

CITY COUNCIL
JANUARY 7, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on January 7, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael R. Martin, Michael Huddleston, Michael Wallace, Sue Jones, Mike Rawlings, and Matt Malone. Councilman Ron Reavis was absent. Also present: City Manager Bill Keefer, City Attorney David All, Assistant to the City Manager Josh Shaw, Airport Manager Lloyd Partin, and City Clerk Erica Jones. Visitors present were: Kent Bush, Gary Rogers, Myrna Rogers, John Black, Martin Goedecke, Deanne Triboulet, Jane Mathis, and Kent Overaker.

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

Minutes: Huddleston asked if the salary survey will be done. Keefer stated it would. Huddleston asked how long it will take. Keefer stated it depends on how responsive the other cities are. Huddleston asked to be kept updated about the timeline. Keefer stated staff hopes to have something in the next 30 days. S. Jones made a motion to approve the minutes from the December 17, 2012 meeting. Huddleston seconded the motion. Motion carried without opposition.

Appropriations:

December (12A): Huddleston stated he likes the format as presented now. Malone stated his is still opposed to subsidizing API \$20,000 for the study since the city has already subsidized them. Wallace stated the city gave API the ground in the Industrial Park. Keefer stated at one time portions of the Industrial Park was owned by the city and when property was sold revenue came back to the city. He stated in lieu of providing annual payment to API it was decided to give the last several lots to API. Keefer stated the majority of API's funds have come to them from the sale of the Tri-Star building and loans acquired through Network Kansas. Williams stated the very first API grant funds came from a grant that API as well as additional grants they applied for. Keefer stated the City has not paid API directly for many years and has only reimbursed their expenses. Malone stated they decided on the study before asking for money from the city. Williams stated API decided to do the study with or without funds from the City or Butler County. Williams stated if the council has concerns about API it would be better to invite them here to discuss it rather than vote them down. Wallace stated the city has given them 1/3rd of a million dollars and asked if they have it invested somewhere where they can earn interest. Shaw stated he believes it is in CD's. Malone asked if they have received any money from Andover or the County. Keefer stated they had not but that Andover and the County has agreed to each pay \$5,000 towards the development of an Airport Authority or partnership. Williams stated Augusta would not be paying anything towards that. Malone made a motion to approve Ordinance 12A with the exclusion of the payment to API in the amount of \$20,000. Williams asked if that could be removed. Mr. All stated it cannot be cancelled but it could be held until the next meeting. Wallace called point of order. He stated there was \$2,000 in the budget for the council chairs and that they were later moved. Williams disagreed. Keefer stated that chairs were never in the budget but were discussed. Huddleston seconded the motion. Malone amended his original motion to table the payment to API until the next council meeting for Mr. All to provide legal advice. S. Jones stated the original vote to pay API was not unanimous. Williams stated it doesn't have to be unanimous. S. Jones stated it was sold to the council as a joint venture between Augusta, Andover, and the County and that didn't happen. Motion carried with and Childers voting in opposition.

S. Jones inquired about the payment from CTB funds for Go Wichita and Travel & Recreation and asked what publicity that provides. Keefer stated the payment for Go Wichita was a reimbursement for a meeting Kent Overaker attended. Keefer stated the payment to Travel & Recreation is for a publication promoting communities including Augusta and that we have five or six different publications we put

advertising in annually. S. Jones asked if the council could get a copy of the publication. S. Jones inquired about the utility refund to USD #402. E. Jones stated the school district was erroneously charged for the utilities at the new Garfield construction site and those should have been charged to the construction company. She stated that since the school district paid that account in full they were owed the refund and the construction company has been billed for that amount. S. Jones inquired about the payment to YMCA for November. E. Jones stated the December payment will be the final coaching payment. Malone stated he like the new format too. Huddleston made a motion to approve Ordinance 12A with the payment to API in the amount of \$20,000 being tabled until the next council meeting. Wallace seconded the motion. Motion carried with Childers opposing.

