restrictions. E. Jones stated that the current billing is on a tiered rate structure and that it would be possible to take a customer's winter water average, add a certain percent to account for increased summer usage, and charge a higher rate for any usage over that amount. Huddleston asked if we could use the average winter rate and add a percent or flat amount to allow for heavier use in the summer. E. Jones stated that we could.

Malone asked if the last restrictions in 2003 led to any significant change in water usage. Keefer stated that the problem at that time was with the water plant and not the water supply, but that the restrictions did help. S. Jones asked if limiting the number of days for outdoor used reduced usage enough in the previous instance. Keefer stated that at that time the water towers almost went empty. Keefer stated people took it serious because there was an immediate risk to the city, but after the initial shock the water usage leveled off. Malone stated if the restrictions are implemented, there are customers that have to use water who can turn their timers on to water twice as much in two days instead of every day. Keefer agreed with Malone that this may not reduce the amount of watering. Williams stated this is just the first step, and that we should look at the rates in a week to see if there has been any change in usage. Williams stated there are people whose wells are going dry that are not switching their sprinkler system over to the city's system, but are using hoses and small sprinklers ran from their homes to water their lawns.

Keefer stated there is a finite amount of water in the lake and at some point we will hit that wall if we do not restrict usage. Williams asked how much water is pulled from El Dorado in the winter months. Keefer stated it is around 1.5 million gallons per day. Keefer stated from November 2010 to May 2011 the entire amount pulled from both the city lake and El Dorado was less than 2.5

million gallons per day. Kristey asked how much of that 2.5 million gallons came from El Dorado. Keefer stated about 50-60%.

Childers asked if Mulvane will have to reduce their usage going forward. Keefer stated our contract with them allows us to proportionately reduce the amount of water we send to Mulvane with how much we reduce the amount used by Augusta. How Mulvane chooses to restrict their citizens' usage of that water is up to them. Keefer stated the key component allowing for that per the contract is that we have to reduce our usage in order to reduce the amount of water sent to Mulvane. Williams asked if we reduce usage by 500,000 gallons per day how long that would help. Keefer stated that would allow us to draw water from the lake into September, but if we stay at our current usage we will not be able to draw from the lake as soon as mid-August.

When asked about the car wash, Keefer stated last time there were restrictions the car wash was considered a business and their usage was not regulated. Malone inquired about the golf course. Keefer stated the golf course originally used city water but then began using a well. Keefer stated they are now back on city water. Childers inquired about the current water usage at the golf course. Jones stated they used 198,000 during the month of June and had used over 300,000 in the first six days of July. Huddleston asked how the restrictions will apply to commercial businesses. Keefer stated they will not be able to water their lawns. Malone stated that watering at the golf course is pertinent to their business. Wallace stated it is the same for the car washes. Williams stated the golf course should be asked to reduce their usage. Malone stated they are only watering the greens once a day and the fairways once a week. Malone stated the notice should be redrafted without the golf course and allowing for people to use the car wash. Malone stated someone should also speak to John Black with the school district about their watering. Keefer stated he had.

S. Jones stated that structured rates will put a halt to excessive watering. Williams stated we are on the same page but that she thinks we should give them some time to see if they reduce without a rate change. Malone stated he doesn't think we will see a big reduction in usage. Wallace stated that we can put that a rate change will be considered at the next council meeting on the notice. Williams stated it should say that a rate change will be approved at the July 18<sup>th</sup> council meeting and that they should check the city website to view the rate change. Malone stated the new rates should be effective from today moving forward. E. Jones recommended it being effective beginning on July 13<sup>th</sup> to coincide with the billing process.

Keefer asked if there were any thoughts regarding the pool. Williams stated right now it is the only relief for our citizens and that she would like us to keep it open as long as we can to provide that relief. Williams stated she would like to see the numbers on how much water is used to keep it full.

When asked about the Department of Public Safety, Keefer stated the County owns the building and that they informed him that they have shut off the irrigation system. Reavis stated the Department of Public Safety has reduced washing the fire trucks from every call to only once a day and have stopped washing personal vehicles. Huddleston asked if dirt affects the effectiveness of the truck. Reavis stated he was always taught that when you wash your truck you are checking your equipment. Williams stated it sounds like they are trying to reduce their usage and that she would like a report next week on how much they are reducing. Reavis stated they started those efforts last week.

Williams stated when we provide this to the public we should give them ideas on how we are trying to reduce our usage. Williams asked what would be the appropriate amount of time to get a lawn going. Keefer stated the best time to put a yard in would be in the fall and that it takes up to 30 days for sod to establish. Williams asked what our policy on that is. S. Jones asked wouldn't that depend on where we are with our water supply. Williams asked how long those restrictions would be in

place. Harper stated that Wichita developers are allowing credits for people for other landscaping options to minimize the size of lawns. Wallace stated Williams is asking us to predict the future, but this is the way it is until it changes. Williams asked if that means no new lawns. Wallace stated yes. Harper inquired about bushes and new ground cover. Williams stated they would only be able to water two days a week. Malone and S. Jones both stated that is where the emergency rates are necessary and should be tied to usage.

Keefer stated we had a process for registering wells the last time there were restrictions, but that we have no records of who currently has wells. Keefer stated people with wells will need more than just a sign and that we will need to verify that they are connected to a well. Keefer stated just having a sign saying you have a well will not exempt you from the restrictions, because some people with wells have changed back over to the city water system without obtaining a permit.

S. Jones inquired about enforcement. Keefer stated neighbors unfortunately are the best form of enforcement. Keefer stated the goal is to educate the public, give them notice of a violation, and then move forward with enforcing the restrictions. Malone stated higher rates will be the best enforcement. S. Jones stated those rates will need to be posted.

Williams asked staff to email the governing body on how Mulvane's contract is worded to allow us to require them to reduce their usage proportionately to ours. Keefer stated it will be difficult to control the usage by Rural Water District #4 because they are metered off of our distribution system and we cannot slow down their flow. Williams asked about increasing their rates and Keefer stated their rates are set by contract.

Wallace made a motion to approve the proposed mandatory water restrictions effective July 12, 2011 with the golf course removed from the restrictions, allowing for the use of coin operated car washes, and noting that emergency rates based on water consumption will be approved on July 18, 2011 and be effective on July 12, 2011. Harper seconded the motion. Motion carried without opposition.

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

---

City Clerk

CITY COUNCIL  
JULY 18, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on July 18, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Wallace, Sue Jones, Mike Rawlings, Ronald Reavis, and Matt Malone. Councilman Michael Huddleston 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, John McBride, Paul Oliver, Phil Roberts, Mike Moore, Vicky Moore, Martin Goedecke, Stan Taylor, Eric Christinat, and Michael Ashenfelter.

Prayer: Councilman Rawlings gave the invocation.

Minutes: Harper made a motion to approve the minutes from the July 5, 2011 meeting. Malone seconded the motion. Motion carried without opposition.

Childers made a motion to approve the minutes from the July 11, 2011 special meeting. Harper seconded the motion. Motion carried without opposition.

Appropriations:

July (7): Wallace inquired about the \$2,000 payment for postage. Keefer stated it was for general postage for the City, including the postage for the utility bills. S. Jones inquired about the payment to Edward B. Stephenson in the amount of \$8,125. Keefer stated it was for 50% of the cost of our 2010 audit and the balance will be paid upon delivery of the complete audit. S. Jones inquired about the payment to Goedecke. Keefer stated it was for various projects including the Kelly/Ohio project, Levee project, and Street Sales Tax projects. S. Jones asked if it was basically progress billing. Keefer stated it was, except there was a payment for locating an easement. Wallace made a motion to approve Ordinance 7 in the amount of \$581,033.14. Harper seconded the motion. Motion carried without opposition.

Williams stated the comment by Kurt Bookout with the City of El Dorado that was quoted in the paper needs to be addressed. Williams stated that El Dorado is willing to provide us with all the water we need, but the transmission line from El Dorado is old and only sixteen inches and can only hand so much pressure. Williams stated it was recommended by engineers that we not exceed 2.5 million gallons per day and that Bookout is aware of this. Wallace stated the more we pump from El Dorado the more pressure we put on that line, which could blow out that line and shut down our water supply. Williams stated the City of El Dorado is considering the take-or-pay portion of our contract with them tonight to decide if they will allow us to exceed that amount without increasing the take-or-pay for future years. Keefer stated they have been really receptive to waiving our take-or-pay. Williams stated right now our water conservation efforts seem to be working.

Visitors:

Paul Oliver: Paul Oliver, 1609 Washington Lane, commended the council because he knows they have a hard job. Oliver stated he was concerned that if we don't have any more rain we only five to six weeks of water left in the lake and that concerns him if we start the spillway/dam project and drain it even further. Williams stated the worst case scenario would be that there would be no water, but if there is no water then there is nothing to lose going forward with the project. Williams stated if the lake still has a third of its water and doing the project would risk the supply, the project could be split into two projects. Williams stated the State Conservation Commission is willing to work with the council. Wallace stated the reason we scheduled the repairs at that time of the year is that there is

less demand for water, but if the demand is still there we may need to break it into two projects. Keefer agreed and stated the governing body will need to make a decision if the drought continues. Keefer stated the State understands the importance of our water supply, so they are willing to work with us on the timing of this project. Keefer stated we will wait until mid-August to determine where we are with the water supply and make a recommendation on whether to do the spillway portion of the project now and the dam portion next year. Oliver stated he is concerned if we pump the water out and that there would be a loss in revenue.

#### Old Business:

**Water Conservation Rates:** Council reviewed and considered options for Water Conservation Rate Structure as discussed at the July 11<sup>th</sup> Special Meeting. Williams stated the fee is not designed for revenue, but to deter excessive usage. Shaw reviewed the calculation of the fees on the overhead for the governing body. S. Jones asked what months are used for the winter average. E. Jones stated it is the usage in December, January, and February. Wallace stated he doesn't want to penalize anyone, but there needs to be a deterrent. Reavis stated he is opposed to this. Reavis stated we have a water conservation plan in effect and a rate increase is not included in that. Reavis stated the rates should be consistent thru the year like in the City of Wichita. Reavis agreed that this is not a financial incentive, but that it isn't good management to add this now that we are in an emergency situation. Malone stated some people have two meters, including a sprinkler meter that would have no winter usage and asked how that would be calculated. Shaw stated we would combine the two meters for the property to come up with an average and add 20%. Williams stated that sounds fair. Shaw stated the 20% could be adjusted. Childers asked if we know the total winter average for the city plus 20%. E. Jones stated that is probably something we could calculate.

Williams stated she thinks we should look at the lower fee. Wallace disagreed and stated he thinks it should be higher. Williams stated the reason she would recommend a lower fee is that the conservation efforts seem to be working and with the extreme heat the electric bills will be high and a higher conservation fee could be a hardship. Wallace stated he recommends the highest fee because they are starting to conserve now, but if the fees are low they might start using more water again. Reavis stated under the non-watering example they are being charged an additional \$8 when they aren't even watering, and that is not fair. Reavis stated the fees should be charged to the people who are watering. Mr. All asked if the fee would be based on 1,000 gallons. Shaw stated it is and that if there is a substantial increase in water from the winter average they will be paying a more substantial fee. S. Jones stated that is the point, a person who wants a green yard will have to pay more for it. Reavis stated if we are using this as a penalty for those that water; it needs to be included in our base water rates like the City of Wichita. Reavis stated it needs to be built into our water rates and not added now when we need to reduce usage.

Reavis made a motion to not make any changes to the current water rates. Malone seconded the motion. Motion failed with Reavis and Malone voting in favor and Harper, Childers, Wallace, Rawlings, and S. Jones voting in opposition.

Rawlings stated he thinks raising the rates would be an incentive not to waste water and to conserve, so he made a motion to add a water conservation fee in the amount of \$4.00. Wallace seconded the motion. Malone asked if the fee increase would include the Golf Course. E. Jones stated it would apply to them and that they were listed as an example in the documents provided to the council. Wallace stated he thought they were exempted. E. Jones stated they are exempted from the restrictions, but not from the fees. Michael Ashenfelter, 2013 Carter, addressed the governing body. Ashenfelter stated he has two meters, one for his home and one for his sprinkler, and asked if he would have to pay a penalty for his sprinkler meter. Shaw stated the fee would be based on his total winter average and allow for an increase of a percentage based on what is approved tonight.

Ashenfelter asked how long the conservation fee would be in place. Williams stated it would remain in effect until the governing body votes to remove it. Wallace, S. Jones, Rawlings, and Harper voted in favor and Childers, Reavis, and Malone voted in opposition. In accordance with KSA 12-3002, the motion failed because a majority of all the members—elect of the council (five) did not vote in favor or the ordinance.

Childers stated he voted no because the conservation efforts are working. Childers stated he does not want to nickel and dime our customers, but that he would support a lower fee and reviewing it again at a future meeting. Childers made a motion to approve a \$2.00 conservation fee. Harper seconded the motion. Motion to approve Ordinance 2024 amending the water rates to include a \$2.00 conservation fee passed with S. Jones, Wallace, Childers, Harper, and Rawlings voting in favor and Reavis and Malone voting in opposition.

S. Jones stated she has been asked to modify the water times from 6am – 9am to 4am – 9am due to water pressure issues. Williams stated they need to keep the new rates in mind. S. Jones stated if they water that whole time they will have to pay for it. Rawlings stated he spoke to the person S. Jones spoke to and he agrees about the lack of water pressure in the morning, especially if everyone is running their sprinklers then as well. Keefer asked about a compromise of 4am to 8am. Keefer stated people will know there are new rates in place, but they won't get the bill for a month so they won't see the increase until then. But Keefer agreed this is a valid concern. S. Jones made a motion to amend the mandatory water restrictions watering time frame from 6am – 9am to 4am – 8 am. Malone seconded the motion. Motion carried without opposition.

Williams stated that staff did a great job getting the information out to the community about the mandatory water restrictions. Rawlings stated the woman that asked for the watering times to be adjusted was not concerned about the effect on her, but on her neighbors.

#### New Business:

**Williams Petroleum Services (Levee Project):** Phil Roberts, Williams Petroleum Services, LLC, explained that there are two levee easements under consideration. Roberts stated that one easement is a temporary construction easement and the second one is a permanent easement for the levee structure and allows for mowing, repairs, and maintenance of the property as required. Wallace made a motion to approve a Temporary Non-Exclusive Construction Easement and Agreement with Williams Petroleum Services, LLC as part of the Levee Enhancement Project. Childers seconded the motion. Motion carried without opposition.

Wallace made a motion to approve a Non-Exclusive Maintenance Easement and Agreement with Williams Petroleum Services, LLC as part of the Levee Enhancement Project. Childers seconded the motion. Motion carried without opposition. Williams asked Roberts if the governing body would be seeing him again in 2011 for an update on remediation. Roberts said yes and stated that they are making progress in the right direction regarding remediation.

**Levee Enhancement Project:** Childers made a motion to approve an Escrow Agreement with the Corps of Engineers for the City's local match for the Levee Enhancement Project. Wallace seconded the motion. Motion carried without opposition.

**Kansas Municipal Investment Pool (MIP):** Wallace stated Emprise Bank has asked us to move our money. E. Jones stated that municipal funds are required to be secured and the cost of collateralizing large deposits has become expensive for banks, not just Emprise, so banks have started looking for other options for their municipal customers. E. Jones stated that several other Kansas cities use the Kansas MIP for their deposits. S. Jones asked if you can choose the term for your deposits. Jones stated you

can invest for 30 days, 60 days, 90 days, 120 days, etc. Malone made a motion to approve Resolution 2011-12 authorizing the City's participation in the State of Kansas Municipal Investment Pool. Wallace seconded the motion. Motion carried without opposition.

Spillway/Dam Project: Wallace made a motion to approve Amendment #2 to the Agreement with the State Conservation Commission for funding assistance for the City Lake Spillway and Dam Project. Childers seconded the motion. Motion carried without opposition.

Fee Schedule: Council considered approval of a Resolution updating the City's Fee Schedule establishing new fees for the services provided at the Augusta Municipal Airport. Shaw stated these fee changes are being made to help make the Airport more sustainable. Shaw stated that each line technician earns approximately 9 hours of on call pay per pay period and that adding the afterhours call out fee will help us re-coup that cost. Shaw stated he would also like to adjust the hours of operation from 8a.m. to 8p.m. to 7a.m. to 7p.m. because that is when the most after hours call outs occur now. Shaw stated that there is also a revenue opportunity for advertising on the Airport's website. Shaw stated if the advertising fee is approved he will bring back a policy for advertising on the website. Childers asked if these changes have been discussed with the Airport Advisory Board. Shaw stated the advertising fee had been mentioned, but they have been successful at getting a meeting together in a while. Childers stated he was concerned about getting calls from the board members if this is approved. Williams stated she likes that it is user fee based and that she is in favor of making the Airport more self-sustaining. Wallace made a motion to approve Resolution 2011-13 updating the City's Fee Schedule establishing new fees for the services provided at the Augusta Municipal Airport. Childers seconded the motion. Motion carried without opposition.

Public Hearing: Childers made a motion to schedule a Public Hearing for the Proposed 2012 Budget for Monday, August 15, 2011 at 7:00 p.m. Reavis seconded the motion. Motion carried without opposition. S. Jones asked if we can publish the proposed budget on the website before the public hearing. Keefer stated we could easily put the Notice of Public Hearing on the website and that he is working with Shaw to get something on there. S. Jones stated we will re-visit this at the work session next week.

Public Hearing: Childers made a motion to schedule a Public Hearing to take input on a proposed Economic Development Revolving Loan for Gear Up, Inc. for Monday, August 1, 2011. Rawlings seconded the motion. Malone asked if more information about the application will be provided. Shaw stated the governing body will be provided with more information prior to the public hearing. Malone stated the information provided for tonight was vague. Williams stated the only action to be taken tonight is to schedule the public hearing. Williams stated it is being reviewed by the Economic Development committee members and she thanked them for their help. Williams stated it was good to have a request for these funds. Motion carried without opposition.

S. Jones asked if there are minutes taken at the committee meetings. Shaw stated there had not been any minutes taken since the committee was formed and that was not in the policy. Wallace and S. Jones agreed that it would be a good idea to have minutes from those meetings. Mr. All stated the creation of this committee was done in order to initially receive the funding. Childers stated he would support taking minutes at the meetings. Williams stated that when dealing with economic development and people's incomes, there is only so much that you can make public. Shaw stated that he, Keefer, and Mr. All actively participate in these meetings, so we would have to pull back or have other staff at the meeting to take minutes. Keefer stated the depth of minutes would depend on the person taking the minutes involvement in the discussion. There was a consensus from the governing body to start taking minutes at committee meetings.

Spillway/Dam Project: Williams asked the governing body for a consensus on whether they should instruct the engineers to split the Spillway/Dam project into two projects. Williams stated the spillway portion of the project is 75% of the project and would not require the water level to be reduced. Williams stated the dam portion of the project could be postponed until the water situation has improved. Williams stated splitting the project would not impact the funding and gives the council options, but that we need to let the engineers know now. Wallace stated how we move forward depends on the drought. Wallace stated if the water level in the lake is un-usable we should move forward with the project, and if we have rain then we could also drain it and move forward. Williams stated at this point it is an option to split the project, but in a month our only option will be to do the entire project or not at all.

Stan Taylor, 2005 Cron, stated the only part of the project that was mandated by the Division of Water Resources was the spillway and that we should go ahead and do the spillway so the state is off our back and we can do the dam later. Williams stated we would have to do the dam in the next year. Keefer stated the route for the construction vehicles will be down Dike Road and through Loomis Land and if there is damage to the roads it will not be repaired until the entire project is complete. Williams stated the cost is so low at this point. Wallace stated no matter what we do, the lake will have to be drained. Wallace stated if we don't do the dam portion of the project now it will have to be drained in the future. Taylor stated he is concerned about the drought and that we need to have a viable water source.

Harper stated she did not have strong feelings either way, but would like to do whatever is most cost effective. Harper stated if it could be done as one project she would prefer that. Rawlings and Malone agreed with Harper. Reavis stated that he is all for options, but since the lake is low we should go ahead and do it. Reavis stated he thought it was going to have a rubber bladder to hold back the water. Keefer stated it will not, that it will need to be drained to allow for a roadway at the base of the dam from which the contractor would work. Keefer stated there will be isolated ponds here or there and that it will eliminate the fish population. Reavis stated we have to have drinking water. Reavis stated since we are looking at doing it this fall we should be able to maintain our water demand with the pipeline that from El Dorado. Keefer stated the key is how the drought plays out. Reavis stated he would prefer to do it as one project, but if not then split it into two projects, and if no other options available then no project. Childers, S. Jones, and Wallace all stated we need to have options and splitting it into two projects would give the governing body options.

El Dorado Waterline: Williams asked the governing body if they felt a cost benefit analysis of the sixteen inch line from El Dorado would be a good idea. Williams stated the information could be added to our comprehensive plan, but that those are not usually very cheap. Shaw stated it would be a couple thousand dollars or more. Williams stated then we could have a plan in place if an emergency comes up in the future. There was a consensus from the governing body to look into a cost benefit analysis of the sixteen inch waterline from El Dorado. Wallace stated he is all in favor of a cost analysis, but for replacing it not repairing it.