Old Business:

Watering Restrictions: Council reviewed and discussed the City's Watering Restrictions and related issues. Keefer stated there was nothing new to report. He stated that copies of letters received from the Governor's office and KDHE regarding statewide water concerns were included in the informational memorandum. He stated he provided a status report to the Governor's office as requested. S. Jones asked if the water supply from El Dorado is in any jeopardy in the near term. Keefer stated there aren't any short term concerns, but maybe long term if the drought continues past 2013. Huddleston asked if there is any new information about another reservoir in our area. Keefer stated the discussion fell apart because it was not feasible due to the cost. Huddleston asked if Wichita would be more interested now. Williams stated they have a plan in the works with the City of El Dorado. S. Jones asked what the water source would have been for the reservoir. Keefer stated it would have been the little Walnut.

310 Main Street: Rawlings made a motion to approve the bid from Butler County Backhoe Service in the amount of \$5,500 for demolition and debris removal at 310 Main Street. Wallace seconded the motion. Motion carried without opposition.

Ward Boundaries: Wallace made a motion to approve Ordinance 2046 amending the City's Ward Boundaries. Huddleston seconded the motion. Motion carried without opposition. Huddleston asked how quickly a list of registered voters would be available for the new wards. E. Jones stated the County Clerk said they would be available as soon as his office makes the boundary changes. Williams inquired about the filing deadline and filing fees for the upcoming election in which four council positions will be up for election. E. Jones stated the deadline for filing is noon January 22nd and the fee is \$10 or you can submit a petition with signatures from 50 qualified voters in the ward you are running for.

New Business:

2013 Street Sales Tax Program: Council considered approval of the recommendation from the Street Sales Tax Advisory Committee for the 2013 Street Sales Tax Program. Huddleston inquired about the cost difference between using roller compacted concrete (RCC) versus traditional concrete. Larry Henry with MKEC stated there would be a 30-35% cost savings. Huddleston inquired about the benefit of using RCC. Henry stated it cures much quicker and reaches its strength quicker. He stated it should out-perform asphalt and we will have a two year warranty on the project. Huddleston asked Henry to check on how it will hold up to cuts versus asphalt because he doesn't want to save 30% on a road that we will have to make expensive repairs to in the future. Henry stated he could do that. He stated he feels this can be a very successful project.

Wallace stated a month ago he asked about Gregg and 14th streets and was told they would be on the alternate list and they are not. Keefer stated 14th street will be included in the Ohio/Kelly project. Huddleston stated that when Ohio/Kelly is closed Gregg will have a lot more traffic. Wallace stated he would like more time to look at the roads on the list. Wallace made a motion to table this agenda item. Malone seconded the motion. Huddleston stated he thinks Gregg needs something done and hopefully there will be money left over in the alternates to take care of it. Rawlings stated that in the last one to two years, every time the council gets an advisory group together made up of volunteers we ask them to

give their opinion and we jerk it out of their hands. Wallace stated the council's job is supervisory. He stated his appointment to the committee thought they were being unfair and the council is supposed to take their advice and double check it. Williams stated there were two public hearings about the streets and the council members could have attended. She stated the list of streets were available to look at since November 26th.

Martin asked if you can install RCC in freezing temperatures. Henry stated you can't but that you can't put asphalt or concrete down in very cold temperatures either. S. Jones asked Henry if he recommended RCC because of the traffic or because it is already concrete. Henry stated it is because it is so deteriorated it would be a maintenance nightmare. He stated they looked at the best use of the funding right now and determined those streets to be the best. Williams asked what delaying this two weeks would do to the process. Henry stated we need to move forward with the design to make sure we keep the bids low. He stated bids increase during the construction season. Malone asked if Gregg could be included in the Ohio/Kelly project next year. Keefer stated we would have to find funding because that was not included in the original project. Huddleston stated maybe it could be fixed after the Ohio/Kelly project. Henry stated he would have to do the design for Gregg if added as an alternate. Huddleston stated Henry could do the design work now because it wouldn't change later. Henry stated the conditions could change. Motion to table the agenda item failed with Wallace voting in favor and Childers, Huddleston, Rawlings, S. Jones, Martin, and Malone voting in opposition.

Wallace made a motion to approve the recommendation from the Street Sales Tax Advisory Committee for the 2013 Street Sales Tax Program and to include Gregg Street on the alternate list. Huddleston seconded the motion. Huddleston asked if it deteriorates more would a whole new design plan be needed. Henry stated it would not but it might change the quantities. Henry stated he would prefer to wait until after the Ohio/Kelly project to repair Gregg Street. Motion carried with Rawlings voting in opposition.

Pavement Management Plan: Wallace made a motion to approve an agreement with MKEC for a Pavement Management Plan in the amount of \$39,000. Childers seconded the motion. Motion carried without opposition.

Dike Road Relocation: Rawlings made a motion to approve an agreement with the Kansas Department of Transportation for the reimbursement of costs for improvements related to the relocation of Dike Road. Wallace seconded the motion. Motion carried without opposition.

Dike Road Relocation: Rawlings made a motion to approve a Letter Agreement with Goedecke Engineering to provide information and maps for the Division of Water Resources as part of the Dike Road Relocation Project. Childers seconded the motion. Motion carried without opposition.

Kelly/Ohio Project: Childers made a motion to approve an agreement with the Kansas Department of Transportation and Professional Engineering Consultants for construction engineering services for the Kelly and Ohio Intersection Project. Huddleston seconded the motion. Motion carried without in opposition.

Airport Consulting Engineer: Malone asked if we have to appoint an engineer annually. Williams stated it is every five years. Malone asked if this is different than the environmental study. Lloyd Partin stated it this would be a separate entity entirely and that the FAA requires we select a separate engineering firm for five years. Huddleston stated that all companies were very good and within ½ a point of each other. Malone made a motion to designate Benesch as the City's airport engineering consultant for the five year planning period ending January 1, 2017. Wallace seconded the motion. Motion carried without opposition.

Letter of Support: Childers made a motion to approve a letter of support for the City of Andover for their Transportation Enhancement Grant Application. Malone seconded the motion. Motion carried without opposition.

Informational Memorandum & Final Comments:

Williams: Williams reminded the council that there are meetings every Monday night this month. Keefer stated staff would like to cut 15 minutes out of the work session on January 14th to provide an update on the spring clean up. Huddleston made a motion to add 15 minutes to the work session for Shaw to provide an update on the spring clean up. Childers seconded the motion. Motion carried without opposition.

Wallace: Wallace asked when staff will start bush hogging the brush in the lake. Keefer stated he doesn't know if we can get it there with a bush hog. He stated there needs to be some discussions internally on how to address the brush. He stated there have been concerns about erosion issues that need to be resolved. Williams stated she received an email from a citizen that was not in favor of removing the brush and that she passed that email to Keefer.

S. Jones: Jones inquired about the progress about cleaning out the final details of the Dam/Spillway project. Keefer stated MKEC was supposed to do a final inspection of the items on the checklist and provide an update. Keefer stated he has asked Jay Anglemyer to provide an update to the council. Jones stated there is some confusion about understanding clearly the roles and responsibilities of members of the council versus the roles and responsibilities of the mayor for our particular form of government. She stated she would like a tutorial that defines the roles of the mayor and council based on state statutes and city code to provide clarification and make things run smoother. Mr. All stated he would get with Keefer and do that.

Childers: Childers stated the 2012 council agendas in Drop Box will be removed in the next couple of days.

Huddleston: Huddleston stated he would like the council to consider in the near future streaming the council meetings on the internet. He stated that not everyone has Cox Cable. He stated would also have an archive of the meetings which would help with issues like the one with the Attorney General's opinion. He stated that would provide full disclosure. Wallace made a motion to look into streaming the council meetings. Malone seconded the motion. Shaw stated staff has looked at that before and provided information to the council but no action was taken. He stated the City of Andover pays approximately \$9,600 annually for their software but he is not sure what the set up costs will be. Keefer stated staff will put that information together for the council. Motion carried without opposition.