Williams stated it may be beneficial to have a third party examine our Mulvane and El Dorado water contracts to get a better understanding of them. Childers asked if she meant for outside counsel to review contracts we've already signed, or all future contracts. Williams stated she was only referring to the current Mulvane and El Dorado water contracts. Keefer stated an attorney could give us insight into the contracts, but a cost analysis would have to be done by an engineer.

Budget Work Session: Williams stated the budget work session was scheduled for July 25<sup>th</sup> at the Public Safety Department and asked if the governing body thought it should stay there or be moved to City Hall as recommended by S. Jones at the last meeting. Harper stated she was not opposed to S. Jones'

suggestion, but that she would like to leave it as is because everyone can sit face to face across a table and have a discussion. Rawlings stated he would like to leave it as is because we get to see each other face to face and it is better to hear. Rawlings stated he also likes to visit our other facilities and the Safety Department is a nice place. Malone stated he has no preference. Reavis and Childers stated they would like it left as it is. S. Jones stated everyone knows how she feels. Wallace stated he would like it at City Hall because we could televise it for transparency purposes. Williams stated S. Jones has good reasons for her suggestions. Williams stated the budget work session will be at 6:30 on July 25<sup>th</sup> at the Public Safety Building and that the public is welcome to attend. Williams stated this can be reviewed again in the future.

#### Informational Memorandum:

Wallace – Wallace asked if we have any stop lights that are weight activated. Keefer stated they are all camera activated except Kelly & Ohio which is a timed light.

Williams – Williams asked if KDOT denied us a left turn signal even if we pay the additional cost. Goedecke stated KDOT will pay for two signals and that they say more lights will slow down traffic. Goedecke stated the City can go ahead and put in the left turn signal, but when KDOT does their review in three years that could be a problem in the future with federal funding. Williams asked about the cost of the left turn signal. Goedecke stated it is not very expensive. Wallace asked if there would be a sign that says a left turn yields on green. Goedecke stated there would not be a sign at the left turn lane. Williams stated she will be upset with KDOT if we have an increase in traffic and left turns. Keefer agreed and stated the traffic is based on current traffic counts, and that if we have a dedicated left turn those numbers will increase. Williams inquired about the threshold for left turn signals. Goedecke stated 240 is a warrant for left turn signals. S. Jones stated she is concerned with the logic that allowing left turns would actually increase accidents. Goedecke stated we have very few accidents now, so any accident would increase our accident numbers. Williams stated she was now not very happy about this. Keefer stated they were not interested in our logic. Williams stated the council will have to abide by their requirements, but will do so under protest.

Williams inquired about the bid for the levee project. Keefer stated the project was supposed to have been put out to bid, but it has not been let yet.

Reavis – Reavis stated he appreciates the prompt action and feedback on item #3. S. Jones inquired about the cost would be for the new STO and UPOC books. Keefer stated he wasn't sure of the cost, but that we will have to order around 40 sets.

Williams – Williams asked if there were any suggestions from staff about who could take on finding other funding options for the Frisco Depot project. Keefer stated there are other funding options available for the roof, but not for the whole remodel. Williams asked if paying a grant writer to find us funds would be an option. Keefer stated he always get letters from D.C. from lobbyists who can look for funds, but that someone would have to look really hard to find us \$500,000 and get it approved.

Reavis – Reavis asked if the Whitewater River Bridge will have to be closed during its repair. Keefer stated it will and the timing of it with the levee construction project will be very important. Reavis asked if there is any news on Wal-Mart. Keefer stated he spoke to them a few weeks ago and was told they are still moving forward with the project, but that they could not provide a time frame. Keefer stated their option with our property expires in August.

#### Final Comments:

Reavis – Reavis inquired about the sales tax fund overage and asked if any other projects have been identified. Keefer stated staff will be preparing a list of repairs for a change order in the near future.

S. Jones – S. Jones inquired about monthly Safety Department report saying that one new patrol car and two unmarked patrol vehicles were equipped with emergency equipment and placed into service. Keefer stated he would have to check into this, but that we only purchased two new Safety Dept. vehicles this year.

Wallace – Wallace inquired about the status of Global Parts in reference to their loan from the revolving loan fund. Keefer stated we will review it again in February, but that they have exceeded their current requirements. Wallace stated he has brought this up before, but a lot of cities have grant writers on staff. Childers stated a good time to bring that up would be during the budget work sessions.

Executive Session: At 8:38 p.m. Wallace made a motion to enter into Executive Session for 15 minutes to discuss the acquisition of property related to the Levee Enhancement Project. Childers seconded the motion. Motion carried without opposition. Malone and Rawlings abstained from the Executive Session due to a conflict of interest.

At 8:53p.m. Wallace made a motion to exit Executive Session with no action being taken. Childers seconded the motion. Motion carried without opposition.

Reavis made a motion to schedule a special meeting on Monday, July 25<sup>th</sup> at 6:30 p.m. at the Department of Public Safety for acquisition of property tract #11. Harper seconded the motion. Motion carried without opposition.

Adjourn: At 8:54 p.m. Wallace made a motion to adjourn. Harper seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
SPECIAL MEETING  
JULY 25, 2011  
6:30 P.M.

The Council of the City of Augusta, Kansas met in a special meeting on July 25, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Sue Jones, Ronald Reavis, and Matt Malone. Councilmen Michael Wallace, Mike Rawlings were 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: Kent Bush.

The meeting was called to order at 6:37 p.m.

The council reviewed and discussed the status of acquisition of Property for tract #11 as part of the Levee Enhancement Project. Mr. All explained that in accordance with State Statute there are two actions that must be taken, the adoption of a Resolution authorizing the condemnation and an Ordinance authorizing and providing for the acquisition of the land.

Mr. All stated that he spoke to an attorney for the McClure brothers and he was not encouraging about negotiating and he did not hear back from him. Reavis made a motion to approve Resolution 2011-14 authorizing condemnation of certain land to aid in the repair of the City levee. Childers seconded the motion. Motion carried with Malone abstaining due to a conflict of interest.

Mr. All stated he will change the wording in the ordinance so Tract 1 will include a permanent easement. Childers made a motion to approve Ordinance 2025 authorizing and providing for the acquisition of land for the purpose of modifying the city levee by acquiring fee title and a permanent easement as amended. Harper seconded the motion. Motion carried with Malone abstaining due to a conflict of interest.

---

City Clerk

CITY COUNCIL  
AUGUST 1, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on August 1, 2011, with Council President Matt Childers presiding. Council present were Holly Harper, Michael Huddleston, Sue Jones, Mike Rawlings, Ronald Reavis, and Matt Malone. Mayor Kristey Williams and Councilman Michael Wallace were 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: Kent Bush, David McDonald, Josh Ogden, Jay Anglemyer, Willis Wilson, and Bob Shankel.

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

Minutes: Malone made a motion to approve the minutes from the July 18, 2011 meeting and the minutes from the July 25, 2011 special meeting. Harper seconded the motion. Motion carried without opposition.

Appropriations:

July (7A): S. Jones inquired about the payment to Commerce Bank for \$27,121.78. Keefer stated it was the annual lease/purchase payment for the street sweeper. Huddleston inquired about the payment to NetSystems for the NRP Marketing Plan. Shaw stated it was for updates to the [www.movetoaugustaks.com](http://www.movetoaugustaks.com) website to remove advertising from the site. Shaw stated it is being paid out of the NRP Marketing fund. S. Jones inquired about the payment Records Retrieval. Keefer stated it was for printing of materials for the Safety Department. Huddleston made a motion to approve Ordinance 7A in the amount of \$1,373,131.16. S. Jones seconded the motion. Motion carried without opposition.

New Business:

Revolving Loan: A Public Hearing was conducted to take input on an application from Gear Up, Inc. for a revolving loan from the City of Augusta. Shaw stated that the revolving loan program was set up in the late 80's as a result of a Community Block Grant the city received, and it is required to hold a public hearing prior to approving a loan agreement. Shaw stated the loan committee met on three different occasions to review the loan application and documents and that they recommend the approval of the loan. Josh Ogden, Owner/President of Gear Up Inc., addressed the council and stated he has lived in Augusta for six years and has been involved in this company for ten years. Ogden stated the company has been very busy and profitable, but they need working capital to hire people and buy products. Huddleston asked how long the company has been in existence. Ogden stated he has been involved in the company for ten years and purchased it in April 2011.

Huddleston inquired about the projected balance sheet and stated the other assets were listed consistently around \$24,000. Ogden stated that is a tax loss that is carried forward and that the reality is that it will change. Huddleston stated the 2011 retained earnings account is blank. Ogden stated that was a typo and that he provided more up to date information to the board. Huddleston stated that prior to 2011 the company had not been profitable. Ogden agreed. Huddleston asked what type of corporation this will be. Ogden stated it was a C-Corp and that he elected to change it to an S-Corp for tax purposes. Huddleston stated he knows that people need funding to get a business going, but when you are dealing with a corporation the owners can walk away in a few years and we are left holding the bag. Huddleston stated there is very little collateral and asked if there was any reason we did not require a personal guaranty. Keefer stated we do require a personal guaranty. S. Jones asked Ogden if he is making any personal investment into the company. Ogden stated not of any substantial amount, but that he was investing sweat equity. Ogden stated he looks

at this as his long term retirement plan and that he does not have an issue with personally guarantying it.

S. Jones inquired about the current receivables. Ogden stated they are \$78,000. S. Jones asked who their current customers are. Ogden stated there is \$30,000 in receivables for US based distributors, \$25,000 outstanding to Madison in the U.K., and \$10,000 to \$15,000 to several e-commerce partners such as Amazon.com, etc. Ogden stated they have a couple of small export sales and master depot sales, and there is about \$10,000 in receivables for various sporting goods chains. S. Jones asked where they at meeting orders. Ogden said they are caught up except for \$5,000 in back-log.

S. Jones stated the report said that three patents had expired and that they own their trade names. S. Jones asked if those are trademarked and current. Ogden stated he wasn't sure that they were trademarked but they have a long standing record of using the trade names.

Huddleston stated he was okay with the loan if Ogden would personally guarantee it. Ogden stated that was not a problem and that he believes in this company and thinks it can bring exposure to Augusta. Ogden states he lives here and would like to contribute to this community. Childers closed the public hearing.

Huddleston made a motion to approve the revolving loan agreement for Gear Up, Inc. in the amount of \$30,000 with a personal guaranty. S. Jones seconded the motion. Motion carried without opposition.

Christ Lutheran Church: Council considered approval of a Mutual Use Agreement with Christ Lutheran Church for their parking lot. Childers stated that Keefer is a member of the church and has abstained from the negotiations and will be abstaining from this discussion. Shaw stated the old agreement expired in October 2010. Shaw stated that the pool staff uses this parking lot and that the terms are fair based on our usage. Huddleston asked if Shaw had any idea of how much the lot is utilized. Shaw stated that all the cars in the lot during the day in the summer season are for the pool. Shaw stated there is quite a bit of traffic in the lot when the pool is open. Dave McDonald from Christ Lutheran Church said he doesn't have a scientific figure, but that they do not use it during the week and the lot is always full when the pool is in service. Huddleston asked if we are looking at the same agreement as in the past except the addition of 50% maintenance cost. McDonald stated they are asking for the City to pay 50% of the maintenance costs for the parking lot, but that the church bears all of the insurance costs. Huddleston stated the City paid for some maintenance of the lot a few years ago. Shaw stated that the governing body approved to spend \$900 - \$1,000 a few years ago. Huddleston asked McDonald if the church would object to having signs in the parking lot saying "Pool Parking" and McDonald said they would not have any objections. Shaw stated that payment for maintenance costs will be on a reimbursement basis only. Huddleston made a motion to approve a Mutual Use Agreement with Christ Lutheran Church for their parking lot. Reavis seconded the motion. Motion carried without opposition.

Bids: Council considered bids for improvements at the Wastewater Treatment Plant. Willis Wilson, Engineer with Aqua Tech Engineering, explained the glass fusion coated tank is recommended but was bid as an alternate because of the expected higher price. Wilson stated the bid came in better than expected and that the added cost would be paid back over time, so he recommended accepting Bid Alternate #1. Wilson stated Bid Alternate #2 was for contracting bypass pumping around the construction area. Wilson stated the city has pumps, but not available staff to run them.

Rawlings made a motion to approve the low base bid and two alternates from Donlinger & Sons in the amount of \$513,400 for improvements at the Wastewater Treatment Plant, including the base bid and bid alternates #1 and #2. Harper seconded the motion. Motion carried without opposition.

Kelly/Ohio Intersection Project: Harper made a motion to approve 2011-15 authorizing a Project Agreement with the Kansas Department of Transportation for the Kelly and Ohio Intersection Project. Rawlings seconded the motion. Motion carried without opposition.

Wal-Mart Purchase Agreement: Reavis made a motion to approve an Amendment to the Purchase Agreement with Wal-Mart. Harper seconded the motion. S. Jones asked what the due diligence is that they are looking to complete. Keefer stated they had an environmental study done and they are having a meeting with KDHE to discuss how they can move forward. Keefer stated it is related to the old gas station that used to be on the property, but that he doesn't have details except that the property owner has been working on this. Motion carried without opposition.

Standard Traffic Ordinance: Reavis made a motion to approve Ordinance 2026 adopting by reference the 2011 Standard Traffic Ordinance. Rawlings seconded the motion. Motion carried without opposition.

Dissemination Agent: Reavis made a motion to appoint the Bank of New York to serve as the Dissemination Agent for the Cottonwood Point Refunding Bond through the PBC. Rawlings seconded the motion. Motion carried without opposition.

Library Board: Harper made a motion to approve the appointment of Randy Craven to the Library Board. Malone seconded the motion. Motion carried without opposition.

Informational Memorandum: None

Final Comments:

Huddleston: Huddleston asked if it was possible for the Council to get a list of all property the city owns or rents and their descriptions. Keefer stated a list was provided a year or two ago, but that staff will locate and update the list and provide it to the governing body. Huddleston stated he was not clear if the governing body will see API expenses from the Economic Development Fund. Keefer stated the expenses from the Economic Development fund will show up on the appropriations ordinances.

Huddleston asked if staff is moving forward with getting the budget on the city's website. Keefer stated he has not had any clear direction from the Council on this. Keefer stated he has looked at other city websites and how they are presented, but that several are set up to reflect GAAP requirements which we are not required to adhere to. Rawlings asked if we are going to have to hire someone to put it on the website. Keefer stated we will not, but that it will take time. Keefer stated he liked how Winfield published their budget, but that theirs was set up to reflect fixed asset accounting and they have a Finance Director that is a CPA which we do not have. S. Jones stated she thinks it is a positive step forward towards transparency and that tax payers have a right to see where their tax money is spent. Huddleston stated he thinks we should make it easier for them to obtain the information. Childers stated if they are not happy with what is published on the website and want a full copy they can get that at City Hall. Keefer agreed and stated he would like an opportunity to sit down and explain the budget to them because it is a lot of information. Keefer stated staff needs to get together to create something that is easy to follow. Rawlings stated he is open to transparency, but not open to staff spending so much time on this that other projects such as the levee get put off. Childers asked how long staff estimates it will take to put online. Shaw stated we could put it up as is tonight, but that a narrative will take some time. Childers stated that the

narrative provided by Keefer for the work sessions would be a good tool to use. Huddleston stated it doesn't need to be made complicated for the first year. Keefer stated Winfield has good tables and data on theirs that he would like to look at using. Shaw stated there should be an end goal such as a GFOA award for how we present the information, which is achievable but will take time. Harper asked if there have been a lot of comments from the public about transparency. S. Jones stated she has had people tell her they don't know how the city's money is spent and that she feels very strongly that it is important for the public to see how the money is spent. Huddleston stated he thinks people would appreciate seeing how much the utilities support the other funds. S. Jones stated there is an upside too because they will see how well their money is being spent.

Harper stated she is not opposed to putting the information on the website and improving on it each year. Rawlings stated he is not opposed either, but that he doesn't want to steal away time from other projects such as the levee. Rawlings stated that in the 10-11 years he has been on the council, no one ever shows up to the budget works sessions. Huddleston stated we don't need it to be award winning now. Malone agreed and stated that two or three years down the road we can strive for it to be better. Childers stated we should take the best shot at it now and work towards a goal. Reavis stated he doesn't have strong feelings either way, but that he feels that sometimes a little information is worse than no information. Reavis stated he doesn't know why anyone would want to know how much each department spends on diesel fuel, etc.

Keefer stated Winfield did not officially put their 2011 budget online until January 2011 when it took effect. Keefer stated if that is the governing body's goal, that would give staff a few months to work on getting it out there. There was a consensus to give it staff's best shot now and make the 2012 budget available at the beginning of 2012.

Huddleston stated that some of the city websites he has looked at have "Fact vs. Myth" on their website and stated it would be useful for some of the questions the council is repeatedly asked, such as why we don't dig out the lake and why the material removed can't be used for the levee. Rawlings stated he has given answers to those questions to the same people two or three times. Keefer stated some groups/people will not accept the explanation they are given, so they keep asking the question. Shaw stated it would be easy enough to add that information on there, but it is a matter of staff time. Shaw stated he does most of the updating of the website from home because he doesn't have time during working hours.

Malone: Malone asked if there is any idea when the street by City Hall will be repaired. Keefer stated the leak has been fixed, but it has rained so it needs to dry out before it can be filled. Malone inquired about the status of the debt sheet he requested. Jones stated she should have it completed later this week.

Childers: Childers reminded the public to keep an eye on their neighbors during these hot temperatures to make sure they are okay. Childers stated if you are having difficulty paying your utility bill to contact the utility office to make payment arrangements. Childers stated the pool should be reopened on Wednesday.

Adjourn: At 8:00 p.m. S. Jones made a motion to adjourn. Harper seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
AUGUST 15, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on August 15, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Sue Jones, Mike Rawlings, Ronald Reavis, and Matt Malone. Councilman Michael Wallace was absent. Also present: City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, Gary Rogers, Myrna Rogers, Willis Wilson, Tom Leffler, Steve Hollingsworth, Jay Anglemyer, Bill Morris, Russell Boone, Michael McDermott, Linda McDermott, and Eric Christinat.

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

Minutes: Harper made a motion to approve the minutes from the August 1, 2011 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

August (8): S. Jones inquired about the payment American Control and asked if that was for the SCADA system. Keefer stated it was for the SCADA system and VFD's and that there is one more payment. S. Jones inquired about the payment to Aqua Tech Engineering. Keefer stated the majority of the bill was for the design for the repair of the million gallon tank at the Water Plant. S. Jones inquired about the payment to Goedecke Engineering. Keefer stated it was for several things, but primarily sales tax projects and the levee project. S. Jones asked if we have completed the survey payment. Keefer stated we have not yet and that he is trying to get information from the refinery about the railroad. Reavis made a motion to approve Ordinance 8 in the amount of \$924,830.80. Childers seconded the motion. Motion carried without opposition. Childers asked if Gear Up, Inc. provided a personal guarantee and Keefer stated they have.

Visitors:

Russell Boone, owner of Scott's Liquor, asked about the status of Sunday Liquor Sales. Keefer stated the 61 day waiting period is up tomorrow and if a petition is not received by 5 p.m. then the ordinance will become effective and they can start Sunday Sales this coming Sunday. Keefer stated that E. Jones will be sending out letters to all the impacted businesses on the 17<sup>th</sup>.

Mayor Williams recognized Michael McDermott for his long service to the community of Augusta and presented him with a certificate of appreciation. Williams told McDermott that he was appreciated for working to report on behalf of the council. McDermott quoted Will Rogers and said he "never met a council I didn't like."

New Business:

Public Hearing: Tom Leffler, 2901 Lakeshore Drive, stated it was disappointing that more people were not here to discuss the budget. Leffler stated he was concerned about the comments from council members regarding the \$25,000 for the police vehicle and about transparency of the budget. Leffler stated \$25,000 will not stop the Safety Department from doing their job but that maintaining equipment is a problem, so if the council is trying to make cuts why not also consider the \$10,000 Hustler mower replacement too. Leffler stated he has not had a problem with transparency of the budget, but that he is concerned about people understanding it. Leffler commended Shaw for putting the budget information on the website and stated that he was disappointed there were not more hits. Leffler stated we have been very fortunate that we have not had to lay anyone off, let people go, cut services, etc. considering the valuations have gone down yet the mil levy has moved very little in the last four years. Leffler stated if you look at the pie chart on the City's website you can see that only 25% of the property tax

you pay comes back to the City and that the council may need to look at increasing the mil in the future to pay for improvements. Leffler stated that overall the City should be proud of the budget and that he hopes the council respects department heads and staff. Leffler stated it is easy to get a copy of the budget, that all he did was contact the city clerk and fill out a records request form and pay the fee for the copies. Williams stated several communities in our region have had to increase their mil levy because they do not have the reserves in place that we have. After no one else coming forward to comment on the budget, Williams closed the public hearing.