Huddleston asked if bids for purchase or specifications for bid will be presented for the used trucks for water distribution. Shaw stated there are usually more specific bid specifications, but this is more open to proposal because they will be subject to our inspection. Huddleston asked who opens the bids. E. Jones stated that she does with the department head and any of the bidders that choose to be present at the time indicated on the bid request form. Keefer stated it is a public bid opening. Huddleston asked if it publicized on our website. E. Jones stated it is listed on the bids. Shaw stated he would have to check to see if they are listed on the website. Huddleston stated the County opens bids during their meetings. Keefer stated that is per a statutory regulation and the city is different. He stated we open and compare the bids at a specific time and place and review the bids to make sure they meet specs and made a recommendation to the council. Huddleston stated what concerns him is the possibility of avoiding fairness sometimes. He said it appears to him that that sometimes after bids are open there are negotiations taking place that the council misses out on. He wants to make sure specs and prices don't get changed prior to bringing them to the council. Keefer stated he is disappointed Huddleston would think that would happen because it definitely does not happen. Huddleston stated is what happen with the electric department trucks. He stated he asked in that meeting if sales tax was included and was told yes, but the very next meeting was told the sales tax was not included. Keefer stated that was on the

vendor because they did not include the sales tax though it was clearly noted on the bid specifications that sales tax was to be included and that all of the bids were rejected because the vendor whose bid we accepted no longer had the vehicle available. Huddleston asked what would happen if we accept a bid and they sold it would happen. Mr. All stated we got in trouble years and years ago because we accepted a transmission different than the one on the bid as it was approved. E. Jones stated the bids list specifically that the vehicles have to be available until a certain date.

Martin: Martin asked if there is anyone available at the recycling/compost area that would be able to help an older person load their vehicle. Keefer stated there is someone there to help. Wallace stated they cannot help with equipment though because we got in trouble years ago for a vehicle that was damaged.

Martin asked if staff ever checks the insulators to see if they are leaking. Keefer stated he has never heard of them leaking before but that he would ask. Huddleston stated there is radio static around the Westar pole at Ohio/Kelly. Rawlings stated insulators keep electricity from jumping over poles and that they do not leak. Rawlings stated that area has always been a problem with AM or Ham radios but that it is nothing that we've ever done wrong. He stated the insulators don't keep electricity from leaking into the atmosphere, that happens naturally and we cannot stop that.

Malone: Malone asked what happened in 2010 to cause such a drop in revenue for the swimming pool. Shaw stated we started the new punch card program at a cost that was too low.

S. Jones: S. Jones asked if anything has been heard about the grant request for the playground equipment at Garvin Park. Shaw stated he inquired last month and was told to wait patiently. Keefer stated the city has set aside our funds for that project.

Executive Session: At 8:30 p.m. Rawlings made a motion to go into executive session for 20 minutes to discuss personnel matters of non-elected personnel more specifically the City Manager's annual evaluation. The Council will return to open session at 8:50 p.m. in the Council Chambers. Childers seconded the motion. Motion carried without opposition.

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

At 8:53 p.m. Malone made a motion to go into executive session for another 20 minutes to discuss personnel matters of non-elected personnel more specifically the City Manager's annual evaluation. The Council will return to open session at 9:13 p.m. in the Council Chambers. Wallace seconded the motion. Motion carried without opposition.

At 9:16 p.m. Rawlings made a motion to exit executive session with no action being taken. Childers seconded the motion. Motion carried without opposition.

Childers made a motion to extend the City Manager's contract for 2 years and to provide a 2% merit increase. Rawlings seconded the motion. Motion failed with Rawlings and Childers voting in favor and Malone, Martin, Huddleston, Jones, and Wallace voting in opposition.