Williams stated that both budget options have less tax dollars than last year and that the valuation is down by \$300,000. Williams stated with either option #1 or option #2 the mil levy would not increase more than 1/10<sup>th</sup> of a mil. Huddleston stated these funds are monies raised by taxation through a mil levy. Huddleston stated the differences between 2011 and 2012 show the General and Bond & Interest funds decreasing, but the Employee Benefit fund increasing by almost 15%. Huddleston stated we are reducing the amount of taxes to support the General fund and to pay off bonds, but we are pumping that money to the Employee Benefit fund. Keefer stated that he explained during the work session that the main reason for that was the increase in KPERS and health insurance costs and that there wasn't as much carryover in that fund this year as there has been in the past. Keefer stated that the property tax delinquent rate is around 5% and that both KPERS and health insurance costs have increased as well as three or four employees changing from individual health plans to family plans. Keefer stated he planned for a 5% increase in health insurance, but that will probably not be enough and the employees will have to help cover the difference. Keefer stated the Bond & Interest fund was reduced as a result of the bond refunding that were done last year. Keefer stated that because the Electric fund debt payment was lowered, those funds were re-allocated as transfers from the Electric fund to other funds to help reduce property taxes.

S. Jones stated that she spent some time talking to Chief Brewer this afternoon about the vehicle rotation. S. Jones stated that her personal option is that cars today are built to last longer. S. Jones stated that she still maintains that in today's environment we should shift the \$50,000 to another department to help in other areas of town such as the Street Department. S. Jones stated she was not saying that we shouldn't resume the rotation next year. S. Jones made a motion to move the \$50,000 for two vehicles from the Safety Department budget to the Street Department. Motion died from lack of a second.

Malone stated that citizens are unhappy with the infrastructure and think that the streets are in disrepair. Malone stated the money should either be moved to the Public Works department or we need to talk about where the money can come from to repair our infrastructure. Keefer stated that the funds can be moved to another department, but we have to know so it can be included when our budget is submitted to the State. Huddleston stated if we transfer the funds they need to be transferred to departments where equipment is needed. Williams stated she had no doubt that additional funds are needed in several departments. Malone stated there is going to be a day when we need to consider increasing the mil levy to fix infrastructure.

Childers stated he read S. Jones article in the Augusta Daily Gazette and that he thinks her proposed solution is not a change from the status quo, rather robbing from one department to help another. Childers stated it is not saving any money. Childers stated that at the work session, S. Jones even stated that one day we will have to bite the bullet and increase taxes. S. Jones stated she is not opposed to replacing a vehicle with a record of maintenance issues and that she supposed we could debate opinions on when a vehicle should be replaced, but that she still stands firm that the money should be transferred to help where it is needed. Williams stated that both sales taxes and valuations are down and that everyone that sits on the council sees that there are issues with infrastructure, but given the current economic times we have to consider keeping the mil levy as flat as possible.

Malone made a motion to leave \$25,000 in the Safety Department budget to purchase one vehicle and transfer the other \$25,000 to the Special City/County Highway fund to assist with road repairs. Huddleston seconded the motion. Reavis stated that he assumes that all department heads had an opportunity to tell what equipment they needed considered for this budget. Reavis stated we are buying a new truck, mini-excavator, and high loader for other departments and no one batted an eye at that. Reavis stated each department has a plan for their equipment, including the Chief and he doesn't think other departments are lacking in equipment or not getting what they ask for. Reavis stated he doesn't think \$25,000 will make any difference in street repairs. Reavis stated we wasted \$80,000 on an intersection on a brick street that is no better than when we started. Reavis stated if we need the extra \$25,000 in another department then we need to bite the bullet and add to the budget. Malone stated Brewer and Bill Webster were at the budget work session, but that no one was there to represent public works.

Keefer stated that new equipment is important, but it won't help if we don't have the staff to use it. Keefer stated we are also lacking in materials, supplies, training, and man-power, not just equipment. Keefer stated we are purchasing a used roller, new mini-excavator, high loader and several other pieces of equipment and that Public Works Superintendent Cy Ricker is very excited about the equipment included in the budget for his departments. Keefer stated a position was eliminated in the Street department a few years ago to cut costs. Malone asked if supplies can be purchased out of the Special City/County Highway budget and Keefer said yes. S. Jones stated that during the two budget work sessions she doesn't recall hearing Keefer say we don't have enough materials or man power to function. Williams stated we added a position to the Parks department. Keefer stated that he gets pounded on each year that "we cannot raise taxes" and that when people are happy that the valuations are going down it affects our ability to do provide services. Keefer stated he doesn't feel comfortable asking for more when he is told the council does not want to increase the mil levy. Keefer stated he is not opposed to adding staff, but that he has to be cognizant of the resources that are available to us. S. Jones inquired about the cost to add another person. Keefer stated it could be about \$40,000 including benefits. S. Jones stated we could surely find funds for that. Keefer stated the proposed budget amount cannot be increased after it has been published. S. Jones asked if we can adjust the budget at a later date. Keefer stated the council has the prerogative to direct him to move money from one department to another at any time, but that we would have to amend the budget.

Motion failed with S. Jones, Malone, and Huddleston voting in favor and Childers, Reavis, Rawlings, and Harper voting in opposition. Childers made a motion to approve Budget option #2 with a proposed Mil Levy of 39.782 and taxes in the amount of \$2,110,100. Reavis seconded the motion. Motion carried with Childers, Reavis, Rawlings, and Harper voting in favor and S. Jones, Malone, and Huddleston voting in opposition.

Keefer stated if there is a clear direction from the council to add a staff person he can work those figures and provide them to the council in the future. Keefer stated the Sales Tax and Special City/County Highway budgets did have an increase in expenditures and that we are also planning on trying to do more with sales tax dollars next year. Keefer stated we need to start setting aside money for widening the South portion of Ohio. Williams stated there are a lot of upcoming expenses. Huddleston called a point of order and asked if a 4-3 vote is sufficient. Keefer stated it is because it is not an ordinance.

Reavis made a motion to approve Ordinance 2027 attesting to an increase in Tax Revenues for non-debt funds for 2012. Childers seconded the motion. Motion carried without opposition.

Keefer stated that in light of the discussion tonight we will plan on having a work session in April or May to get a feel from the governing body where you want to go with the budget. Keefer stated we would not have the valuation and other information from the County then, but we could get an idea of where you want to go with the budget. Williams stated the Capital Improvement Plan needs to be utilized in the budget discussions. S. Jones thought Keefer's suggestion of an earlier work session was a very good one. Williams stated one mil is around \$53,000 and that is something to consider and discuss with the community.

Spillway/Dam Project: Council considered bids for Temporary Note Financing of the Spillway and Dam Improvement Project. Dustin Avey with Piper Jaffray stated that the volatility in the market has been good for bonds and the low interest rate has allowed us to lower the bonds from \$1.175 million to \$1.135 million. Malone made a motion to approve the bid from Commerce Bank with a net interest cost of \$16,146. Huddleston seconded the motion. Motion carried without opposition.

Reavis made a motion to approve Resolution 2011-16 authorizing the issuance and sale of the Temporary Notes. Childers seconded the motion. Motion carried without opposition.

FAA Taxiway Project: Council considered bids for the construction of the FAA Taxiway Project. S. Jones stated Pavers Inc. has listed two sub-contractors and asked what they will bring to the project. Shaw stated FAA projects require a certain portion of a contract to be awarded to a Disadvantaged Business Enterprise and that these sub-contracts meet that requirement. Shaw stated they typically will do seeding, dirt moving work, etc. and that he believes their duties are included in their packet. S. Jones made a motion to approve the bid from Pavers, Inc. in the amount of \$1,095,989.89. Childers seconded the motion. Motion carried without opposition.

Reavis made a motion to approve Supplemental Agreement #2 with Lochner (BWR Division) for construction engineering services for the FAA Taxiway Project. Huddleston seconded the motion. Motion carried without opposition.

Malone made a motion to approve the Grant Application for the FAA Taxiway Project and authorize the City Manager to execute the application and related documents. Huddleston seconded the motion. Motion carried without opposition. Shaw stated that due to FAA funding issues he does not when this project will start.

Spillway/Dam Project: Rawlings made a motion to approve the EPA Grant Application for the Spillway and Dam Improvement Project and authorize the City Manager to execute the application and related documents. Harper seconded the motion. Motion carried without opposition.

Frisco Depot Restoration: Harper made a motion to approve the proposal from William Morris Associates to prepare a grant application to the Heritage Trust Fund on behalf of the City for the restoration of the tile roof on the Frisco Depot. Childers seconded the motion. S. Jones asked what other projects William Morris Associates has grant experience on. William Morris stated they have a lot of grant experience and cited the \$1.4 million hotel restoration in Eureka and various other HTF and TE grant projects. S. Jones asked if \$74,000 is his estimate for the roof. Morris stated that would be for the roof only. Williams asked when the grant funds would be awarded and Morris answered November. Williams asked if this was awarded could we apply to the County for wind farm grants. Keefer stated that is a possibility and that he would talk to the County about that. Motion carried without opposition.

Bids: Council considered bids to paint the exterior of the original Water Treatment Plant Building. Rawlings asked how the bidders proved they had a business license, because a license is not required through the City. Shaw stated they provided an employer id number to show they are licensed in the state and that

an LLC Certificate of Amendment would work too. Shaw stated we have discussed having a formal bid process in the past, and that we want to make sure they have insurance in case they are injured on our property and that we want to make sure they are licensed to do this type of work. Shaw stated we also want them to warranty their work and the paint. Shaw stated we can award it to the lowest bidder or to the lowest bidder that met the specifications.

Huddleston asked how you determine someone has a license, because you can be an LLC and not know anything about painting. Childers stated a sole proprietorship would only have a social security number. Williams asked where F & H Coatings is located and Shaw answered Kechi. Harper inquired about the references. Shaw stated he checked the references of those that provided them. S. Jones asked whose paint F & H Coatings uses. Shaw stated that he could not find that on the bid. S. Jones inquired about where the color choice came from. Shaw stated the colors match the part of the plant that has already been painted.

Childers stated he was comfortable making a motion but he is concerned about why the other bidders could not provide the information required in the specs. Huddleston stated we need to clarify the business license requirement. Williams stated that could have been rectified with a phone call to the City. Rawlings stated he does not think that F & H Coatings is a bad company and that he has had good experience working with them, but that he is just confused about the license requirement and believes it needs to be clarified such as requiring they be in business three years and provide project examples. Williams stated there is a general consensus the license requirement needs to be clarified.

Harper stated she refers P & G Painting and Kerry Unrein Signs to her customers and that she is very disappointed they didn't provide all the information requested and we therefore cannot work with them. Childers made a motion to approve the bid from F & H Coatings, LLC in the amount of \$8,836.77 for painting the exterior of the original Water Treatment Plant building. S. Jones seconded the motion. Motion carried with Rawlings opposing.

**Zoning Classification Change:** Malone made a motion to approve Ordinance 2028 changing the zoning classification for a tract of property located within our Growth Area from Agricultural-2 (A-2) to Residential-6D (R-6D). Childers seconded the motion. Motion carried without opposition.

**Work Session:** Malone made a motion to schedule a work session for 6 p.m. Tuesday, September 6, 2011 to review and discuss the recommendations from the Sanitation Committee. Reavis seconded the motion. Motion carried without opposition. Williams thanked those that served on this committee.

**Spillway/Dam Project:** Council reviewed and discussed the Spillway and Dam Improvement Project in regards to scheduling and dividing the scope of work into two projects. Williams informed Jay Anglemyer with MKEC that she had hoped we could look forward to filling the lake up in April, not May or June as outlined in the memo. Anglemyer stated the original schedule included bidding the project in late July and starting construction in September, but the discussion to split the project has delayed it some and shortening the window for construction will increase the contractor's bid. Rawlings asked if any provisions have been made in case construction begins and the lake starts to fill up. Anglemyer stated that is part of the risk the contractor takes with this type of project. Williams asked if construction on the spillway and dam will be done simultaneously and Anglemyer said yes. Williams asked if when the project is bid can it be broken out by project but still bid as one project. Anglemyer stated there will be two sets of plans and that we can wait until it is put out to bid to decide to do it together. Williams stated splitting the project into two projects is not going to work. Anglemyer stated that he questions whether that will work too. Anglemyer stated the Division of Water Resources (DWR) states we have to be done with both construction projects in two years, but we could put them off until next year and

there would still be enough time to complete the projects. Williams stated it seems like now is the best possible time to do it and that waiting one year will not give any added peace in the decision.

S. Jones asked Anglemyer to explain the coffer dam. Anglemyer stated the coffer dam had been discussed earlier on, but at the time we didn't know we would have to go all the way to the bottom of the dam. And now that the lake is so low the coffer dam doesn't need to be so high but it would add an addition \$1 million in cost to the project. Anglemyer said the positive to a coffer dam is you wouldn't have to drain the lake and deal with the fish population.

Huddleston asked what months we could expect not to need the lake for water supply. Keefer stated October to April of last year the total amount of water demand stayed below 2.5 million gallons per day. Huddleston asked if the bids were let when construction would begin. Anglemyer stated October. Huddleston stated we wouldn't need the lake for a water supply at that time. Williams agreed and stated the watering restrictions would remain in place. Huddleston stated why not go ahead and do it now when the lake is so low instead of waiting for the unknown. Huddleston inquired about the fish salvage. Keefer stated we are going to include an alternate bid for removing the remaining fish carcasses and we will also have to deal with the blue algae with regard to the salvage. Keefer stated the council included funds in the temporary notes for re-stocking the lake. Reavis made a motion to move forward with the full project including the dam and spillway. Harper seconded the motion. Motion carried without opposition.

**Raw Water Supply Line:** Council reviewed and discussed the replacement of the City's Raw Water Supply line from El Dorado. Willis Wilson with AquaTech Engineering provided an overview of the current line. Williams asked Wilson if he recommends replacement of the entire line or specific segments. Wilson stated the line within the refinery is worse than the line south of the refinery to Augusta. Keefer stated it would be better to replace the HDPE line under the refinery, but if the governing body chose to do the portion south of the refinery to Augusta he would recommend moving it out of the railroad right-of-way. S. Jones asked if the refinery would be amiable to us replacing the portion of the line under the refinery. Keefer stated that they probably would be since we just completed another project up there. Williams stated she is not clear if we should be looking at replacing the entire line or doing it in phases. Wilson stated if it had not already been replaced it all needs to be replaced. Williams inquired about the useful life of the water line. Wilson stated 50 years.

Malone asked if we could contact El Dorado to see if they are willing to help with the cost of the project since they would see an increase in their profits if we purchased more water from them. Keefer stated they would, but that he thought they would be more interested in a project running a waterline to Wichita. Keefer stated his concern with that project and that it would be that pulling 10 million gallons per day from El Dorado Lake and will have an effect on the lake levels.

Williams asked if as we consider our options if Wilson could provide pictures or maps. Keefer stated if the Council is interested in looking into this further, he would recommend Wilson review the calculations and provide some maps. Keefer stated he spoke to the County and they are open to us using their road right of ways and that we could explore some of the old pipelines to see if they are a viable option. Keefer stated we would also look into other funding sources such as a USDA loan, Revolving loan, and a ½ cent sales tax. Keefer stated if the Council wants to, we could look at it more seriously and determine if a \$14 million project is viable.

S. Jones stated the \$14 million doesn't include the Mulvane waterline. Malone stated their line is worse than ours. Williams agreed but stated we need to repair the line to our citizens first. Childers stated he has spoken to approximately 43 people and they have asked why we haven't looked at this before and

he explained to them it comes down to the cost. Williams stated we replaced over 3,000 feet of the line in the last year.

There was a consensus from the Council to look into this matter further. Reavis stated if we are doing a work session he would also like to see information on the feasibility of filtering wastewater. Reavis stated that repairing the line is not going to guarantee we have water and that the technology is out there and something that we need to look at. Keefer stated that is definitely something we can look at, but that would open up a whole other set of issues we will have to look at. Keefer stated it would require wastewater treatment plant improvements, but that it is worth looking at. Keefer stated staff will work with Wilson to gather information and schedule a work session.

Final Comments:

Rawlings – Rawlings stated some of those newer to the Council make it sound like the Council hasn't done anything and reminded them in the last several years we have installed a new tank at the Water Plant, built the Library, repaired many streets, improved the Water Treatment Plant and Wastewater Treatment Plant, put up new water towers, installed a new SCADA system, bought new electric generators, and several other things. Rawlings stated at his first council meeting he popped off that the “old timers” didn't doing anything and that one of them told him they did the best they could with the tax dollars they had. Rawlings stated he wanted to remind the new council members and the public that the Council has not been sitting on their hands.

Reavis – Reavis stated that he was informed by someone that they had to go to Wichita to get a new remote for their cable box. Reavis stated the franchise agreement with Cox states that they have to maintain an office in Augusta. Keefer stated that Cox no longer has a franchise agreement with the City, only the State. Keefer stated that a State law passed a few years ago removed our power with regard to cable. Reavis stated it looks like the franchise agreement with Southwestern Bell has expired. Keefer stated we have a newer one with AT&T and we have a Gas franchise agreement.

Reavis stated there are four signs on 7<sup>th</sup> Street that qualify as abandoned signs under our sign ordinance. Reavis stated the sign apologizing for the road construction is still up. Williams stated it would make sense to her to keep it up on the West side since the Levee project will be beginning soon. Keefer stated that although the signs Reavis was referring to are abandoned, they are in good repair. Keefer asked if he wants the signs removed and then have a hole there. Reavis stated he is only looking at the ordinance we have in place and that we either need to enforce it or change it. Williams stated she remembered a provision for signs in good repair, but she agreed that we need to enforce the ordinance. Reavis stated section 1 article 2 reference abandoned signs and article 2c refers to their removal. Keefer stated there are several abandoned signs around town but asked if the signs look better with a big hole in them if the closed business' sign is removed.

S. Jones – Jones asked if there has been any word from Wal-Mart. Keefer stated they have a conference call with KDHE tomorrow and that the other property owner on Lulu has agreed to work with KDHE and Wal-Mart to resolve this issue. S. Jones inquired about the Municipal Investment Pool. E. Jones stated she has moved money into the investment pool and has it spread out with 30 day, 90 day, 180 day and 365 day maturities.

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

---

City Clerk

CITY COUNCIL  
SEPTEMBER 6, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on September 6, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Sue Jones, Mike Rawlings, Ronald Reavis, and Matt Malone. Councilman Michael Wallace was absent. Also present: City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, Director of Electric Utility Bill Webster, Electric Production Superintendent Jim Sutton, Airport Manager Lloyd Partin, and City Clerk Erica Jones. Visitors present were: Kent Bush, Willis Wilson, Aaron Iverson, Colin Whitely, Eric Christinat, Jocelyn Mitchell, and Steve Off.

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

Minutes: Reavis made a motion to approve the minutes from the August 15, 2011 meeting. Malone seconded the motion. Motion carried without opposition.

Appropriations:

August (8A): S. Jones inquired about the payment to Bryant & Bryant Construction. Keefer stated it was for the brick street repair on Euclid. S. Jones inquired about the payment to Goedecke Engineering. Keefer stated it was for 80% of the cost of the survey of the railroad right of way. S. Jones stated the contract does not call for a progress payment. Keefer stated Goedecke feels the work is complete but that there are a few items Keefer wants cleared up before full payment is made. S. Jones asked when Goedecke will be presenting his report to the governing body. Keefer stated October. Huddleston stated if the money were held it would make Goedecke more anxious to get those issues taken care of. Rawlings stated that would be unprofessional and that he should get paid for what he has done. S. Jones inquired about the issues that need to be resolved. Keefer stated there are a couple of properties west of town where the railroad right of way runs along the old refinery property where some things overlap with the County records and the surveys. Keefer stated he wants those issues corrected and resolved before he considers it complete. Huddleston asked how long Goedecke has known about these issues. Keefer stated it has been three weeks, but that Goedecke has been working on resolving the issues. Reavis made a motion to approve Ordinance 8A in the amount of \$1,982,121.25. Childers seconded the motion. Motion carried with S. Jones and Huddleston voting in opposition.

August (8B): Huddleston asked if this included two months of billings for the Animal Clinic. Keefer stated it was for one regular monthly bill for around \$2,700 and the additional cost was for three pit bulls that were ordered held per municipal court. Huddleston asked if those were placed there by the court, how we are reimbursed. Mr. All stated the owners are notified by the court that the animals will be released if they pay the bill for their care, if they don't pick them up it may be weeks before the judge has the animal euthanized. Huddleston asked why they are given more than three days before they are euthanized if they are placed there by the court. Mr. All stated if they have a prohibited animal they can pick them up but the animal may have to be removed from town and there may be charges for tags, vaccinations, etc. Mr. All stated that often those types of animals are abandoned at the clinic. Huddleston asked if the court will order them to pay. Mr. All said yes. Keefer stated those reimbursements would show up in the court's fines and fees revenue. Reavis made a motion to approve Ordinance 8B in the amount of \$325,217.84. Childers seconded the motion. Motion carried without opposition.

Visitors:

Eric Christinat, Executive Director of Downtown Augusta, Inc., requested the closure of the 400 and 500 block of State Street on the morning of October 29<sup>th</sup> for the 2011 Chili Cook Off. Malone made a motion to

approve the closure of the 400 and 500 block of State Street on the morning of October 29<sup>th</sup> for the 2011 Chili Cook Off. Huddleston seconded the motion. Motion carried without opposition.

Jocelyn Mitchell, Executive Director of the Chamber of Commerce, requested the closure of the City lake Road on Saturday morning, October 1<sup>st</sup> for their annual Loop the Lake Run as part of the Augusta Homecoming Fest. Malone made a motion to approve the closure of the City lake Road on Saturday morning, October 1<sup>st</sup> for their annual Loop the Lake Run as part of the Augusta Homecoming Fest. Childers seconded the motion. Motion carried without opposition.