Wallace made a motion to approve a 1 year contract with the deletion of the 12 month severance pay clause. Malone seconded the motion. Childers stated he is concerned that if we follow through with this we might be forced to pay the 12 month severance since we are removing some of the benefits from the contract. Childers looked to Mr. All to clarify the matter. S. Jones asked Mr. All to clarify section 3B of the contract because there seems to be some confusion on what that section means. Keefer stated his attorney explained that it means if you change the contract any shape or form and it is not subject to any other changes in any other staff members or employee's contracts it will be considered null and

void and is considered termination. Keefer stated he would not agree to changes in the contract. Williams stated that would mean the city would have to pay the 12 month's severance pay and health insurance. Wallace asked when the existing contract terminates. Williams stated today. Malone stated the way he reads it is a never ending contract. Wallace agrees and stated it is unless you agree to pay the 12 month's severance. Williams stated the 12 months was placed in by prior council and if you think the city manager is not doing a good job for the city then of course you would want to consider respond to that. She stated she thinks the city manager has done an excellent job for the city and that he has been very attentive to the council. Williams stated she would like to see him stay and see us offer him a one year contract. Wallace stated that some people may view this as the council trying to get rid of Keefer but that is not the case. He stated they are trying to protect the citizens from having to pay a 12 month's severance pay if something were to go terribly wrong which the council doesn't think will happen. Wallace stated the council is so sure that will not happen that the council thinks the exclusion of the 12 month's severance pay is wise to do.

Keefer stated this is something that shouldn't be discussed in a public meeting because it is his employment contract. Wallace agreed. Keefer stated he was offended that the council would discuss this in a public meeting. Keefer stated that clause is in there to protect him because the council could terminate him at any time as a whim. He stated he could be doing everything he has been told to do for the last 16 ½ years and the council could terminate him for no cause at any time. Huddleston asked what happens to any other employees that work at will. Keefer stated they are terminated for cause. Huddleston asked why he would think this council would do otherwise. Keefer stated there is obviously a disconnect between himself and some of the members of the council. Malone stated the council is elected by the people who pay Keefer's salary. Mr. All stated Keefer has a written agreement which is why he is different than those that work at will and the council is bound by the contract. Wallace amended his motion to accept the existing contract as written for 1 year including the 2% merit increase. Rawlings seconded the motion.

S. Jones again asked Mr. All to explain section 3B. Mr. All stated it was spelled out pretty clearly that if the council does not renew the contract under the terms spelled out in paragraph 2 and the city manager is willing to work for the city the council agrees to pay to continue to pay him for 12 months at the same level of non-renewal and the city has the option to pay it in a lump sum. S. Jones said so basically if the council does not renew the contract and Keefer is willing and able to continue his employment then life would go on without a contract. Mr. All said yes if he is willing to do that. Williams stated the key word is willing. S. Jones called the question. Motion carried with Martin and Huddleston voting in opposition.

Adjourn: At 9:25 p.m. Wallace made a motion to adjourn. Childers seconded the motion. Motion carried with Wallace voting in opposition.

City Clerk

CITY COUNCIL
FEBRUARY 4, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on February 4, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael R. Martin, Michael Huddleston, Michael Wallace, Sue Jones, Mike Rawlings, Ron Reavis and Matt Malone. Also present: City Attorney David All, Assistant to the City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush,

Prayer: , gave the invocation.

Minutes: made a motion to approve the minutes from the January 21, 2013 meeting. seconded the motion. Motion carried without opposition.

Appropriations:

January (1): made a motion to approve Ordinance 1 in the amount of \$393,458.70. seconded the motion. Motion carried without opposition.

January (1A): made a motion to approve Ordinance 1A in the amount of \$172,477.44. seconded the motion. Motion carried without opposition.

January (1B): made a motion to approve Ordinance 1B in the amount of \$445,857.43. seconded the motion. Motion carried without opposition.

Visitors: Representatives from the Augusta Model Railroad Club were present to provide a report of their club activities over the past year.

Old Business:

Watering Restrictions: Council reviewed and discussed the City's Watering Restrictions and related issues.

New Business:

Global Parts Annual Claim for Exemption: made a motion to approve the annual claim for exemption of property taxation for Global Parts, Inc. seconded the motion. Motion carried without opposition.

Dike Road Relocation Project: made a motion to approve an Engineering Services Agreement with MKEC for Project Management and Contract Coordination/Administration for the Dike Road Relocation Project. seconded the motion. Motion carried without opposition.

East Sanitary Sewer Outfall Bids: made a motion to approve the bid from Alan's Excavating, Inc. in the amount of \$55,566 for repairs to the East Sanitary Sewer Outfall Line. seconded the motion. Motion carried without opposition.

Walnut Levee Certification Project: Council reviewed the engineering report for the repair/replacement of an interior drainage structure as part of the Walnut Levee Certification Project.

made a motion to approve an Engineering Services Agreement with AMEC for design and construction engineering services and completion of the Walnut River Levee Certification Process. seconded the motion. Motion carried without opposition.

Neighborhood Revitalization Program: made a motion to approve Resolution 2013-02 scheduling a public hearing on March 4, 2013 to take input on extending the Neighborhood Revitalization Program (NRP) for another term of one year. seconded the motion. Motion carried without in opposition.

Kelly/Ohio Intersection Project: made a motion to approve the Commitment of City Funds Agreement for the Kelly and Ohio Intersection Project authorizing the submittal of the City's local match to KDOT. seconded the motion. Motion carried without opposition.

Water Utility Vehicle Bids: made a motion to approve the purchase of the ¾ Ton Pickup from Rusty Eck Ford in the amount of \$22,867 and the 1 Ton Service Truck from Rusty Eck Ford in the amount of \$29,767. seconded the motion. Motion carried without opposition.

Solicit Bids for Electric Distribution Bucket Truck: made a motion authorizing the Electric Distribution Department to take bid proposals from vendors for a 65' bucket truck demonstrator vehicle. seconded the motion. Motion carried without opposition.

Informational Memorandum:

Final Comments:

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

City Clerk

CITY COUNCIL
JANUARY 21, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on January 21, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael R. Martin, Michael Huddleston, Michael Wallace, Sue Jones, Mike Rawlings, Ron 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: Kent Bush, Bill Morris, Gary Rogers, Myrna Rogers, Willis Wilson, Ken Brinkman, John Black, Mark Knowles, Jay Anglemeyer, Dalton Patterson, Jane Mathias, DeAnn Triboulet, Cale Magruder, Connie Thurman, Robert Hubbard, Jamie Hubbard, David Higgs, and Larry Snodgrass.

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

Minutes: Reavis made a motion to approve the minutes from the January 7, 2013 meeting. S. Jones seconded the motion. Motion carried without opposition.

Appropriations:

December (12B): S. Jones inquired about there being two payments for the Augusta Animal Clinic. Keefer stated it is for the November and December billing. Reavis made a motion to approve Ordinance 12B in the amount of \$78,610.41. Childers seconded the motion. Huddleston inquired about the payment to Ameri-Kart Corp for the trash carts. Shaw stated there should not have been a charge for those and he would check on that. Motion carried without opposition.

December (12C): Reavis made a motion to approve Ordinance 12C in the amount of \$436,031.80. Childers seconded the motion. Motion carried without opposition.

Visitors: Bill Morris addressed the governing body and stated that his firm has worked with the council over the years and has built a relationship on trust. He stated that last week a

council member came to his office and insisted that he would not be allowed to speak at the upcoming work session. Morris asked that is the consensus of the majority of the council and asked if the council will allow public input at the work session. Williams stated that in a typical work shop agenda there is not a time for public input, but given Morris' expertise and his work with the downtown she wouldn't have a problem with him giving input. She stated she would have a problem with a council member excluding you from a work session on their own. She stated Morris was there from the beginning of the downtown projects and would hope that he would be at the work session. S. Jones asked if during a typical work shop agenda in input is allowed at a specific time. Williams stated that any council member could direct a question to a member of the audience or to ask for input. Huddleston stated that workshops are for the council to get a better grasp on a subject, and that he doesn't have a problem with the council asking the audience questions but it is not set up as a public forum. He stated that it is open to the public and given Morris' background there is a possibility he might be called on with questions. Morris stated he wants to make sure the council hears all diverse opinions, facts, and figures. Huddleston stated it wasn't him that approached Morris, but that the workshops are not a debate forum but an opportunity to analyze and discuss a subject not in a public forum. Morris stated it is not his intent to debate but to give information. Childers stated the council would be remiss if they did not request Morris' counsel given his expertise.