#### Old Business:

FAA Grant Offer: Council considered acceptance of the FAA Grant Offer for the Parallel Taxiway Project at the Augusta Municipal Airport. S. Jones asked who is responsible for creating the documents for the construction management program. Lloyd Partin stated the contracted engineering firm will be handling the construction management program and that Partin will be working closely with them. S. Jones stated she has experience working with the FAA and would like to see that document. Reavis inquired about the area North of Highway 54 being in the Runway Protection Zone and asked how the limitations/actions of this will affect the property owner's offsite of the Airport. Partin stated this project will not impact the Runway Protection Zones. Reavis asked if it would tie our hands in the future. Partin stated these grant assurances are for twenty years and that the FAA requires the City to do our part to protect that zone from incompatible improvements. Shaw stated these are the same assurances that we currently are under. Reavis asked how we would protect the City or that land to the North, and how can we tell the property owner if he ever sells that property that they cannot do certain things with the property. Shaw stated we already have provisions that have been in place for some time to address this, and that we have began having discussions with the property owner as well. Reavis made a motion to accept the FAA Grant Offer for the Parallel Taxiway Project at the Augusta Municipal Airport. Malone seconded the motion. Motion carried without opposition.

#### New Business:

2010 Audit: Aaron Iverson, Auditor with Edward B Stephenson & Co. presented the 2010 audited financials to the governing body. Iverson verified that all members of the governing body received the SAS 114 letter that he sent them. Iverson reiterated that this particular letter was not provided to management and that they were not privy to the information contained in it, so if the governing body members chose to they could share the letter with management. Iverson stated that page 53 of the audit is incorrect and that if the governing body leaves their copies of the audit with E. Jones he will send her the replacement pages and she can return to them a correct copy of the audit. Iverson briefly reviewed the audit document with the governing body. Huddleston stated he could not reconcile the budget amount on page 6 for the Airport with the budget he has for the Airport. E. Jones stated she would provide a reconciliation to show what line items were combined to come up with those figures. Iverson stated the auditor's main concern is to make sure it balances.

Huddleston referenced the management letter and stated that items 1b-1d state the controls in place need to be monitored. Iverson stated those are areas handled outside normal policies and procedures and are not under the direct control of the people we are working with. Iverson stated it is handled by part-time or seasonal employees and that there may be multiple people handling the funds in that area. Iverson stated they didn't find any issues or areas of concern; he just wanted to identify the importance of continuing to monitor those areas. Jones stated controls have been put in place, such as daily deposits with a breakdown of revenues for the pool and numbered receipts at Santa Fe Lake. Reavis made a motion to accept the 2010 Audit. Childers seconded the motion. Motion carried without opposition.

Fixed Asset Waiver: Rawlings made a motion to approve Resolution 2011-17 waiving the requirements of K.S.A. 75-1120a(a) in regards to fixed asset accounting for 2011. Childers seconded the motion. Motion carried without opposition.

Kansas Power Pool: Council considered approval of a Resolution authorizing the execution of a Power Purchase Agreement with the Kansas Power Pool. Colin Whitley, Executive Director of the KPP, stated there are regional issues facing the KPP such as compliance issues with the EPA and an opportunity to purchase a 40MW share of the Dogwood Power Plant. Whitley explained that if a double majority of their customers pass this resolution, they can purchase the Dogwood Plant and comply with the EPA issues as a pool which would make it more cost effective. Whitley stated the debt would be issued to KPP, not the city. Williams asked how much debt would be involved. Whitley stated it would be about \$30 million in debt for KPP.

Huddleston asked if we already own catalytic converters. Keefer stated they have been budgeted for a couple of years, but that we have held off on purchasing them because KPP has been looking for ways to spread that cost out to all those who purchase power from them. Huddleston asked if all members have to agree to this. Whitley stated it would require a double majority, which would be 17. Huddleston asked what would happen if a member doesn't agree to pass the resolution. Whitley stated they would not get a benefit of this. Whitley stated this is non-binding and just a straw poll to see if they can meet critical mass.

Williams stated it would be increasing our commitment from 10 years to 20 years and stated that is a long contract. Bill Webster stated we have 8 ½ years left on our current contract. Williams asked Webster his position or recommendation on this issue. Webster stated that KPP has always been the cheapest source of power and that he would recommend approval of this resolution.

Huddleston asked where in the contract it says that if we agree our rates will be better. Keefer stated it is in the "whereas" part of the agreement. Huddleston asked how we will know for sure that our rates will be lower. Whitley stated that cities willing to take the risk will directly benefit from it. Williams asked if we don't do this, will we be required to add the catalytic converter and if that would cost us more in the long run. Webster stated the four catalytic converters for the north plant will cost \$500,000. Webster stated we will still be responsible for the south plant, but that the south plant is for emergencies only. Keefer stated by KPP issuing the debt we will not be taking any money out of our reserves and it could be a cost savings to us as the cost will be spread out even to those cities that do not have generation.

Malone asked how much we have generated year to date. Webster stated we generated one day for Westar, one day for KPP, and several days in July. Childers inquired about the drawbacks of this. Keefer stated that KPP has fulfilled our expectations and that this is an opportunity for us. Keefer stated that he doesn't know of any options at this time, that is better than buying into the Dogwood Plant.

Huddleston asked how KPP will bill those that participate separately from those that do not. Whitley stated that all bills are cost based on their commitment and it will be easily separated. Rawlings made a motion to approve Resolution 2011-18 authorizing the execution of a Power Purchase Agreement with the Kansas Power Pool. Childers seconded the motion. Motion carried without opposition.

Engineering: Willis Wilson with Aqua Tech stated that as a result of the drought and watering restrictions, he has been looking at several options available to the City with regard to its water supply. Malone asked if the fee is based on hourly rates. Wilson stated in all honesty it will hit the maximum. Malone made a motion to approve the proposal from Aqua Tech Engineering to analyze and study various long-term

water options and prepare a comprehensive report and recommendations to the City of Augusta for an amount not to exceed \$10,000. Childers seconded the motion. Motion carried without opposition.

Hertz Corporation: Council considered approval of an Agent Agreement with Hertz Corporation for the Augusta Municipal Airport. Reavis stated the document referenced signs and inquired about the types of signs that would be used. Shaw stated they would be mutually agreed upon, but would probably include signage bolted onto the building, on the windows, etc. in accordance with our sign regulations. Williams asked where the cars would be stored. Shaw stated they will be stored in the gated area of the fuel farm behind the main terminal. Reavis inquired about “rent here, leave here”. Steve Off with The Hertz Corporation stated there would be opportunity for one way rentals. Off stated the rentals would also be available for patrons of Parks and Ford of Augusta to use if they have a vehicle being serviced. Reavis inquired about the insurance coverage and asked if the personal injury coverage would be under our policy. E. Jones stated our Airport General Liability Insurance has coverage up to \$1 million and includes personal injury. Shaw stated The Hertz Corporation would be listed as a co-insured on our policy. E. Jones stated it is pretty standard to add a co-insured. S. Jones asked if this would increase our premium. E. Jones and Shaw stated there should not be an increase. Partin stated we are looking at covering the vehicles while they are on our property, but that we will have no liability once it is rented as it falls on the renter to provide coverage at that point. Shaw stated that Tony Madrigal with Madrigal & Welch stated he thought it could easily be incorporated into our current policy.

Huddleston asked what type of training the city employees will receive. Off stated the employees will be trained on how to fill out the paperwork and that a Hertz representative will be available by phone to answer any questions should an issue arise. Off stated if the rentals grow, Hertz would provide their computers and software to process the rentals. Partin stated when the customer comes in they will manually fill out the contract and one of our employees will call in the renter’s credit card to make sure it can be used to reserve the rental. Off stated Hertz will process all billing.

Huddleston stated page 3 says the agency will be open as necessary to meet Hertz reservations. Off stated they will set their reservation hours with the Airport’s operating hours and that they are not asking the Airport to add any additional hours, only if they adjust the hours that they maintain the schedule to accommodate reservations already booked. S. Jones asked how many employees would be trained. Partin stated all the Airport Staff will be trained. S. Jones asked if there are any projections for use. Partin stated he believed they could rent four to five cars per week easily and that those numbers will grow. S. Jones inquired about the typical rental fee. Off stated it is on average \$225 per transaction and the daily rate is \$40-\$45 a day depending on the size of the vehicle. Huddleston inquired about the monthly “Concession Fee Payments” listed in 4.1(d) of the agreement. Off stated if Hertz provided a service shuttle or courtesy vehicle to the Airport it would be deducted from their monthly payment to the City. Huddleston asked Mr. All what he thinks about the contract. Mr. All stated he had reviewed the contract and it is acceptable.

Reavis made a motion to approve the agent agreement with Hertz Corporation for the Augusta Municipal Airport. Childers seconded the motion. Motion carried without opposition. Shaw inquired about the timeline. Off stated as soon as the contract is signed the process would start immediately.

Convention & Tourism Grants: Reavis made a motion to approve the Convention & Tourism Grant for the Augusta Municipal Airport for the September 24<sup>th</sup> Fly In/Drive In in the amount of \$500. Childers seconded the motion. Motion carried without opposition.

Malone made a motion to approve the Convention & Tourism Grant for the Kansas Museum of Military History for their September 24<sup>th</sup> Open House in the amount of \$365. Childers seconded the motion. Motion carried without opposition.

City of Mulvane: Council considered approval of a request from the City of Mulvane for a one time waiver of the Take or Pay provision in their Wholesale Water Contract. Malone asked if this is a result of the water lines for the casino. Keefer stated this is for the water supply for the entire City of Mulvane. Williams stated that they are saying because of the restrictions we put in place they may not be able to use what they will have needed within their take or pay amount. Malone inquired about the backwashing of the new lines to the casino. Keefer stated the new lines to the casino will have to be backwashed in mid-September. Reavis made a motion to approve the request from the City of Mulvane for a waiver of the take-or-pay provisions in their wholesale water contract for 2011. Childers seconded the motion. Motion carried without opposition.

Airport Advertising Policy: Malone made a motion to approve the Airport Advertising Policy at the Augusta Municipal Airport. Childers seconded the motion. Keefer asked if we have gotten any interest in advertising on our site. Partin stated that Bank of America and Air Capital have both shown interest. Shaw stated there was a mutual advertising opportunity with a Jet Chartering Company. S. Jones inquired about the pricing for the advertising. Shaw stated that was approved in the fee schedule in a meeting last April. Motion carried without opposition.

Voting Delegates: Childers made a motion to designate Williams, S. Jones, and Malone as voting delegates and Huddleston, Childers, and Shaw as alternates for the upcoming League of Kansas Municipalities meeting in Wichita. Huddleston seconded the motion. Motion carried without opposition.

Appointments: Council considered the appointment of Rob Kuhns to the Airport Advisory Board to fill the unexpired term of Jeff Karst. Huddleston stated if we have a board member that is not attending the meetings, it puts the council in a difficult situation because we do not have a policy in place for replacing an existing member. Huddleston stated we may want to establish a policy to address if we have a board member that does not actively participate. Williams stated these are mayoral appointments and if the mayor is aware of an issue it would be up to him/her to reappoint someone else and the council to approve the appointment. Williams stated if someone is not attending meetings they just need to let her know. Huddleston asked if this item should be tabled. Williams stated she would like to contact Karst before taking any action. Shaw stated there was no urgency to the appointment.

Reavis made a motion to approve the appointment of Martin Yeager to the Augusta Housing Authority to fill the unexpired term of Bill Shriver. Harper seconded the motion. Motion carried without opposition.

Levee Project: Williams asked Keefer to provide an update on the Levee Project. Keefer stated the meeting he, Shaw, and David All had with the Corp of Engineers and the Railroad regarding the levee project was very positive and that he hoped to see something on it by the end of the week. Keefer stated that after the meeting he had a conversation of major concern with the representatives from the Corp. Keefer stated the Corp's engineer's estimate for the levee project was \$4.5 million and the lowest bid that met the specs was \$6.7 million. Keefer stated the way the Corp handles the bidding process, they cannot renegotiate with the low bidder. Keefer stated that in his 27 years of city government he has never seen a bid come back 50% than the engineer's estimate. Keefer stated there were items that were listed in the bid specs that were not in the bid estimate, for example the relocation of Thunder Road. Keefer stated there were also large differences in the estimates versus the bids for the bypass road, pump station, gravity drain, impervious fill, and the bids were in general more than 10% higher than the estimate on a lot of items. Keefer stated the bottom line is that the City will have to come up with an estimated \$791,000 more for the project by the end of the month, but that we cannot have the debt secured by then but can use funds we have on hand and reimburse ourselves once the temporary notes are issued. Keefer stated the Corp has made their request for additional funding. Williams asked when we would

find out if the Corp was awarded the additional funding. Keefer stated that he didn't know, but if the Council was committed to this project he will bring something back to the next meeting. Rawlings stated that he bid on part of the project and that part of the problem with this bid is that it has such a drug-out timeframe. Rawlings stated some of the stuff he bid on was two years out. There was a consensus from the governing body to move forward with this project.

Arts Council: Keefer stated he received a letter from the Augusta Arts Council requesting the City return the API Loan administration fee it received in the amount of \$1,500 per the loan policy for the short term loan they secured from API for purchasing their digital equipment. Keefer stated they were able raise all the necessary funds before the first payment was due and since there were no administrative actions by the City they asked that the fee be waived. Harper made a motion to waive the load administration fee in the amount of \$1,500 from the Augusta Arts Council for their API Loan. Rawlings seconded the motion. Motion carried without opposition.

Final Comments:

Huddleston – Huddleston inquired about the sign at the car dealership for Lee Frye Auto. Keefer stated that Mr. Frye came in three or four weeks ago and stated he is going to open a used car lot. Keefer stated this may only be short term and that he is not sure of all the details.

Williams – Williams provided a NRP update and stated that there have been nine new builds, two builds not part of the NRP and two more builds pending. Williams stated this is three more builds than there was in 2010.

Reavis – Reavis stated he brought up abandoned signs at a previous meeting and that he has since met with staff and found that he missed an important “And” in the ordinance, so the issue has been resolved.

S. Jones – Jones inquired about the status of Wal-Mart. Keefer stated that he has nothing new to report on Wal-Mart, but that he does have some documents to forward the governing body regarding the property owners along the south end of Lulu.

Adjourn: At 9:05 p.m. S. Jones made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
SEPTEMBER 19, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on September 19, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Sue Jones, Mike Rawlings, Ronald Reavis, and Matt Malone. Councilman Michael Wallace was absent. Also present: City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, Jay Anglemeyer, Jim Schmidt, Andrew Hart, Kevin Cowan, Eric Christinat, and Steve Compton.

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

Minutes: Harper made a motion to approve the minutes from the September 6, 2011 meeting. Malone seconded the motion. Motion carried without opposition.

Appropriations:

September (9): S. Jones inquired about the payment to Augusta Progress Inc. Keefer explained that we are the administrator for a loan program and that we pass the payments on to the loan originator. Keefer stated the payment to Kansas Center of Entrepreneurship was for the same purpose. Huddleston made a motion to approve Ordinance 9 in the amount of \$1,408,960.49. Childers seconded the motion. Motion carried without opposition.

New Business:

Levee Project: Rawlings made a motion to approve Ordinance 2029 amending Ordinance 2022 and authorizing the issuance of additional General Obligation Bonds for Flood Control Improvement. Malone seconded the motion. Motion carried without opposition.

Childers made a motion to approve Resolution 2011-19 authorizing the sale of General Obligation Temporary Notes, Series 2011-3, in the amount of \$850,000. Harper seconded the motion. Motion carried without opposition.

S. Jones made a motion to approve the transfer of \$643,000 to the Corps Levee Escrow fund from the Electric Reserve Funds to be reimbursed with the issuance of the Series 2011-3 Temporary Notes. Rawlings seconded the motion. Motion carried without opposition. Keefer stated there would be additional funds that will need to be deposited into the account after October. Williams asked if we have been given a timeframe on when the construction will begin. Keefer stated it will be if/when the bids are let. Keefer stated they are estimating January, but they will have to award the bid first. S. Jones asked if they have identified the low bidder, but have not awarded the bid. Keefer stated they have not because the CORPS has not secured their additional funding, which has to be done before they will move forward. Keefer stated we also have to have our portion of funds fully secured before they will move forward, which is why the council just authorized the transfer of funds. Huddleston stated if they keep putting it off it will become more and more expensive. Keefer stated both the City and the CORP are committed to moving forward with this project. Reavis stated he would like to re-iterate to the citizens that the City has done everything we can do and that the hold-up is at the CORPS. Williams asked to be kept up to date on the timeline so the governing body members can pass that information on to the citizens.

Butler County Emergency Operations Plan: Jim Schmidt with Butler County Emergency Management was present to request that the Council authorize the Mayor to execute the signature page for the Butler County Emergency Operations Plan. Schmidt stated that Augusta has been a big player in this

Emergency Management Plan. Schmidt explained that the difference between the City's Plan and the County Plan is that the County is the agency with the authority to contact the State to request assistance. Schmidt gave a "hat's off" to the governing body for all the mitigation work they have been doing with regard to the levee. Rawlings made a motion authorizing the Mayor to execute the signature page for the Butler County Emergency Operations Plan. Childers seconded the motion. Motion carried without opposition.

Spillway/Dam Project: Council considered approval of an Engineering Services Agreement with MKEC for construction inspection services for the Spillway and Dam Project. Jay Anglemyer with MKEC informed the governing body that the final plans have been submitted to the Division of Water Resources (DWR) and that MKEC is confident we will have plan approval by the end of next week. Anglemyer stated they believe they can have the bid opening the first part of November so the bids can be reviewed at the first council meeting in November. Anglemyer stated last week they took bids for work they were doing on Lake Afton and the bids came in very favorable and below the engineer's estimate.

Anglemyer stated this is a standard contract for construction administration except that DWR has some specific requirements for the contract. Anglemyer stated the bidding services is covered by our current design engineering agreement with MKEC. Anglemyer stated an engineer will be on site any time there is construction going on, that MKEC will review and analyze all testing, verify payment requests, and make sure the contractor complies with all the necessary permit requirements. Anglemyer stated there will be period progress meetings as well. S. Jones inquired about whether we will be doing the Elective Paving Improvements. Anglemyer stated it is part of the bid at this time and that the only bid alternate at this time is the removal of the fish.

S. Jones inquired about MKEC reviewing the contractor's choice for quality control. Anglemyer stated they will make sure they use someone reputable, hopefully someone MKEC has worked with before, and hopefully someone local. S. Jones inquired about the specifications in testing. Anglemyer stated they will use ASTM specifications. S. Jones inquired about who would be at the periodic progress meetings. Anglemyer stated they will include the prime contractor, significant sub-contractors, MKEC's field persons, MKEC's engineer, and City staff. S. Jones asked who the project manager will be. Keefer stated it would probably be him.

Huddleston stated the payment provision on page five says a total not to exceed amount of \$229,014.17 and that it is followed by a fixed fee. Anglemyer stated the total, including the fixed fee, will not exceed \$229,014.17. Huddleston asked if the reimbursable expenses included in item B are included in that \$229,014.17 amount and Anglemyer stated they are. Childers made a motion to approve an Engineering Services Agreement with MKEC for construction inspection services for the Spillway and Dam Project. Reavis seconded the motion. Motion carried without opposition.

Spill Prevention Control and Countermeasure Plans: Council considered approval of a proposal from Aqua Tech Engineers to update the City of Augusta's Spill Prevention Control and Countermeasure Plans and provide training for personnel. Keefer stated the first set of plans was made in 2006 and that this is that plan's first update. S. Jones asked who completed the first plans. Keefer stated Aqua Tech Engineering. Huddleston asked what is being updated. Keefer stated the EPA requires an update every five years to review and address changes, etc. Shaw stated that new tanks and equipment have been added throughout the City and that the EPA requires the plan to be updated periodically and that certain records are maintained. S. Jones made a motion to approve the proposal from Aqua Tech Engineers to update the City of Augusta's Spill Prevention Control and Countermeasure Plans and provide training for personnel. Childers seconded the motion. Motion carried without opposition.

Street Sales Tax Program: Council considered approval of a list of street patches and repairs as part of the 2011 Street Sales Tax Program. Andrew Hart with Goedecke Engineering was present and explained that most of the concrete work is being done at Ohio and Main and it is a result of old concrete that is moving. Shaw presented pictures of what the current state of several of the proposed locations for work to be done. Reavis stated that at the locations he drove around this afternoon, it appeared that the underlying factor is poor drainage. Hart stated the intent is to raise the street back up to the curb line. Keefer stated if it is restored to the curb line it will drain better. Reavis asked if the gutter replacement on Ranchwood includes every driveway. Hart stated that not all the driveways would be replaced. Keefer stated the curb and gutter is mostly okay and that the problems seems to be more that it is breaking up at the driveways and included several driveways on adjacent streets.