Old Business:

Watering Restrictions: Council reviewed and discussed the City's Watering Restrictions and related issues. Keefer stated he attended a workshop in Topeka and visited with several other cities that have water supply concerns even worse than us. He stated that the drought is very serious and water supply concerns need to be kept in the forefront. Williams stated that Santa Fe Lake is nowhere near the level it was last year and that overall water usage is down. S. Jones asked Keefer what he found out about whether Mulvane is adhering to the restrictions. Keefer stated they are still enforcing the restrictions and that they have never been removed.

Spillway/Dam Project: Jay Anglemyer with MKEC provided an update on the Spillway and Dam Project. Anglemyer stated in November the council requested he ask the contractor to provide a sediment log to address the concerns about erosion. He stated he asked the contractor and they said they would install the sediment log if three of the remaining items were removed from the punch list. Anglemyer stated the first item they are requesting to be removed has to do with the termination of Lakeview Parkway. He stated it doesn't pose a traffic threat and that the gravel road is in much worse condition. Anglemyer stated the second item has to do with the earthen wedge along portions of the overlaid park road. He stated there are a few spots where there is a mild drop off, mostly on the East side. Anglemyer stated the third item relates to shrinkage cracks along the top of the dam. He stated it is mostly at the south end of the sod and is a total of around 600-700 feet. Anglemyer stated he evaluated each item and his opinion that nothing needs to be done with the termination of Lakeview Parkway. He stated that city staff should be able to address the earthen wedge as time permits and the only cost to the city would be trucking in the dirt. He stated the contractor will provide the dirt if the final pay estimate is paid. Anglemyer stated that once we get some rain the cracks at the top of the dam will disappear, but that it would be simple to fill them with dirt if the city chooses. Anglemyer stated that it is his opinion that if the contractor is willing to purchase and install the sediment log it would be a good idea to accept this offer.

Williams inquired about the value of the sediment log. Anglemyer stated it would be around \$5,000 including material and labor costs. S. Jones inquired about the value of the three items on the punch list the contractor wants removed. Anglemyer stated those were not items included in the bid. S. Jones stated they were on the original punch list and asked if the contractor agreed to them originally. Anglemyer stated they had but that the contractor is saying the cracks are weather related. S. Jones asked if the cracks were evident during the walkthrough. Anglemyer stated they were found after the walkthrough on the way back after the contractor left. Williams asked about the length of the cracks. Anglemyer stated the crack is in the same spot along the dam but will run for 50 feet then stop and reappear several hundred feet later. He stated the sod is so dense it didn't allow for cracks beyond the sodded area. Childers asked if these are just cosmetic concerns. Anglemyer stated they are at this time. He stated they are not structural

concerns but it is not something he would want to let go if we didn't get any rain some time soon.

Huddleston asked if the payment would be made before or after the sediment log was installed. Anglemyer stated he would withhold the 5% retainage until after it was installed. Williams asked Keefer for input. Keefer stated city staff could do the work but it would help with the cost if the contractor provided the dirt. Huddleston stated that some people have said the sediment log may not be necessary after the water levels come up. Anglemyer stated that was correct, but that it might get worse if the water stands at that level for any length of time. He stated it would help guard against future erosion. Malone stated he thought Anglemyer had said there was a different that the city could do for that. Anglemyer stated that was to purchase and install the sediment log. Huddleston made a motion to accept the proposal by the contractor for the contractor to purchase and install the sediment log and in exchange the contractor will be relieved of completing the three items on the punch list. Malone seconded the motion.