Huddleston stated the area at Ohio and Main has failed so many times and asked there is a bigger problem there. Hart stated the problem is that the concrete is moving and that the majority of traffic southbound on Ohio is turning there. Huddleston stated he thought it was all concrete at 309 Main. Hart stated the concrete joint will be replaced with an asphalt joint. Huddleston stated there are joint problems all along Main. Keefer agreed and stated it is going to take some time to repair all of those joints. Keefer stated we will do this one to see if it solves the problem before moving forward. Childers made a motion to approve the proposed list of street patches and repairs as part of the 2011 Street Sales Tax Program. Malone seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Malone – Malone referenced item #2 on the informational memorandum and stated he would like to ask the sanitation committee to get together again and bring the council more information. Malone stated he did not feel that the council got all of the information they could have provided. Williams asked for an example. Malone stated that they talked a lot about what Derby did, but that Valley Center just recently changed their service to a franchise and they are now making money off the service. Malone stated that Shaw said they took out the replacement of tires out of the budget, but that automated trucks might require more maintenance. Malone stated that the council was told that the cost of the sanitation department goes up some years and down, but that it stays pretty flat. Malone stated he reviewed the financials and it shows that we are actually \$45,000 down over the last five years. Malone stated that the committee didn't contact any private haulers.

Childers stated he has spoken to several people and there is no general consensus from our citizens on what they want. Childers stated he would support Malone and thinks that a work session would be beneficial. S. Jones stated that only reviewing what Derby has done is not due diligence, and that we should get some bids from private haulers. Malone stated he would like a list of specifications put out to bid so we can compare apples to apples. Huddleston stated this is a big issue to our town and that the committee lacked information on what a private hauler can do for us. Huddleston stated that if we go to an automated system we will have higher maintenance costs. Huddleston stated the council was told that private haulers would not work with our elderly citizens with putting their dumpsters at the curb, working with special events, picking up large items, etc. but that he checked and they will do those things.

Reavis stated that as a member of the committee he can say that we did discuss privatization, but that it was our consensus early on as a committee that we felt privatization was not the best option or direction that needed to be explored so we didn't go down that road. Reavis stated that he has no problem getting back together with the committee and looking into it. Shaw stated that the reason Derby was looked at as an example is because they documented the entire process they went through and that they were a recent example. Shaw stated that it looking at a city that switched from a municipal trash service to a franchised service would be a better example.

Malone stated that he thinks we should have at least taken bids. Shaw stated he doesn't think everyone agrees on the specifications yet, so what would they be bidding on. Williams stated that instead of a bid, it might be better to get some regional information on what people are paying. Shaw stated he has those numbers, but the services provided are different from one community to another. Keefer stated the committee was not authorized nor directed to obtain bids, that has to be done by the governing body. Keefer stated that Hutchinson approached their trash service as an asset to the community and they sold that service to a private hauler. Keefer stated we need to look at what our system is worth.

Huddleston stated we should do some fact finding rather than obtaining bids, but that he would like more information. Keefer stated there is no problem re-convening the committee, but that we need clear direction. Williams stated the consensus is that we want more facts. Keefer stated staff will visit with the local haulers to see what they are willing to tell us short of taking bids. Williams stated that thanks to the newspaper the citizens have been calling and that she was stopped by someone at the grocery store who said the sanitation guys are the hardest working employees of the city.

Shaw asked if we should schedule a joint work session with the council and the committee. Williams stated it should start with the committee. Reavis stated the council should have their work session first so they can have clear direction to give to the committee on what they should be looking at. Williams asked if it would be better for staff to develop some criteria for the committee first. Reavis stated he thinks the committee needs more information from the council. Childers stated Reavis made a good point, but that we are having a mini work session now. Keefer stated he will schedule a work session for the council first. Reavis stated that he doesn't know that the committee needs to be there. Keefer stated that he thinks they will want to be there.

S. Jones – S. Jones inquired about the individual evaluation of the park equipment. Keefer stated the guy was working on it and that he hasn't seen the report yet. Keefer stated when he receives the report he will present it to the Park Board and then the governing body.

#### Final Comments:

Huddleston – Huddleston stated he has gotten conflicting information about vendors selling on 7<sup>th</sup> Street. E. Jones stated that if they are selling locally grown produce they are not required to get a business license. Huddleston stated that Colorado peaches are not locally grown. Huddleston stated he has been told that if they are selling on private property they do not need a license. E. Jones stated that is incorrect. E. Jones stated there has been some concerns about the items being sold at the Farmer's Market and that some of those vendors should also have a business license. Keefer stated he has suggested Downtown Augusta Inc. obtain a business license for the Farmer's Market to ensure they are all covered.

S. Jones – S. Jones thanked E. Jones and her staff for the engineering cost information that was provided. S. Jones stated she would like to have a discussion in the future about having someone officially appointed to be the city engineer. Keefer stated that decision would be up to the governing body. Keefer stated that some cities have a contract that specifies day to day engineering and others have a broader contract, but that it would depend on how the governing body wants to approach it. S. Jones stated there are several engineering firms that contract with municipalities to be their city engineer. Keefer stated in many ways that is what Goedecke is doing now, but without an official agreement. Keefer stated we could come up with a list of things the governing body would want to be included in the agreement and ask engineering firms to provide a cost proposal. Childers stated he sees no reason not to explore this further and Malone agreed.

Rawlings asked if there is a specific problem with the way things are going. Childers stated that if we can find a cost savings it would behoove us to look at it. Keefer stated it may not necessarily be a cost savings. Huddleston cited issues with the Streetscape concrete downtown as a specific concern with

Goedecke. Rawlings stated that happens all the time and that they always pass those costs on to the city. Rawlings stated we had a problem with MKEC on the water tower project and that he is surprised we continue to work with them. Keefer stated there was a problem with that project, but that it was more with the contractor.

The majority of the governing body would entertain staff to get ideas of what other cities have done with regard to a city engineer and the costs associated with it. Keefer stated before he solicits bids he will need ideas of what the governing body wants in the agreement with regard to general or all-inclusive engineering. Childers suggested we look at what other cities have done. Williams stated it is nice to have smaller engineering firms to work with such as Goedecke and Aqua Tech and that she doesn't know that going to a larger firm will be better for us. Williams reminded the governing body that they always talk about going local. Keefer stated staff will look into this and put something together for the Council to look at.

Adjourn: At 8:18 p.m. S. Jones made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
OCTOBER 3, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on October 3, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Sue Jones, Ronald Reavis, and Matt Malone. Councilmen Michael Wallace and Mike Rawlings were absent. Also present: City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, John Black, Willis Wilson, Martin Goedecke, Mike Kuestersteffen, and Boy Scout Troop 212.

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

Minutes: Reavis made a motion to approve the minutes from the September 19, 2011 meeting. Huddleston seconded the motion. Motion carried without opposition.

Appropriations:

September (9A): Huddleston stated the warrant register summary did not have amounts listed. E. Jones stated there was a virus on the computer that prints this report and when the program was reloaded onto the computer this report must not have been correct. Huddleston asked that a corrected summary be provided. Malone made a motion to approve Ordinance 9A in the amount of \$342,146.50. Harper seconded the motion. Motion carried without opposition.

Visitors:

Mayor Williams welcomed Boy Scout Troop 212 to the council meeting and commended them for their recent collection of donations for the Augusta Caring Center.

Old Business:

Sanitation: Reavis made a motion to schedule a work session for 7 p.m. on Monday, October 24<sup>th</sup> to review and discuss recommendations from the Sanitation Committee and provide further direction for gathering additional information. Childers seconded the motion. Motion carried with Huddleston opposing. Huddleston stated he was opposed because his impression was that we would turn it over to the committee to do an analysis of all available options and to bring a proposal back to the governing body. Reavis stated the committee did an analysis and provided their recommendation at the last meeting and that Huddleston didn't like it. Reavis stated the committee needs to know what it did wrong. Huddleston stated the committee immediately dismissed privatization so it did not look into the benefits of privatization versus doing it in house. Huddleston stated he thinks the committee needs to adequately research privatization and that the governing body needs more information to make a decision.

Engineering Services: Reavis made a motion to approve and engineering services agreement with Aqua Tech Engineering for the Water Supply Study. Malone seconded the motion. Motion carried without opposition.

Malone made a motion to approve an engineering services agreement for the SPCC Plans Update and related training. Huddleston seconded the motion. Motion carried without opposition.

Change Order: Reavis stated he didn't understand what this change order is requesting, because the amount approved at the last meeting was over \$116,000. Keefer stated there will be another change order in the future. Martin Goedecke stated this is for asphalt, patching, and crack sealing and that this amount will be paid to the contractor. Goedecke stated the change order that will come later will be for Bryant & Bryant construction for the concrete. Keefer stated the amount being considered tonight is in addition to what was included in APAC's original contract for the asphalt repair portion of the annual street sales tax project.

Reavis stated the change order included sidewalk repair and asked if you can use street sales tax funds for sidewalk repairs. Keefer stated we can when it is part of the street repair project. Goedecke stated this is at the southeast corner of Main and Ohio. Malone made a motion to approve a change order with APAC, Inc. in the amount of \$72,374.83 for the Street Sales Tax Maintenance/Repair project. Childers seconded the motion. Motion carried without opposition.

**New Business:**

**Spillway/Dam Project:** Reavis made a motion to approve the Assistance Agreement with US Environmental Protection Agency for the \$180,000 grant for the City Lake Spillway and Dam Project. Harper seconded the motion. Motion carried without opposition.

**Levee Project:** Childers made a motion authorizing the Mayor to execute a Consent Agreement with Butler County for Kelly Avenue allowing for a stop log structure to be constructed in their road Right of Way for the Levee Project. Harper seconded the motion. Huddleston stated exhibit B refers to the road as Dike Road and stated it is officially SW Hunter Road. Huddleston asked if that will make a difference on the drawing. Keefer stated the County Map refers to this section of the road as Dike Road. Motion carried without opposition.

Reavis made a motion authorizing the Mayor to execute a Consent Agreement with Butler County for Thunder Road allowing for the placement of the levee in their road Right of Way for the Levee Project. Childers seconded the motion. Motion carried without opposition.

**Spillway/Dam Project – Fish Salvage:** Council reviewed and discussed the Fish Salvage Process as part of the City's Spillway and Dam Project. Williams stated a suggestion would be to let all state license holders' fish for free beginning on October 15<sup>th</sup> for 30 days. Williams stated either we allow them to help us, or we do it ourselves at our expense. Malone suggested opening up the use of boats to all Butler County residents. Keefer stated he would only ask that they register their boats so we know what is on the lake. There was a general consensus from the governing body to waive fees for 30 days.

Williams stated we would need to publicize the blue/green algae situation. Keefer stated the State has okayed us waiving the use of nets, but not trot lines. Huddleston stated the current code states the hours as all reasonable times and asked if that needs to be amended. Keefer stated he thinks there is some signage about the permitted hours of fishing out there now. Williams stated these changes would only be for 30 days. Keefer agreed and stated we would have to evaluate it in 30 days and see where we are. Huddleston stated he would feel better only waiving the fees for Augustans and residents of Butler County. Williams stated she would feel better waiving it across the board because they would be helping us and it would be easier to manage than only waiving it for certain people. Keefer stated staff will send a letter to all of those people who have an annual city fishing license.

Reavis made a motion waiving fishing requirements and costs starting on October 15<sup>th</sup> for everyone, allowing the use of nets, and limiting the use of boats to Butler County residents and requiring them to be registered. Malone seconded the motion. Motion carried without opposition.

**Bids:** Reavis made a motion to approve the bid from MITE Electric in the amount of \$4,500 for the purchase of three electric breakers with buckets for the Wastewater Treatment Plant Improvement Project. Childers seconded the motion. Huddleston asked why this was not part of the original bid. Willis Wilson stated that the buckets and breakers have to be made by the same manufacturer of the existing Motor Control Center in order to be compatible. Motion carried without opposition.

**Street Sales Tax Advisory Committee:** Huddleston made a motion to approve Dalton Patterson, Karl Winter, Carol Unrein, Brent Van Dyke, Gary Rogers, Anita Elliot, Kevin Visor, Shirley Stueven, Craig Sharp, Joe

Luinstra, and Joe Pennycuff to the Street Sales Tax Advisory Committee for a term of two years. Childers seconded the motion. Motion carried without opposition.

Informational Memorandum:

Williams – Williams stated the funding from the Corps of Engineers has been secured and we will be moving forward with the Levee Project. Keefer stated he was informed they official let the project today and that their next move is to analyze the bid to see if there is a way to lower the costs.

Williams stated she has received emails in regard to watering, specifically for people re-seeding their lawns. Williams stated her concern is that we still need an emergency water supply and we have to consider the demand for water. Williams stated when the project is completed in the spring it could take months or years before the lake is replenished. Williams stated there are 12 to 14 new home builds and she would be open considering adjusting the restrictions to allow the current 14 hours of allowed watering to be spread out over 7 days instead of 2 for brand new lawns. Huddleston stated people need to deep water their trees and shrubs to keep from losing them. Huddleston stated he would rather save those than new yards. Keefer stated that when you put a new yard in you have to keep it wet. Keefer stated he understands the stress on trees and plants this summer, but that he feels some of those can be done within the current 14 hours of watering allowed but that he doesn't think the system could handle allowing both. Williams stated she would like to allow the 14 hours to be spread out to 2 hours per day for new lawns, but that the property owners would be required to get a permit from the inspection department. Huddleston inquired about a 10-15 day moratorium on the restrictions. Keefer stated that would not be enough time to re-seed or put in a new lawn. Williams stated another concern is the amount of demand that would put on the system. Huddleston asked Williams if she is proposing the change for new lawns and re-seeding and Williams stated she would not recommend changing the restrictions for re-seeding. Huddleston asked if new lawns will have grass by winter. Malone stated those yards would be dried up next spring just like all our other lawns. Williams stated they will have to make that decision at their own risk, and that our safety and need for water will take priority. Reavis asked Williams if she meant new yards for new construction only. Williams agreed. Reavis stated they will still be limited to the 14 hours of watering and Williams agreed.

Reavis stated he thinks everyone in town has made personal sacrifices because of inadequate water supply and that he would agree that if they don't have a yard he would rather see them plant it now rather than wait until next spring. Williams stated grass grows better in the fall. Malone asked how the winter monthly average would be calculated on these new builds for the purpose of the water conservation fee. E Jones stated it would be set at 6,000 gallons as it is with all new customers that have not previously had usage.

Reavis stated he wanted to make sure everyone knows we are not wasting the water that will be drained out of the lake, that we will not be able to get that water into the system. Williams stated the Division of Water Resources (DWR) owns the water and that water will be put into the rivers. Williams stated we will continue to use it as a back-up water supply as long as it is available. Reavis made a motion to allow new construction to put in new yards and for the 14 hours of watering per week allowed under the water restrictions to be spread out over the 7 days. Reavis stated he would leave how to administer that up to staff. S. Jones asked how it will be monitored. Williams stated it will be mostly on their honor. E. Jones stated we would be able to tell by their usage if they are exceeded the allowed allotment of hours. Reavis asked that staff provide information from the County Extension office on new yards. Huddleston seconded the motion. Motion carried with Childers opposing. Childers stated he has concerns about the "on your honor" system and is concerned that it is more confusing and could show favoritism. Childers stated he is concerned about picking and choosing who can do this.

Keefer stated as a whole, the community has complied with the restrictions and the citizens should be commended for their efforts. Keefer stated we will try to us as much of the water in the lake we can before

we start pumping it out when the quality of the water at that level is not very good. Keefer stated he is concerned about the El Dorado water line, so the hours of day when watering is allowed is an issue for regulating demand. Keefer stated if the water towers go dry we would have to have a boil water issue.

Reavis asked about the status of the repairs of the million gallon storage tank and asked if it will be out of commission during this time. Willis Wilson stated it will be out of service during the time of the spillway/dam repairs. Reavis inquired about the time frame. Wilson stated it will be a winter/spring project. Williams inquired about the risk to the tank if the project is put off for a year. Wilson stated a year would not cause the tank to fail. Williams stated she would be more comfortable with waiting to complete the tank project. Huddleston stated he thinks what the council is concerned about is that if the lake is empty it is not good to have the storage tank empty too. Wilson stated he does not see a connection between the lake water supply and the storage tank repairs. Malone inquired about our storage capacity. Keefer stated there is 2.5 million gallons of storage capacity between the storage tank and the three water towers. Wilson stated the tank would be approximately a half of a day additional usage. Williams asked if staff could review this project in terms of timing. Reavis inquired about Mulvane's storage. Keefer stated they have a reservoir and a water tower. Williams stated it would be good to know their storage capacity. Keefer stated these are all good points and something that should be considered. Williams stated she would like it reviewed, because draining the lake is a risk and right now might not be the best time for this project. Williams stated since we are funding this project it could be delayed without risk to the funding. Williams requested that staff bring back a recommendation to the council on the million gallon storage tank project.

Final Comments:

Huddleston – Huddleston inquired about the obstruction in the inlet tower and asked if we couldn't do anything about that. Keefer stated we had flow issues a month ago and could not find an obstruction in the inlet tower, but found a blockage in the pumps themselves. Keefer stated there would be some clearing of debris in the inlet tower during the construction of the dam/spillway.

Harper – Harper asked if we can make any provisions for the new trees that were planted at the cemetery, that some are turning brown. Keefer stated that Brian Alfaro is working on those and that he would have to check with him to see what specifically is being done to address them. Harper stated that Channel 7 has been very static-y. Williams stated the volume has been very low. Keefer stated he will check it out. Reavis asked if it is a Cox problem and whether we have any control over Cox. Keefer stated we don't.

Williams – Williams thank everyone who participated in the Homecoming Festival and the Yesteryear Fair.

Reavis – Reavis thanked Josh Shaw and the airport staff for a wonderful Fly-In. Reavis stated he appreciated their hard work and that there was very good attendance at the event.

S. Jones – Jones stated several weeks ago there was something in the Informational Memorandum about updating the employee handbook. Keefer stated there will be a work session for that before the end of the year.

Adjourn: At 8:10 p.m. S. Jones made a motion to adjourn. Malone seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
OCTOBER 17, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on October 17, 2011, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Michael Wallace, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Council member Holly Harper was absent. Also present: City Attorney David All, City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, Joe Hicks, Charley Havice, Max Hubbell, Briant Lewis, Troy Powers, Terry Deaver, Martin Goedecke, Kevin Cowan, Brent VanDyke, and Dustin Avey.

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

Minutes: Reavis made a motion to approve the minutes from the October 3, 2011 meeting. Childers seconded the motion. Huddleston stated that he must have missed something during the watering discussion last week because he thought he understood that the change only applied to new lawns where the homes were inhabited, not those that were unoccupied. Williams stated it wasn't specified, but that some of the unoccupied homes have been sold. Keefer stated there have been five permits pulled and that all are for occupied homes. Childers stated he was concerned that there is confusion about it because he saw someone watering on Sunday. Williams stated she thought we made it very clear, but that we will have to continue to monitor that. Motion carried without opposition.

Appropriations:

October (10): S. Jones inquired about the payment to American Control. Keefer stated it was a partial payment towards the work being done on the Variable Frequency Drive (VFD) at the water plant. S. Jones inquired about the payment to Kriz Davis. Keefer stated it was for various materials and supplies for the Electric Distribution Department. S. Jones inquired about the payment to Randall Hladik. Keefer stated it was for the playground analysis. Keefer stated the Park Department is working on summarizing the report and will be presenting it to the Park Board and Council. S. Jones stated that a month end financial report had not yet been provided for September. E. Jones stated it will be provided at the next meeting. Wallace made a motion to approve Ordinance 10 in the amount of \$446,828.79. Childers seconded the motion. Motion carried without opposition.

Visitors:

Mayor Williams presented the VFW with a proclamation and stated the VFW would like to make their community aware of their Buddy Poppies fundraiser. Williams stated the poppies are assembled by disable veterans and that their purpose is the desire to honor the dead by helping the living. The poppies will be distributed on November 5<sup>th</sup> and 6<sup>th</sup> at Wal-Mart and Dillon's and the funds raised will be used locally for veterans and their families.

Troy Powers of McCune Heating & Cooling requested the blocking off of School Street in front of their shop for their open house on October 29<sup>th</sup> from 11 am to 4 pm. Powers stated it would be from the south end of the post office to the south end of the block. Williams asked if Powers had spoken to his neighbors. Powers stated he had not, but that he would. Keefer asked that Powers provide a written request including any services that would be needed of the City. Williams asked Powers to work with staff on that.

Wallace introduced his appointment to the Street Sales Tax Committee, Brent VanDyke 1209 Henry.

Old Business:

Airport Advisory Board: Reavis made a motion to approve the appointment of Mr. Rob Kuhns to the Airport Advisory Board to fill the unexpired term of Jeff Karst. Childers seconded the motion. Motion carried without opposition.

New Business:

Levee Project: Dustin Avey with PiperJaffray provided a market update and stated that Country Club Bank had the lowest bid. Wallace made a motion to approve the bid from Country Club Bank for the lowest net interest cost of \$9,279.17. Childers seconded the motion. Motion carried without opposition.

Reavis made a motion to approve Resolution 2011-20 authorizing the issuance and sale of Temporary Notes Series 2011-3 for the Levee Project. Malone seconded the motion. Motion carried without opposition.

KDHE Revolving Loan: Council reviewed and discussed refinancing the City's KDHE Revolving Loan for the Wastewater Treatment Plant. Dustin Avey, Financial Advisor with Piper Jaffray, addressed the council stated that between now and when we could do the re-financing the rates may change but that he projects we will be able to reduce the current rate of 3.04% to approximately 2.08% by refinancing. Avey stated we will not be changing the term, but we would have more flexibility by refinancing and that it could mature earlier. Avey stated the industry standard is a present value savings of 2% to 3%. Avey stated that because this is a KDHE Loan for a sewer project there is more of a process involved in refinancing it. Malone asked how refinancing would affect our debt limits. Avey stated that since it is a sewer project it would be exempt from our debt limits. Williams inquired about the financial commitment. Avey stated there would be no financial commitment unless the council chooses to refinance.

Kevin Cowan, Bond Counsel with Gilmore & Bell, stated that if the city chooses a Home Rule action in pre-paying these loans you have to make sure you are not violating any existing state statutes. Cowan stated you have to look at the process you had when you originally issued the bonds. Cowan stated we would either have to do it by charter ordinance or by holding an election, but due to time constraints he is recommending a charter ordinance. Cowan stated KDHE water loans are easier because they have that legislation in it but that the sewer loans do not have the same provisions.

Huddleston stated the charter ordinance states that we are exempt from K.S.A. 12-621, but other than the dollar limitations what else is in the statute that we don't like. Cowan stated the notice and protest provision. Huddleston stated he is not comfortable removing the protest provision for future projects. Huddleston asked if it can be written into the ordinance to raise the dollar limits but leave in the protest provision. Wallace agreed that we should not take away the public's right to protest. Keefer noted in the last situation with regard to the WWTP we were told that we had no choice and had to do the project by KDHE. Wallace stated he doesn't want to put this one thing in there that affects the citizens' rights in the future.

Malone inquired about the original loan amount. Keefer stated it was approximately \$9.5 million and that we are 10 years into the loan. Wallace made a motion to table this item. Huddleston seconded the motion. Motion carried without opposition. Malone stated he would like the ordinance to include a protest period but have an exemption to paying off any existing loans. Huddleston added increasing the limits to \$1.5 million. Cowan stated it is usually tough to beat the rate of a loan rather than issuing bonds. Huddleston stated if we are reaching capacity then

shouldn't we be getting more in fees than we were when it was first built. Keefer stated we are actually getting less in fees because people have learned to conserve in the winter to keep those fees down for the rest of the year.

Change Order: Council considered approval of a change order with Bryant and Bryant Construction for Street Sales Tax Maintenance Repair projects. S. Jones stated the cover letter said it is the amount of \$93,637.33 but that the second page of the change order says \$99,702.10. Keefer explained that this change order is only adding \$21,262.50 and that the \$93,637.33 is the amount of the change order approved with APAC at the last meeting (\$72,374.83) and the amount being considered for Bryant and Bryant now (\$21,262.50). Keefer stated the \$99,702.10 is the new contract amount with this change order for Bryant and Bryant. Malone made a motion to approve the change order with Bryant and Bryant Construction in the amount of \$21,262.50 for the Street Maintenance repairs. Huddleston seconded the motion. Motion carried without opposition. Keefer asked Goedecke when the project will start. Goedecke stated APAC started the patchwork today and Bryant and Bryant plan to start November 1<sup>st</sup> and are supposed to be finished December 15<sup>th</sup>.

Kelly/Ohio Project: Council considered approval of an agreement with Allied Laboratories to conduct field tests as part of the Kelly and Ohio Intersection Project. S. Jones asked if we received an analysis from Allied on the single sample they took. Goedecke stated we have not. Malone asked if there had been a filling station or something else there in the past. Keefer stated there used to be a grocery store where Stockton Memorial is but that no one is aware of a gas station or underground storage tank. Keefer stated it could be a heating oil tank, that several of those were located during the Streetscape project. Malone made a motion to approve an agreement with Allied Laboratories to conduct field tests as part of the Kelly and Ohio Intersection Project. Rawlings seconded the motion. Motion carried without opposition. S. Jones asked when the tests will begin. Goedecke stated the tests will be completed in 10 days and that the results should follow shortly.

Frisco Railroad Right-of-Way: Council reviewed and discussed the Survey for the old Frisco Railroad Right-of-Way. Goedecke stated all of the descriptions had to be rewritten because there was a difference between what the County and the City showed for descriptions. Goedecke stated that the biggest problem that was encountered had to do with an encroachment of a fence and a building on the south side of Thunder Road and adjacent to the refinery property. Goedecke stated he spoke to David Alfaro with the County and the plan is for the County to give the property with those structures on them to the adjacent property owners and the remaining right of way will be given to the city. Goedecke stated the Senior Citizen Center parking lot also encroaches onto the railroad right of way, as does a portion of the Augusta Saw and Mower fence. Goedecke stated the owner of Augusta Saw and Mower had a survey done before the fence was built, but that the monuments were not the same as those used during Goedecke's and those monuments are no longer there. Huddleston asked if these two other encroachments will be handled the same as the two mentioned before. Goedecke stated they will not be handled by the County. Huddleston asked if the fence will have to be moved. Goedecke stated the City can make an agreement with the property owner that the fence can remain in its current position. Wallace asked if after a certain amount of time, doesn't the property become his. Mr. All stated that adverse possession occurs at 15 years. Huddleston asked why the County would not release this encroachment like the others. Keefer stated we didn't ask them to, but if the Council desires we could ask them to address this one as well. Huddleston stated if the County is willing to do that with some why not do it to all to put the issue at rest. S. Jones stated she thinks Huddleston's request is the reasonable thing to do. Malone asked if the County isn't willing to do this, couldn't the City do the same thing. Keefer stated we could do a quit claim deed.

Huddleston asked if there are other encroachments. Goedecke stated there is a small encroachment for a fence off Walnut. Williams asked if it is necessary for us to do anything with these small encroachments. Mr. All stated the council just needs to decide how important it is to have them move the fence or deed it to them. Williams asked if the fence can't just remain where it is without doing anything else. Mr. All stated he has been involved in several adverse possession cases and that the council may want to resolve it now. Wallace stated just let them get a quit claim deed now to avoid a legal dispute later. Wallace asked how many of these types of encroachments there are. Goedecke stated maybe five total.

Huddleston stated that when the senior center was built they were well aware that it wasn't their property, where the others did not know they were encroaching on property that wasn't theirs. Williams asked for a consensus on whether to include the senior center in the request to the County about the encroachments. The consensus was not to include the senior center in the request.

Reavis asked if the right of way thing is an all or nothing deal. Reavis stated the only benefit he sees for the city is the waterline and utility easements and that he thinks the trails are a "pie in the sky" type of a deal. Reavis asked if there is an advantage for the city to have property all the way down into the refinery. Keefer stated the original discussion included a little piece of right of way into the refinery, but we could ask the County to keep that piece. Williams stated she sees no advantage to the city to have that right of way. Reavis stated it would not have any benefit with the new levee. Rawlings asked if could be used for a future ball park. Keefer stated it would be too far west for that. Huddleston asked if we could sell this property in the future. Keefer stated we could sell it as is. Wallace stated he disagrees with Reavis and thinks it would be prudent for the city to keep that portion. Williams stated she believes we need to move forward with creating trails. Keefer stated he has heard people say they would like to have a path to the river.

Wallace made a motion directing staff to prepare a letter to the County requesting them to move forward with clearing the encroachment of a fence and a building on the south side of Thunder Road and adjacent to the refinery property and the Augusta Saw and Mower fence. Huddleston seconded the motion. Malone asked if the railroad wanted to reactivate the line if they could and Keefer said yes. Motion carried without opposition.

#### Final Comments:

Rawlings – Rawlings stated he had a phone call from a citizen who was upset that the city did not personally notify him that we were increasing his water rates and that the utility office told him they had gotten several calls and told him to call his council member. E. Jones stated she had spoken to that person and told him that a notice was delivered to his door and that it indicated the governing body was considering a conservation fee. E. Jones stated that she told the person that the fee was set by the governing body and if he was upset by the fee he could contact his council member. Rawlings stated he explained to the person that the fee is a penalty to reduce water usage.

Reavis – Reavis stated the County's minutes said their health insurance costs are dropping and asked what we are doing wrong that ours keep going up. Keefer stated that the County has a very active wellness program that helps reduce costs, but that prior to this year they have had a couple of years with big increases. Reavis asked if we are going to discuss a wellness program. Keefer stated we have and will continue to do so. Keefer stated he doesn't know the cost of the County's wellness program. Williams stated there are a variety of brokers that could assist with this.

Reavis stated he would be in favor of making the transition to electronic agenda packets. Childers stated he has begged for that since he came on to the council. Malone asked if Keefer saw how the packets are delivered. Keefer stated you can use a thing called “drop box”, use a pdf, or many other options that are available. Keefer stated either way there would probably need to be some training. Keefer stated he is not sure of the cost involved, but we will be in the minority in the near future with paper packets.

S. Jones – Jones asked Shaw if the sanitation committee will be meeting again before the work session. Shaw stated they would not, but that they would be at the joint work session. Shaw stated the council instructed staff to provide more information on privatization. S. Jones asked if the committee had any input in the information included in this report. Shaw stated they did not.

Adjourn: At 8:30 p.m. Wallace made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
NOVEMBER 7, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on November 7, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Sue Jones, Ron Reavis, Mike Rawlings, and Matt Malone. Councilman Michael Wallace was absent. Also present: City Attorney David All, City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, Willis Wilson, Jake McClure, John Black, Jay Anglemeyer, Gary Rogers, Myrna Rogers, Aaron Latimer, Alex Latimer, Avery Latimer, Robert Latimer, and Martin Goedecke.

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

Minutes: Holly stated that Rawlings was listed as absent from the meeting but that he had final comments, so he was at the meeting. Reavis stated there was a typo on page 5, that it should be “electronic” instead of “electron”. Reavis made a motion to approve the minutes from the October 17, 2011 meeting with corrections. Childers seconded the motion. Motion carried without opposition.

Appropriations:

October (10A): Huddleston stated the payment to Animal Clinic is listed as \$2,330.50 but the A/P Warrant Register shows \$3,280 being paid out of the Animal Control fund. Keefer stated that includes payrolls and possibly a natural gas payment. Huddleston stated he thought those were paid out of the Safety Department funds. Keefer stated the Animal Control is a standalone budget under the General Fund. Rawlings asked if the payment to American Control is the final payment. Keefer stated we are still holding between \$12,000 and \$14,000 while they are fine tuning things. Huddleston made a motion to approve Ordinance 10A in the amount of \$2,852,283.18. Malone seconded the motion. Motion carried without opposition.

Old Business:

Charter Ordinance: Rawlings made a motion to approve Charter Ordinance 15 allowing the City to refinance loans for the WWTP and Sewer System and issue debt up to \$1.5 million for construction of the improvements to the same as well as provide for the notice/protest/potential election process for bonds in excess of \$1.5 million. Childers seconded the motion. Motion carried without opposition.

One-Million Gallon Storage Tank Project: Council considered authorizing the separation of the One-Million Gallon Storage Tank Project into two phases to include construction of the 12” bypass pipe as Phase I and the Storage Tank repairs as Phase II. Willis Wilson stated the roof of the tank will be removed and replaced with a dome and other repairs to the tank will be made at the same time. Wilson explained that with the tank out of service the pumps cannot get water out of the storage tank. Wilson stated that installing the new 12” bypass pipe will allow the water to bypass the storage tank and go directly into the pumps and out into the distribution system. Wilson stated that when the dam/spillway project is completed and the water levels are restored then we can move forward with repairing the tank. Williams inquired about the cost of the project. Wilson stated the bypass pipe will cost close to \$60,000 and the total project will be approximately \$450,000. Williams asked how long the bypass phase will take. Wilson stated 30 days. Williams asked if there would be a disruption to the system. Wilson stated there would be a minor disruption – maybe a day or two. S. Jones asked if the project is ready to go to bid or if

the specs have already been developed. Wilson stated they are approximately 80% complete and that it will take about 30 more days to complete. Malone asked if the tank has to be drained for the bypass pipe to be installed. Wilson stated it only has to be lowered to the point where the pipe enters the tank. S. Jones asked if it will take 90-120 days to complete the project. Wilson stated that was a reasonable estimate.

Malone made a motion authorizing the separation of the One-Million Gallon Storage Tank Project into two phases to include construction of the 12" bypass pipe as Phase I and the Storage Tank repairs as Phase II. Childers seconded the motion. Motion carried without opposition. Keefer stated he will bring amendments to Aqua Tech's contract to the next meeting.

**Fish Salvage Operation:** Council reviewed and discussed the Fish Salvage Operation. Keefer stated that some local fishermen are waiting until the lake is lowered some so the fish are denser. Keefer stated that with the blue/green algae warning lifted, it opens the lake up to more physical access. Keefer recommended a new press release saying the warning has been lifted and adding other options for removing the fish, such as seining. Keefer stated he is open to ideas and thoughts and that we need to get the word back out there. Huddleston stated he had a request to add jug fishing. Keefer stated that has been added. Huddleston inquired about snagging. Keefer stated his is not familiar with snagging, but that if it is the same as dragging it is not normally allowed. Keefer stated the State has said to remove the fish by means "within reason" so he will inquire about that. Huddleston asked when the lake is being lowered if the City will be using some of that water. Keefer stated we are and that we are going to try to coordinate that with the contractor.

#### New Business:

**Dangerous Structure:** Rawlings made a motion to approve Resolution 2011-21 scheduling a Public Hearing at 7 p.m. on Monday, December 19, 2011 to take input on a dangerous structure located behind 654 Santa Fe Street and whether it should be condemned and demolished. Childers seconded the motion. Motion carried without opposition. S. Jones asked if there are other structures in town that would also fall into this category. Keefer stated there are probably several. Keefer stated he has asked the city inspector to identify those so they can be addressed, but if the council is aware of a specific address to let him know.

**Dam/Spillway Project:** Council considered bids for the City Lake Spillway and Dam Repair project. Jay Anglemyer with MKEC stated all five bids were very close and under the engineer's estimate, and that they are recommending the approval of the low bid from Utility Contractors, Inc. (UCI). Williams asked if a bid were approved tonight, when the pumping would start. Anglemyer said in 3 to 4 weeks, probably early December. Williams asked if we are still looking at May for the completion date. Anglemyer stated that is still the hope, but that it is dependent on the winter weather.

Jake McClure, President of Alan's Excavating, addressed the governing body. McClure stated his business has been in Augusta since 1989 and that their bid was within 2% of the low bid. McClure stated he was present to answer any question from the council about their bid. McClure stated he saw options for reducing the cost of the project, such as value engineering whether we went with Alan's Excavating or one of the other bids. Malone asked McClure if he saw any other ways he could lower the bid. McClure stated there are definitely some ways to save money on this project, such as using broken up concrete instead of shock rock. Huddleston stated the bids for the fish kill range from \$10,000 to \$78,000 and asked if UCI has some special expertise that allowed them to bid so low. McClure stated it was very difficult to determine the cost for the fish kill and that they didn't want to take the risk and bid too low. S. Jones asked if Alan's

Excavating will be using sub-contractors. McClure stated they would for concrete work and seeding.

Williams stated there is about a \$50,000 difference total in the UCI and Alan's Excavating bids. Williams stated it is a difficult decision because they are someone from our community that is bidding on this project, but that we want to make sure the process is fair. McClure stated he understood that but he does have 13 employees that live in the area and pay taxes. S. Jones asked if McClure will have to hire anyone as a result of this project. McClure stated maybe one driver. Malone stated this would be a pretty small investment into our community by choosing the Alan's Excavating bid. Keefer stated \$50,000 is pretty significant. Malone stated we just loaned a company \$30,000 and that several of those loans have not been repaid. Keefer stated that is a separate fund and is what the revolving loan fund is for. Keefer stated this is the council's decision, but that the council should take the big picture into consideration and the integrity of the bid process. Keefer stated if they choose not to take the low bid we may not get good bids from companies in the future. Keefer stated McClure and Alan's Excavating have been very good for this community and that we use them for a lot of the city's projects. Keefer stated if the total bid was closer, maybe only \$20,000 difference he would feel differently.

Malone asked if UCI has done work in Augusta before. Keefer stated they did work on the Water Plant and Wastewater Treatment Plant. Huddleston stated it is a tough decision to make. Huddleston stated Alan's employees live in town, pay taxes, etc. and have done emergency work for us, but we do have to consider the bid process. Williams stated her concern is the perception of favoritism. Williams stated when bids are close it is easier to show local favoritism, but not when there is such a big difference in the bids. Williams thanked McClure for coming and stated she appreciated him for being here.

S. Jones inquired about the 10% contingency fee in the engineer's estimate. Anglemyer explained that when they put the bid estimate together they don't want to be the low bidder, so they put the contingency in to account for that and to give staff an idea of how much is needed for issuing debt.

Malone asked if UCI was included in the lawsuit on the WWTP. Keefer said no. Malone asked if UCI had change orders on that project. Keefer stated that he couldn't recall, but with a nearly \$9.5 million project there probably were. Wilson stated he doesn't recall any significant ones with the Water Plant, but that was nearly 10 years ago. Malone stated that in this economy, there are people out there giving low bids to get the project knowing they can come back with change orders.

Reavis made a motion to approve the low bid from Utility Contractors, Inc. in the amount of \$1,717,706.70 for the City Lake Spillway and Dam project and the alternate bid for fish removal in the amount of \$10,000. Childers seconded the motion. Rawlings asked if there is a contingency item, will it be brought back to us. Keefer said yes. Anglemyer stated it is a pretty simple project and that they bidders had good information, but with the fish removal there is risk involved. S. Jones asked if there are any areas where a change order can be foreseen. Anglemyer stated he doesn't foresee any change orders. Childers stated if there were any items that could be foreseen, any of the contractors would have to have a change order. Anglemyer agreed. Huddleston inquired about the regulations on fish removal. Anglemyer stated they cannot shock or dynamite, but that they usually use a chemical that keeps the fish from getting oxygen but that it doesn't affect the water.

Motion carried with Malone and Rawlings voting in opposition. Williams told McClure that she respects the fact that he came to the meeting. McClure thanked the council and stated he appreciated the opportunity to bid.

Kelly/Ohio Intersection Project: Childers made a motion to approve a letter proposal from Goedecke Engineering to prepare legal descriptions and survey drawings for Temporary Construction Easements and permanent Right-of-Way for the Kelly and Ohio Intersection Project. Reavis seconded the motion. Motion carried without opposition.

City Engineer: Council reviewed and discussed a draft “Request for Qualifications for Engineering Services” document for the purpose of designating a City Engineer. Williams congratulated Goedecke on his retirement and thanked him for all that he has done with the City. Keefer stated that he is asking for feedback and thoughts on the RFQ and asked the council to keep in mind the proximity of the firm to Augusta, such as the metropolitan Wichita area. Rawlings inquired about the insurance requirements and stated he has been getting requests for \$2-\$3 million in coverage and that he doesn’t know if that is a trend. Keefer stated he would look into that. S. Jones stated the RFQ states it’s for as needed tech services, but that she thought they would be put on retainer. Keefer stated basically that is what we would be doing. S. Jones stated if we are asking for a fee schedule in case we needed to draw on the expertise of another in the firm. Keefer stated yes, but that most firms have standard fee schedules that may be useful if comparing firms with similar qualifications. S. Jones asked what other cities used this RFQ. Keefer stated South Hutchinson, Russell, and a third city that he could not recall. S. Jones stated that under the heading of Scope, it is a run-on list of thing and suggested it would be easier to address the questions if they are broken down into categories. S. Jones stated she felt that about several areas within the RFQ.

Williams asked if it would be possible for the final RFQ to be put together by the group that will be reviewing them and preparing a recommendation. Williams recommended that S. Jones be in that group. Malone asked how and who to the RFQ will be delivered. Keefer stated we will send it out to engineers we have identified in this area, put it on the city’s website, and maybe some place other than the Eagle for cost reasons. Rawlings suggested we ask the three engineers in the room where they look to get work. Williams stated that with his expertise, Rawlings would be good to help with the RFQ and asked if he would have time to serve on this committee. Rawlings stated it would depend on the time commitment. Keefer stated there would be probably 3 or 4 meetings, mostly after the holidays. Huddleston made a motion to appoint S. Jones and Rawlings as the council’s designates on the RFQ committee. Harper seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Williams – Williams stated she was approached by someone that does landscaping and they had asked for additional days for access to the compost and limb facility. Williams stated she didn’t think we have enough traffic to warrant additional operating times.

S. Jones – Jones stated she was surprised that only two Airport Advisory Board members were present at the meeting and asked if that is typical of the attendance with those meetings. Shaw stated it is and that it was almost four months ago when there was a quorum that could vote to approve the minutes, etc. Huddleston asked if it is always the same people that are absent. Shaw said no and that there are four there on a regular basis, but usually only two of them at a given time. Shaw stated the meeting schedule has been changed to accommodate their schedules and that they call to remind them of meetings but the attendance hasn’t improved. S. Jones asked if it is time to look at making changes to the board. Williams stated we just made a change and that volunteerism is really becoming a problem. Shaw suggested we wait a couple of months because

one of the members has been absent due to health issues and that we just replaced one of the members that were not actively attending the meetings.

Final Comments:

Huddleston – Huddleston stated in the last week he has noticed a lot of water at the south end of Ohio by the carwash. Keefer stated he thinks we have a leak there and that staff is looking at it to determine if it can be fixed without tearing up the street. Huddleston stated it should be taken care of before the cold weather and ice hits. Huddleston stated that on the southwest corner of the intersection there is a large chunk of concrete with a manhole cover sitting off kilter.

Harper – Harper asked if staff has heard back from the County Commissioners on the wind farm grant. Keefer stated they will fund our grant request of \$10,000 to be used as our local match for the Heritage Trust Fund Grant application.

Malone – Malone asked if there has been any interest in the E bills. E. Jones stated that 12 accounts were signed up in the first two days and that there are about 35 accounts signed up now. E. Jones stated there is no charge for this service.

Williams – Williams stated there is an open house on December 8<sup>th</sup> from 5 p.m. to 7 p.m. at the Drury Broadview hotel in Wichita for REAP and that all governing body members were invited to attend. Williams stated there will be a legislative meeting from 2:30 – 5:00 p.m.

Reavis – Reavis stated in the October month end reports there were some funds that were over 100% of their budget. E. Jones stated that she had entered some of the numbers incorrectly and those were corrected in the November report. Reavis stated the Santa Fe Lake caretaker had requested purchasing a gator and since he is under budget is this something that could be considered. Keefer stated he told the caretaker he would look at the fund balance at the end of October, but that it is up to the governing body. Keefer stated they didn't need as much summer help this year, which is why he is so far under budget. Keefer stated it would be approximately a \$10,000 expenditure. Reavis stated he is interested in making the purchase.

Childers – Childers stated the yellow striping on 7<sup>th</sup> looked good until the cones were taken down and now there is yellow paint all over. Keefer stated the County has been doing the striping on 7<sup>th</sup> and Walnut and that cars were not being patient and drove through the cones, smearing the paint. Keefer stated we are working on trying to clean it up as best we can.

S. Jones – Jones asked if there is any information on the soil sampling being done by Wal-Mart and at Ohio and Kelly. Keefer stated that a great deal of soil has been removed at the proposed Wal-Mart site. Keefer stated the movement has prompted Wal-Mart to start moving forward again on their project. Keefer stated he expects to see paperwork to start coming before the governing body in the near future to dot the "i's" and cross the "t's". Goedecke stated he received an email this afternoon stating the Ohio/Kelly report has been completed, but that he hasn't had an opportunity to read it due to email problems. Goedecke stated that when they did the drilling they went 25 feet in each direction and on the east side they found some more contamination.

Executive Session: At 8:17 p.m. Huddleston 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 and for the purpose of real estate acquisition. Childers seconded the motion. Motion carried without opposition. Rawlings and Malone abstained due to a conflict of interest and left the meeting at this point.

At 8:33 p.m. Childers made a motion to exit executive session with no action being taken. Harper seconded the motion. Motion carried without opposition.

Reavis made a motion to appoint David Rapp to serve as the City's counsel in connection with the levee land acquisition from McClure Brothers Farms, LLC on Butler County District Court; Case No. 11 CV 326. Childers seconded the motion. Motion carried without opposition.

Adjourn: At 8:34 p.m. Reavis made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
NOVEMBER 21, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on November 21, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Michael Huddleston, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Councilman Michael Wallace was absent. Also present: City Attorney David All, City Manager Bill Keefer, and City Clerk Erica Jones. Visitors present were: Kent Bush, Gary Rogers, Myrna Rogers, Bill Kincaid, Al Bergen, Leonard Whitehill, and other members representing the Lions Club.

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

Minutes: Childers made a motion to approve the minutes from the November 7, 2011 meeting. Harper seconded the motion. Motion carried without opposition.

Appropriations:

November (11): S. Jones inquired about the \$1,000 CTB grant paid to the Chamber. Keefer stated the Chamber applied and was approved for a CTB grant for their annual Homecoming event. Reavis made a motion to approve Ordinance 11 in the amount of \$265,614.47. Childers seconded the motion. Motion carried without opposition.

New Business:

Lion's Club: Council considered a request from the Augusta Lions Club to construct an outdoor basketball court at Bill Reed Park. Leonard Whitehill, representing the Lions Club, addressed the council. Whitehill stated the Lions club has done many public service projects throughout the city over the years and that they are requesting the city's support for another of those projects. Childers asked Reavis and Huddleston if there was any information from the Park Board meeting that wasn't presented in the memo. Huddleston stated that all members agreed that this was a good project. Reavis stated the biggest concern that was voiced was the fact that an additional basketball court was not included in the master plan, but the board worked through those issues and was all in agreement that it is a good project. Rawlings made a motion to approve a request from the Augusta Lions Club to construct an outdoor basketball court at Bill Reed Park. Childers seconded the motion. Motion carried without opposition. Whitehill thanked Keefer, the Park Board, and the Council for working with the Lion's Club on this project. Whitehill again thanked Keefer for working with them and for his help throughout this process. Whitehill also announced that the Lions Club will be selling Christmas trees at ACE Hardware this year.

Million Gallon Water Tank Project: Malone made a motion to approve an amendment to the Engineering Services Agreement with Aqua Tech Engineering for the Million Gallon Water Tank Project. Childers seconded the motion. Motion carried without opposition.

Work Session: Childers made a motion to schedule a work session for 6 p.m. on Monday, December 5, 2011 to review applications for the City's annual Utility Credit/Abatement program for non-profit organizations. Harper seconded the motion. Motion carried without opposition.

Lulu Street: Council reviewed and discussed the City's portion of the extension of Lulu Street to Thunder Road. Keefer stated the process with Wal-Mart has accelerated over the last couple of weeks. Keefer stated he would like to tie the balance of Lulu Street into Wal-Mart's project to take advantage of the cost savings, but in order to do that in a timely manner we need to get that

process started. Keefer recommended using the funds from the sale of property to Wal-Mart to do the project and if additional funds are needed those can be paid out of Capital Improvements. Keefer stated the City would have to acquire a portion of the old railroad right-of-way from the County in order to do this project. Reavis asked if the city could piggy-back our portion of the street onto Wal-Mart or their engineer's portion of the project. Keefer stated he has inquired about that, but they wanted to keep their project separate and distinct from our portion of the project. Huddleston asked if the city would be putting in sidewalk approaches for the future trail along the railroad right-of-way. Keefer stated that is a good idea and he will inquire about that. S. Jones asked if Wal-Mart is having an engineer do their portion of the street couldn't Martin Goedecke coordinate with them. Keefer stated he will and that the Wal-Mart engineer will pass any useful information on to Goedecke. S. Jones stated it seems like a convoluted way of doing it. Keefer agreed but stated when he asked the Project Manager/Engineer last spring or early summer he stated he wanted to keep it separate. S. Jones asked if we could ask again. Keefer stated he would.

Reavis made a motion to authorize staff to work with Goedecke Engineering on design engineering for extending Lulu Street to Thunder Road subject to Wal-Mart's Project Manager/Engineer's refusal to add it to their project. Childers seconded the motion. Rawlings asked if the issue should be tabled until there is an answer from Wal-Mart's Project Manager/Engineer. Williams stated that would delay it another two weeks and with this motion we are covered either way. Motion carried without opposition.

Final Comments:

Reavis – Reavis asked the council if they feel there is a need for a policy for council member's attendance at meetings and their ability to serve on the council. Childers asked Reavis if he has had someone approach him about this issue. Reavis stated he has. Childers stated he has been approached too. Reavis stated this isn't directed to any one council member, but that there is an obligation with this position that we need to accept and fulfill our responsibilities. Williams asked Keefer if he is aware of any other communities that have this type of a policy. Keefer stated he is not. Huddleston stated we don't have those types of requirements for our committees. Huddleston stated the citizens can take care of this by not re-electing the council members. Reavis stated that four years is a long time between elections. Childers asked City Attorney David All if he had any concerns with that type of a policy. Mr. All stated that he is not sure if the council has the authority to set that type of policy and asked that he be given until the next meeting to research the issue further.

Adjourn: At 7:23 p.m. S. Jones made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
DECEMBER 5, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on December 5, 2011, with Mayor Kristey Williams presiding. Council present were Holly Harper, Matt Childers, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Councilmen Michael Huddleston and Michael Wallace were absent. Also present: City Attorney David All, City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, Human Resource Manager Angela Casper, Santa Fe Lake Caretaker Rod Davis, and City Clerk Erica Jones. Visitors present were: Kent Bush, Linda Archer, Joanna Tillman, BJ Tillman, Louis Perez, Dana Perez, Larissa Deaver, Lyle Clark, Sharon Forrester, Terry Haynes, Gorden MacPhail, Gary Rogers, Myrna Rogers, Bill Savage, Ron Coppeck, Bruce McEllis, Jay Anglemyer, Keith Ayotte, and John Black.

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

Minutes: Harper made a motion to approve the minutes from the November 21, 2011 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

November (11A): S. Jones inquired about the payment to California State University for Education. Keefer stated it was a class for a wastewater treatment plant operator and included the course and books. Keefer stated the course assists with their training and obtaining their certification. S. Jones inquired about the payment to Solomon Corporation in the amount of \$14,513.88. Keefer stated it was for several transformers. Reavis made a motion to approve Ordinance 11A in the amount of \$952,823.87. Harper seconded the motion. Motion carried without opposition.

Visitors:

The Council recognized Linda Archer for 25 years of service with the City of Augusta and Louis Perez, Lyle Clark, Sharon Forrester, and Joanna Tillman for 10 years of service.

Old Business:

City Engineer RFQ: Council reviewed and discussed revised Request for Qualifications document to be used to solicit proposals from engineering firms to serve as City Engineer. Keefer stated the blanks in the document need to be filled in with dates. Keefer stated that a committee made up of him, S. Jones, Rawlings, and other staff will review the proposals that are received and will make a recommendation to the council. Malone asked if we move forward on this when the proposals will have to be back. Keefer stated January 6<sup>th</sup>. Reavis asked if that is enough time with the upcoming holidays. Keefer stated he will be sending them out this week which will give them almost a month to return their proposals. Reavis asked how it will be sent out. Keefer stated by mail. Keefer stated he has a list of firms and contact names and that the Wichita Business Journal just recently published a list of all the engineering firms in the area. Reavis made a motion to approve the Request for Qualifications document to be used to solicit proposals from engineering firms to serve as City Engineer and to set the deadline for the proposals as January 6, 2012. Malone seconded the motion. Motion carried without opposition.

New Business:

Utility Abatements: Williams stated the council held a workshop prior to the council meeting to review and discuss the abatement applications. Williams stated the applicants were as follows: Augusta Arts Council (Theatre) \$8,500, Augusta Arts Council (Gallery) \$1,500, Augusta Chamber of

Commerce \$1,700, Augusta Community Caring Center \$3,200, 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 \$8,000. Reavis made a motion to approve the abatements as read and to continue to provide free service to the Augusta Girls Softball. Malone seconded the motion. Motion carried without opposition.

Developer's Agreement: Reavis stated the wording in Section 1a. and 1b. of the agreement implies that all of the improvements will be done at Wal-Mart's expense. Keefer stated that Section 1 states that "...except as otherwise specifically provided:" and section 1b. states "In order to improve and extend Lulu Street...at the City's sole cost and expense...". Reavis stated that some of the paragraphs say at Wal-Mart's sole cost and expense and others do not. Keefer stated the first sentence under Section 1 covers that. Keefer stated that with the exception of extended Lulu at our request all other improvements are at the cost of Wal-Mart. Terry Haynes, representing Wal-Mart, stated that is correct. Haynes stated the project is moving along and is on schedule. Haynes stated they are still working on the time frame, but want to present the plans after the first of the year. Reavis asked if the bids will be open for local contractors. Haynes stated Wal-Mart has a group of general contractors they work with and that it is up to them but Wal-Mart encourages them to hire local sub-contractors. Childers made a motion to approve a Developer's Agreement with Wal-Mart for a new store that is proposed for the SW corner of 7<sup>th</sup> and Lulu Streets. Malone seconded the motion. Motion carried without opposition.

Employee Health Insurance Program: Keefer stated that Human Resource Manager Angela Casper spent a lot of time working with several companies to come up with this plan. Keefer stated we are looking at using the cost savings to develop a wellness plan, but that it is a work in progress. Keefer stated the plan is to create a employee committee to help develop the wellness program and to gain support for the plan. Williams stated there had been some discussion previously about using a broker, but that there was not enough time this year but it could be considered in the future. Malone stated he was not aware of what employees paid for the plan and that he was shocked by the amount. Malone stated this is a very good benefit for the city's employees. Keefer agreed. Keefer stated that other private businesses are able to pay their employees at a higher rate, and this insurance benefit helps offset that while ensuring that our employees have health coverage. Keefer stated that employees did not pay any premiums six to seven years ago. Keefer stated each year moving forward our employees will have to pay more and more out of pocket, but hopefully the wellness program will help keep those costs down. S. Jones asked if dental, vision, and life insurance is paid 100% by the city. Keefer stated it is and that he can provide that premium information at the next meeting. S. Jones stated the wellness program is a step in the right direction. Reavis stated several businesses have made hiring conditional on no tobacco use. Reavis asked if that is something we could do. Keefer stated that would be up to the governing body. Reavis made a motion to approve the City's proposed 2012 Employee Health Insurance Program. Childers seconded the motion. Motion carried without opposition.

Wichita Model Railroad Club: Council considered approval of a new lease agreement with the Wichita Model Railroad Club for space in the old Fire Barn. Gordon MacPhail was present representing the Wichita Model Railroad Club. S. Jones asked MacPhail why they refer to themselves as the Wichita Model Railroad Club as opposed to the Augusta Model Railroad Club. S. Jones stated that troubles her. S. Jones stated she also finds the amount of the rent troubling and that this is a five year lease troubling. S. Jones asked MacPhail to explain what they do in their meetings and what community service they provide. MacPhail stated they can change their name to the Augusta Model Railroad Club and that their membership is open to the public. S. Jones asked what they have done in terms of providing community service. MacPhail stated they are open to the public on the first Saturday of every month. He stated they assist local Boy Scouts in

obtaining a badge and they give tours to various groups. MacPhail stated they would like to improve their PR. S. Jones agreed they need to get the word out. MacPhail stated they have a website but couldn't recall the site address. Williams asked them to provide their website information and asked if they have any signage. MacPhail stated there is signage on their door.

S. Jones asked if the rent basically just pays for utilities. Keefer stated for the most part it does but did not last year, but that they have taken measures to improve their usage including a programmable thermostat. S. Jones inquired about last year's utilities costs. Keefer stated he thought it was around \$1,400, most of which was incurred in three winter months. MacPhail stated they are working on insulating it better and that they have taken aggressive steps to reduce their usage. MacPhail stated they are reading their meter monthly to monitor their usage and programming the thermostat to keep usage down.

S. Jones stated she would propose extending the contract one year and challenging the Club to do a better job of getting out into the community. Harper agreed but stated she would recommend two years. Williams stated that with all the time and investment they have put into that she would rather see two years. MacPhail stated they were open to an annual review. Reavis asked if the original agreement was for five years and MacPhail answered yes. S. Jones stated this is city property and she would like to see that the city in general benefits from them being there. Malone stated he would be in favor of an annual contract that would allow us to make changes if necessary.

Reavis stated this space is city-owned property but that this is a club that needs long range planning. Reavis stated he wouldn't want to see them to continue to improve that space and then lose their lease. Reavis stated a five year agreement would still work if there is an annual review. Mr. All stated there is a termination clause in the agreement. MacPhail stated a five year lease gives the club time to plan and upgrade the model railroad. He agreed that they should have an annual review of their utilities and if they are not meeting the requirements then the lease can be terminated. S. Jones stated her concern isn't the five years but the use of city facilities. She stated that if we are going to continue with the lease there needs to be something done to make it a community asset. Williams stated they are occupying a space that would otherwise be vacant and if the choice is between using the space in a healthy and educational manner rather than keeping it vacant she would choose using the space. Rawlings stated he thinks the five year lease with an annual review is a good thing.

Reavis made a motion to approve the new lease agreement with the Wichita Model Railroad Club for space in the old Fire Barn. Childers seconded the motion. Motion carried with S. Jones and Malone voting in opposition. MacPhail thanked the council and invited them to visit the Club after the meeting.

D & J Engineering: Council considered a request from D & J Engineering to allow for an encroachment in a dedicated alley right-of-way. Reavis asked if this unit was part of a building project. Keefer stated it is a new HVAC unit that was part of an upgrade to one of their buildings. Reavis asked if a permit was required. Keefer stated it was but that they didn't get it until after the fact. Rawlings stated certain parts that are produced there require certain temperatures. Rawlings stated they add units to maintain temperatures for those parts. Reavis asked who is responsible for the trees. Keefer stated that D & J Engineering is responsible for maintaining them. Williams stated the trees may pre-date the buildings. Malone made a motion to approve a request from D & J Engineering to allow for an encroachment in a dedicated alley right-of-way. Reavis seconded the motion. Rawlings asked if there would be any cost for preparing these documents. Keefer stated there would not be. Motion carried without opposition.

Bid: Reavis made a motion to approve a bid from Mid-America Power Sports in the amount of \$9,265.90 for a utility vehicle for Santa Fe Lake. Childers seconded the motion. Motion carried without opposition.

Ohio/Kelly Project: Rawlings made a motion to approve an agreement with Land Acquisitions, Inc. for real estate acquisition services related to the Ohio and Kelly intersection project. Childers seconded the motion. Motion carried without opposition.

Special Alcohol Grants: Harper made a motion to approve a special alcohol grant in the amount of \$500 for Youth Leadership Butler and \$2,500 for The Family Life Center Safehouse and to approve increasing the maximum amount for a Special Alcohol Grant to \$5,000 beginning with the 2012 Grant Application Process. Rawlings seconded the motion. W. Jones asked if The Family Life Center Safehouse would come back and request an additional \$2,500 would it be approved. Keefer stated it would be difficult to get the request in and approved at the next meeting, but that he would contact them. Motion carried without opposition.

Harper made a motion to approve allowing The Family Life Center Safehouse to apply for an additional Special Alcohol Grant in the amount of \$2,500 for 2011. Rawlings seconded the motion. Motion carried without opposition. Keefer stated that the limitations on how those funds can be used only allow for certain organizations to be qualified to receive those funds.

Public Hearing: Reavis made a motion to schedule a public hearing for 7 PM on December 19, 2011 to consider amendments to the 2011 Budget. Childers seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Reavis – Reavis referenced the November 22<sup>nd</sup> Butler County Board of Commissioners minutes and Commissioner Woydziak's comments that the County has given up authority to a governing body that is not elected by the constituents. Keefer stated we have established a growth area and we have the authority of planning oversight granted by state statute. Keefer stated the zoning is relegated to the County, but we have an inter-local agreement with the County allowing us to have zoning oversight of the growth area as well. Keefer stated he believes Woydziak may be referring to the Planning Commission who isn't elected, but that the County has authority to disapprove their recommendations. Keefer stated we should have input and oversight on what happens in the area surrounding us where we may at some point grow into the area. Reavis asked if the County reviews the proposed changes first. Keefer stated yes and that the Planning Commission has to have a super majority to overturn the County's position. Keefer stated he will follow up with Will Johnson at the County regarding these comments.

#### Final Comments:

Childers – Childers asked Keefer if he had been contacted about the issue related to the sewer backups. Keefer stated he has heard from one of the property owners.

Reavis – Reavis referenced the Wichita storm water situation and EPA requirements and asked if that is something we need to start looking at. Keefer stated that because of our location we do not come under those EPA requirements. Shaw stated that the requirements are two-part and tied to location and population. Shaw stated we are not part of the metro area and we have not met the 10,000 population threshold. Shaw stated we are years away from it happening, but it is an eventual thing that we will fall under the requirements. Reavis stated we need to keep in our

minds that we will need to address this in the near future. Shaw stated that most of the requirements have to do with monitoring.

Reavis stated we broadcast our council meetings on our local channel and asked what it would take to stream the meetings live on our website. Shaw stated money. Williams stated the quality of the video on the cable channel is not good. E. Jones stated you could post the videos on YouTube and put those on the website, but they would not be live and not the greatest quality. Shaw stated that live streaming would require upgrades to some of our equipment due to space and speed requirements. Shaw stated there are a number of vendors out there and that he can research it further if that is something the governing body is interested in. Reavis stated it would be a way to have more community involvement. Childers stated we are getting ahead of ourselves. Childers stated he thinks we need to improve what we have now and work our way in to that. Shaw stated that you can go independent or have an outside group that can handle that for us. Williams stated we need to fix the volume problems. Keefer stated part of that problem is not using microphones. Williams stated that those at home wanting to weigh in on this issue need to contact their council members.

Executive Session: At 8:20 p.m. S. Jones made a motion to enter into executive session for 5 minutes to consult with the City Attorney on matters that would be deemed privileged in an attorney-client relationship. Harper seconded the motion. Rawlings and Malone abstained due to conflict of interest.

At 8:27 S. Jones made a motion to exit executive session with no action being taken. Childers seconded the motion. Motion carried without opposition.

Adjourn: At 8:28 p.m. W. Jones made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

---

City Clerk

CITY COUNCIL  
DECEMBER 19, 2011  
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on December 19, 2011, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael Huddleston, Michael Wallace, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Councilwomen Holly Harper was absent. Also present: City Attorney David All, City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, Director of Public Safety Tyler Brewer, Captain Bruce Relph, Sergeant Chad McCluskey, City Inspector Dan Allen, and City Clerk Erica Jones. Visitors present were: Kent Bush, Martin Goedecke, Willis Wilson, Jamie VanDever, Stephanie Brown, Ashley Clark, Elayne Rye, Chastity Ates, Blayke Dehlinger and Brandon Denoncourt, Gary Rogers, Myrna Rogers, and Matt Harrelson.

Prayer: Councilman Mike Rawlings gave the invocation.

Minutes: S. Jones made a motion to approve the minutes from the December 5, 2011 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

December (12): S. Jones inquired about the payment to Davis Manley for Court Services. Keefer stated when there is a conflict with Cami Baker then other attorneys fill in. S. Jones inquired about the payment to Kansas Secured Title. Keefer stated it was for the title searches related to the Ohio/Kelly Intersection project. S. Jones inquired about the payment to WB Carter Construction and the inclusion of a change order for the Spillway and Dam project. S. Jones stated the council was assured there would likely be no change orders. S. Jones made a motion to remove the change order amount from the appropriation ordinance. Wallace seconded the motion. Motion carried with Childers, Reavis, and Rawlings voting in opposition. Keefer stated he would have to defer to Martin Goedecke for an explanation of the change order.

Goedecke stated that WB Carter made a unit price bid and the reason it was bid that way was to better be able to compare bids. Goedecke stated there were two areas included in the change order. The first was for the parking area off the Garvin Park road on the hill on the south side. Goedecke stated the area where the waterline went through appeared to be gravel, but was discovered to be pavement under the gravel. Goedecke stated if it had been known at the time it would have been included in the bid specs and all the bids would have included the additional units. Goedecke stated the other change order item was on the Mulvane waterline. Goedecke stated we didn't know specifically where the connections to the line would have been, that the City could have taken care of that prior to the work being done but it would have added cost and risked damaging the waterline.

Williams stated the concept of change orders is an everyday occurrence and is not an error or omission, but rather not being able to foresee something. Williams stated she is amazed that this has blow up to what it is. S. Jones stated the original document dated April 14<sup>th</sup> said the Mulvane waterline project included an area with an issue of ongoing leaks. S. Jones stated that because Goedecke has had a long term relationship of doing work for the City, she is surprised he wasn't aware of what roads in the city are asphalt and gravel. S. Jones stated she thinks it is an error or omission. Goedecke stated the water leak covered a 25 to 50 feet area of wet ground. S. Jones asked if the area was surveyed. Goedecke stated it wasn't.

Wallace stated that no one was saying we're not going to pay it, but that they want to hold it up until they know it is valid. Wallace stated it is common practice for an engineer to bite the bullet on something like this. Williams stated she doesn't think you're going to find anyone who will know everything under the surface of our roads. Williams stated this is a per unit price and that any bidder would have added this to their bid. Wallace stated that sometimes someone other than the city should have to bite the bullet on this. Goedecke stated it sounds like you are saying it is someone's fault. Goedecke stated asking for unit price bids actually help reduce the city's cost and that if you ask the contractor to take on that added risk the prices of your bids will go up.

Williams stated we received a product and now are not going to pay for it. Williams asked the council what additional information they want to unearth. S. Jones stated that WB Carter needs to be paid, but not necessarily by the city. Rawlings stated that it was the city that threw the gravel on top of that parking lot to save money instead of putting down new asphalt, and that is the city's fault. Rawlings stated if we had asked Goedecke to survey the waterline leak that would have been added to his fees. Rawlings stated he thinks this is foolish. Goedecke stated he thought the city wanted that work completed.

Wallace stated the council was asked to approve a change order without allowing them a chance to discuss it. Reavis asked what information would satisfy Wallace enough to pay it. S. Jones stated the council was told there would be no change orders. Goedecke stated he did not anticipate a change order. Childers stated that he thinks Wallace is saying the council needs to be satisfied with the information to be paid, and with that Childers made a motion to reinstate the change order payment into the appropriations ordinance. Reavis seconded the motion. Motion carried with S. Jones and Huddleston voting in opposition.

Huddleston inquired about the payment to Mabel Brotton. Keefer stated the city repaired a transformer in her back yard and this is reimbursing her for damage to her yard. Huddleston inquired about the payments to TASC. Keefer stated it was payment for the administration of the city's Health Reimbursement Account. Wallace made a motion to approve Ordinance 12 in the amount of \$613,548.86. Childers seconded the motion. Motion carried without opposition.

#### Visitors:

Matt Harrelson, 1134 School, addressed the governing body about City Code 2-210 limiting the number of animals per household. Harrelson stated he has four dogs and that other cities such as Wichita and El Dorado allow for more than three animals. Wallace stated that Harrelson owns two separate addresses side by side. Wallace stated the council limited the number because there were so many people that had several animals, but that he thinks this is something the council should give some thought to. Huddleston stated the ordinance limits the combination of cats and dogs to three and that maybe there is a more equitable way of doing it. Harrelson stated he has a January 3<sup>rd</sup> court date. Mr. All stated the ordinance has been in place for several years and that what is or isn't enough animals can be debated. Huddleston stated the ordinance as written says "each house". Reavis asked if Harrelson could apply for a kennel license. Keefer stated that is the only alternative at this time, but that the Planning Commission has never approved one in a residential area. Keefer stated if someone applies for a kennel license a public hearing has to be held to get input from the neighbors. Huddleston stated we need to address if three is reasonable number. Wallace stated that when this was drafted, three sounded fair to him because you have to draw a line somewhere. But, Wallace stated, Harrelson maintains two addresses. Huddleston stated the ordinance says "per household", not per address. Dan Allen stated that more people show up to these public hearings than most any other. Huddleston stated he thinks there are other ordinances in place to handle the animals that are a nuisance rather than limiting the number of animals. Williams stated keeping the lower number of animals allowed helps limit the nuisance.

There was a consensus from the governing body to review the ordinance and the number of animals allowed in a residential area.

Sergeant Chad McCluskey was present to introduce the newest addition to the Public Safety Department, new K-9 Rico. McCluskey stated that he and Rico had nine weeks of training and that Rico officially started work on November 21<sup>st</sup>. McCluskey stated they have assisted with eight calls so far. McCluskey thanked the donors who assisted with the purchase of the new K-9. Wallace stated he is still curious how much the dog is used by the County. McCluskey stated that all but one of the eight calls they have taken occurred in the city. Wallace stated he would like an annual report of that. Chief Brewer stated he believes that is included in his annual report.

Jamie VanDever, 8<sup>th</sup> Grade Teacher at Augusta Middle School, was present to introduce some of his and Stephanie Brown's students. VanDever thanked the council for allowing their students to present their projects. VanDever stated they started using project based learning and instructed the students to come up with a building, business, or center that would benefit the community and that these two groups were chosen to have the best presentations. VanDever also stated that Williams and Childers assisted the students during the process.

The first project group proposed a gaming palace/arcade and was presented by Ashley Clark, Chastity Ates, and Elayne Rye. They stated that their purpose was to find kids something to do that would keep them out of trouble. It would include game machines, a change machine, music, concessions, and a lounge area for adults and would be located next to the Augusta Historical Theatre. The students stated that kids need a play to go after school to stay out of trouble that would be cost effective, fun, and safe and would also be a perfect place for families. The students showed pictures of the 3-D model they created of the space. Williams thanked the students for their presentation and ideas.

The second project group proposed a bowling alley with go karts, an arcade, and restaurant and was presented by Blayne Dehlinger and Brandon Denoncourt. The students stated there would be five bowling lanes with one adult only lane. They stated that it would give kids a place to go after school and that seniors would benefit from the bowling and restaurant. The students then presented a 3-D computer generated model of the facilities. Williams thanked them for their presentation and ideas.

VanDever stated this is the first project of this type and he is very impressed by what they came up with and glad to have the chance to come present it to the governing body. Huddleston stated that kids don't seem to think there are activities for them in town. VanDever agreed and stated they think there is very little for them to do. Huddleston suggested a future project on something the city could do to improve that. VanDever stated that there were some projects along those lines, but that these were the two that were chosen to be presented.

#### Old Business:

Special Alcohol Grant: Malone made a motion to approve a supplemental Special Alcohol Grant for the Family Life Center-Safe House in the amount of \$2,500. Huddleston seconded the motion. Motion carried without opposition.

#### New Business:

Public Hearing: A public hearing was conducted to take input on whether a structure (garage) at 654 Santa Fe is considered to be an unsafe and dangerous structure. The owner was not present for the hearing, nor was anyone with a financial interest in the property. Dan Allen stated he has been sending letters to this property owner as far back as 2008 and has spoken to him on several

occasions. Allen stated the owner told him it would be taken care of before tonight's meeting, but there has been no progress. Allen stated the property owner is fully aware of the issue but has said he doesn't have the time or money to make the repairs. Williams stated if the resolution is passed tonight, he has 90 days to make the repairs before the city takes action. Williams stated for it to get this far, it really has to be an unsafe situation and that it is not fair to the neighborhood or community to allow it to stay in this state. Rawlings asked if there are children living near this property. Allen stated there are. Williams closed the public hearing.

Wallace made a motion to approve Resolution 2011-22 finding that a structure (garage) at 654 Santa Fe is unsafe and dangerous and directing that the structure be repaired or demolished and premises made safe and secure. Rawlings seconded the motion. Motion carried without opposition. Wallace stated there are several other buildings in that area that need to be addressed.

**Budget Amendment:** A public hearing was conducted to take input on amending the 2011 Budget. After there were no comments from the public, the hearing was closed. Wallace asked if the amendment to the Emergency Communication Fund was for the same two servers that are to be discussed later on the agenda. Keefer stated they are and that only one would be paid for out of the Emergency Communication Fund. Wallace stated that IT people he knows have told him we are really getting stiffed. Huddleston asked if the Emergency Communication Fund is made up of 911 funds we receive. Keefer stated it is the 911 fund. Huddleston asked if the servers are for the 911 services. Keefer stated they support the 911 software. Director of Public Safety Tyler Brewer stated the department has five servers and one of their main functions is to run their CAD system. Huddleston stated the State has funds they issue grants for and that what we use those funds for must be directly related to E911. Brewer stated he is aware of that and that he had already checked to make sure this meets that criteria.

Huddleston stated if we purchase this equipment now, will it meet the EG911 standards. Brewer stated it would and that he already has the next generation 911. Brewer stated that technology changes so fast, but that we need a server system that is more robust and our current software is obsolete. Captain Bruce Relph stated that the next generation phones are tied into the server. Huddleston asked if this is proper use of these 911 funds. Brewer stated it is. Huddleston asked why there are three 911 systems in Butler County. Brewer stated that prior to his arrival to the city there was a decision made to keep our 911 center. Brewer stated he was thankful for that decision and that the response time to our community is much faster because of that.

Malone made a motion to approve amending the 2011 budget as proposed. Reavis seconded the motion. Motion carried without opposition.

**Change Order:** S. Jones stated that in Willis Wilson's memo it states that the clarifiers were manufactured with a metal duct with a rectangular opening and asked if this is something that was included in the specs or if this was optional. S. Jones asked how it is that we didn't know how these were manufactured. Wilson stated that this was part of the original plant construction in 2001 and that Aqua Tech was not the engineer on that project. Wilson stated the clarifiers have never been emptied since then and no one has ever seen them. Reavis made a motion to approve Change Order #2 for the Wastewater Treatment Plant Project. Childers seconded the motion. Motion carried without opposition.

**Snow Removal Agreement:** Wallace made a motion to approve an agreement with the Augusta Senior Center for snow removal and mowing assistance. Malone seconded the motion. Motion carried without opposition.

Bids: Council considered approval of bids for the purchase of a replacement server, software upgrade and installation for the Safety Department. Brewer stated the server that runs the video is insufficient and that their application and file servers have run out of space. Brewer stated that Microsoft 2000 is obsolete and no longer supported. Brewer stated he contacted several vendors and requested bids from three vendors, but only ISG and ItKansas provided bids. Brewer stated that ISG is well aware of their system and needs and came out to evaluate that but ItKansas did not. Brewer stated the \$5,000 difference is in the set-up. E. Jones stated ItKansas works on the server at city hall and that they do good work, but she would be concerned about their response time to issues. S. Jones inquired about the hardware vendor. Brewer stated it would be HP or IBM depending on what bid is approved. Huddleston inquired about the total cost. Brewer stated it would be whichever bid was approved plus the cost for SLEUTH to complete the data migration for the new server. Huddleston stated we are looking at \$22,000 to \$25,000 then. Wallace asked Relph which server he would prefer. Relph stated his biggest fear is the after service. Relph stated ISG made the bid and services as is because they've worked with us since 2005 and have worked with SLEUTH. Relph stated he hates to spend the additional money, but his recommendation would be the bid from ISG. Childers made a motion to approve the bid from ISG in the amount of \$20,805.74. Huddleston seconded the motion. Motion carried with Rawlings voting in opposition. S. Jones stated the cost of the hardware is very reasonable.

Cemetery Endowment Fund: Wallace made a motion to approve Resolution 2011-23 authorizing the City of Augusta to use funds from the Cemetery Endowment fund for the upkeep and maintenance of the cemetery. Childers seconded the motion. Reavis asked if this resolution is only for this one time purchase or if it is forever binding. Mr. All stated it is intended just for the purchase of the mini excavator. Motion carried with Huddleston voting in opposition.

Court Appointed Attorney Services: Malone asked if someone fills in for Cami Baker if they use the same pay structure. Keefer stated they do. Huddleston asked if collect calls from jail is part of the cost of representing indigents. Mr. All stated it is because they have to have access to their attorney. Childers made a motion to approve a letter agreement with Cami Baker & Associates for Court Appointed Attorney Services for Municipal Court for 2012. Malone seconded the motion. Motion carried without opposition.

Neighborhood Revitalization Program (NRP): Council considered an appeal from Wade Wilkinson to be readmitted to the City's Neighborhood Revitalization Program. Keefer stated that all of Wilkinson's 2010 taxes have been paid in full. Wallace stated he is making headway. Malone asked what would happen if he doesn't pay the ones due tomorrow. Keefer stated the three lots that he has applied for the NRP have been paid for 2010 and 2011, but if he were to pull an application for another property he will have to make sure all taxes have been paid for that property. Huddleston stated that part of application was sent to the County Appraiser's Office, why did they not check to see if the taxes were paid. Dan Allen stated Wilkinson had never been a problem so his office didn't worry about checking to make sure the taxes were paid. Allen stated the completed all the paperwork and sent it in then a couple of months later the County notified them that the taxes had not been paid. Huddleston stated the plan says the County will respond within 15 working days of their concurrence of the city's initial approval. Allen stated the city sends in the preliminary document and it is our responsibility to make sure the taxes were paid and we didn't. Huddleston stated it seems like the County should have told us when they originally approved it. Huddleston stated he thinks there is a flaw in our program because when we submit it to the County, the County is not doing their part. Huddleston asked how we can guard against this happening in the future. Allen stated he will be making sure that all taxes are paid before sending the applications in to the County. Williams stated we want to do what is best for Augusta.

Huddleston asked if Allen is making sure the applicants are completing Part 2 of the application. Allen stated he is. Huddleston asked what would happen if it were not done by January, how long Part 2 would carry out. Allen stated the permit is only good for one year. Rawlings stated the City of Wichita had an issue with that a few years ago and had to reissue basement permits due to the economy. Huddleston asked how many properties Wilkinson is applying to the NRP for. Allen stated three properties. Huddleston inquired about limits to the number of applications. Shaw stated it is one application per property.

Wallace made a motion to approve readmitting Wade Wilkinson to the City's Neighborhood Revitalization Program. Childers seconded the motion. Motion carried without opposition.

Utility Collections and Write Offs: Wallace made a motion to approve the annual Utility Collections and Account Write Offs that are considered not collectable. Childers seconded the motion. Motion carried with Huddleston voting in opposition.

Cereal Malt Beverage Licenses: Wallace made a motion to approve 2012 Cereal Malt Beverage Licenses for Pizza Hut of SE KS, Inc. 718 W 7<sup>th</sup> Avenue; Presto 1632, 610 W 7<sup>th</sup> Avenue; Wal-Mart Stores, Inc., 1618 Ohio; Jumpstart, 115 E 7<sup>th</sup> Avenue; and Casey's General Store #1535, 1411 Ohio. Reavis seconded the motion. Motion carried with Rawlings voting in opposition.

Convention and Tourism Bureau Grant: Reavis stated they requested \$1,000 on the grant application but were only approved for \$500 and asked if there was a reason. Keefer stated that some of the items they were asking for did not qualify. Reavis made a motion to approve a Convention and Tourism Bureau Grant for the Augusta Powerlifting Club in the amount of \$500. Malone seconded the motion. Huddleston asked if the city will get a banner hung at the event. Keefer stated there is supposed to be a Convention and Tourism Bureau banner at the event and printed on the t-shirts. Motion carried without opposition.

Huddleston stated that everything always lists this group as the Convention and Tourism Bureau and some list it as the Convention and Tourism Board, but that neither is correct. Huddleston stated Resolution 2003-8 lists it as the Convention and Tourism Committee. Williams stated that how the group is listed does not invalidate it. Huddleston stated that it should be referred to with the correct title. Keefer stated he would check the by-laws to find the official name.

Work Sessions: Childers made a motion to approve a work session on Monday, January 9 at 7 p.m. to review and discuss the Playground Analysis report with the Park Board and on Monday, January 23 at 7 p.m. to review and discuss the draft of the updated Personnel Manual. Reavis seconded the motion. Motion carried without opposition.

#### Informational Memorandum:

Williams – Williams stated the city manager evaluations are due so please turn those in today.

S. Jones – Jones stated that in the Monthly Report from the Safety Department it says that Marbut made provisions to the Augusta Lake failure plan and asked if those changes will be presented to the governing body. Keefer stated that were required to update that as part of the Spillway and Dam Project. Jones stated she would like to see that. Keefer stated he would provide that information when it is prepared. Wallace stated the same report stated that Brewer revised the 911 Ordinance and asked if that will be presented to the governing body for approval. Keefer stated it would.

Final Comments:

Huddleston – Huddleston asked if it is possible to put a different email and fax number for him on the city’s website. Shaw stated he could. Huddleston stated that some time back we approved an energy audit and inquired about the status of that. Shaw stated that it was completed and that they came up with some recommendations, but after discussing it internally it was determined that we are already following their recommendations. Huddleston asked if the council will get a synopsis of that. Shaw stated they would. Shaw stated that if we are already following the recommendations staff did not think it was in our best interest to participate in the program.

Huddleston inquired about the rental of signs at the Airport. Shaw stated they have all been paid. Childers stated the illuminated sign seems to be out often and never seems to be illuminated. Shaw stated that they are solar lights, so it depends on the day. Shaw stated that it has been pretty cloudy lately.

Huddleston stated there has been a lot of work done at the intersection of Main and Ohio, but that it seems like there is still water leaking there. Keefer stated staff thinks there is another leak on the other end of the pipe that we previously repaired. Keefer stated the city was going to start the work on that line this morning but it was put off due to the weather.

Huddleston stated the last meeting’s minutes mention about the audio quality of the meetings and that the issue of streaming the meetings online is money. Williams stated the issue is not just the money but also the technology. Williams stated that everyone thinks this is something we should do, but we want to get what we have properly working first. Shaw stated we would need to have a vendor that can handle that separately. Huddleston asked if this is something we can keep on the back burner. Shaw stated he has that information and can forward it to the governing body.

Huddleston asked if there is a schedule for street sweeping and does it get amended for special events such as downtown activities. Keefer stated there is a formal schedule and it is posted on the city’s website. Keefer stated he would have to check with Cy Ricker about the schedule for downtown and special events.

Childers – Childers stated there was no mention of the recent homicide in the Gazette’s police blotter and asked what criteria are used for things that are omitted. Keefer stated he would have to defer that question to Brewer. Wallace stated we are legally supposed to provide that information to the newspaper if requested, but that there are certain things involving minors that cannot be provided. Wallace stated it is up to the media to pursue their right to that information.

Wallace - Wallace inquired about the list of property rented out by the city that was requested previously. Keefer stated that was provided in a council packet a few months ago. Wallace inquired about the quarterly report that is supposed to be provided by the Chamber. Keefer stated we haven’t gotten one in a while and that he would follow up on that.

Wallace stated that he has been asked about people texting during the meetings and as a result he checked in to that and it does violate the open meetings act. Childers stated the City of Topeka tackled this issue and that they determined texting is not part of the open meetings act. Williams stated it is open to interpretation. Wallace disagreed and stated it is State law. Williams stated the League of Kansas Municipalities has addressed this and that there are different determinations. S. Jones stated her personal opinion is that it is rude.

Reavis – Reavis asked if or when the water emergency will be over, because the watering months have passed and people are still being charged the water conservation fee. E. Jones stated that right now is the time from where the winter averages are being re-evaluated. Reavis stated we are past

the summer months and should consider removing the fee. Keefer stated it is up to the council. Keefer stated that if we do not get rain in the spring the emergency will not go away. Wallace made a motion to rescind the emergency water conservation fee upon completion of the second billing cycle. Huddleston seconded the motion. Motion carried without opposition.

S. Jones – S Jones stated that on the monthly financial report there are several funds where the expenses were well below the budget, for example the Administration fund is only at 17%. Keefer stated the budget includes a \$700,000 reserve that we are required to budget as an expense so that we could use it if necessary, but we rarely use any of it. S. Jones also referred to the Special Alcohol and Special Parks Funds. Keefer stated that some funds are depending on grant applications. S. Jones asked if that information could somehow be included on next year's reports. E. Jones stated she would do that.

Adjourn: At 9:25 p.m. Wallace made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

---

City Clerk