Reavis stated his concern is that last time Anglemyer was here he said the sediment log was not that big of a deal and now there are other things that need to be done. Anglemyer stated that he thinks all of these issues are minor details and that while the sediment log may not be needed he thinks it is a good idea. Reavis asked what the contract says about weather related issues and why the cracks on the dam would be any different than other weather related issues. Anglemyer agreed with Reavis that there shouldn't be a difference. He stated if the council wants the contractor to fix these items he would agree that it is their responsibility. Reavis stated he doesn't think it is our place to do the contractor's job. Childers asked for staff opinion. Keefer stated staff is capable of doing the work but that he has mixed emotions with regard to this. He stated the governing body directed Anglemyer to go back to the contractor about the sediment log. He stated there are some areas along the top of the dam where he could put his fist into the cracks and that there is a pretty big drop off along the edge of the park road. Malone, Martin, Huddleston and Childers voted in favor of the motion. Reavis, Rawlings, Jones, and Wallace voted in opposition. Motion carried with Williams breaking the tie in favor of the motion. Williams stated this is contingent on the contractor providing the materials

and the 5% retaining not being paid out until it is done. S. Jones asked if these were the last things on the punch list. Anglemeyer stated the contractor has told him they are and that he will complete a final walkthrough with city staff to confirm they are done.

S. Jones asked if the city proceeds with the repairs to the crack along the dam and the cracks come back would there be liability on the part of the contractor. Anglemeyer stated he believes the dam is at maximum dryness and doesn't see it getting any worse. He stated there is still a one year warranty on the work. He stated he could make the previous action be contingent that if the cracks come back it is still the contractor's responsibility to repair them.

Change Order Spillway/Dam Project: Anglemeyer stated that when the contractor was paving Lakeview Parkway they hit sub-grade material that was very poor. He stated MKEC's inspector confirmed that the material was bad and needed to be removed. He stated this wasn't brought to the council at the last meeting he attended because he did not have the weigh tickets at that time, but that he has confirmed the unit price is a fair price. S. Jones asked if this is within the project budget. Keefer stated there are funds available for this change order. Rawlings made motion to approve Change Order #2 for the Spillway and Dam Project in the amount of \$10,163.77. S. Jones seconded the motion. Motion carried without opposition.

East Outfall Sanitary Sewer Repair Project: Council reviewed and discussed the East Outfall Sanitary Sewer Repair Project. Larry Henry with MKEC addressed the council and stated that back in September they started looking at the city's inflow/infiltration (I/I) problems. He stated this outfall line is damaged and is in urgent need to be fixed so it was put ahead of other items in the I/I program. Henry stated this has been quite a design challenge. He stated the bid solicitations were sent out last Thursday and will be opened on January 29th. He stated a recommendation will be brought to the council at the next meeting with the hopes of completing the project by the middle of March before the wet weather hits. Henry stated it has been a design problem because there are two permitting agencies involved, Division of Water Resources (DWR) and U.S. Army Corps of Engineers. He stated the two agencies have been at odds with each other on how this

should be addressed. Henry stated DWR suggested we turn this into a stream restoration and do away with the stream obstruction. He stated the Corps of Engineers said the design would require an individual permit which has a lot more rigorous review process and takes longer and could if they think there are problems with the environment or floodplain we might have mitigation issues. Henry stated the design was re-done based on the requirements from the Corps of Engineers. He stated the permits have been received from DWR and the Corps of Engineers. He stated he feels this project is urgent and needs to be done.

Malone made a motion to approve the amendment to the Engineering Services Agreement with MKEC for the East Outfall Sanitary Sewer Repair Project. Reavis seconded the motion. Motion carried without opposition.

One-Million Gallon Water Storage Tank: Willis Wilson with Aqua Tech Engineering updated the council about the one-million gallon water storage tank repair project. He stated that in December 2011 the decision was made to wait until the lake filled back up before moving forward with this project. He stated that as we proceed with the repairs to the waterline between Augusta and El Dorado it would be better to have more storage at the water plant. Wallace a motion to authorize to proceed with repairs to the one-million gallon water storage tank. Huddleston seconded the motion. Williams asked how long the repairs will take. Wilson stated the tank would be out of service for 45 to 62 days. S. Jones asked why it would take so long. Wilson stated there are several steps involved, including installing a stiffener ring, cutting off the roof, installing a new ladder, painting the tank, etc. He stated the plan is to take the tank out of service mid March. Motion carried without opposition.

Sanitation Services Transition Plan: Council reviewed and discussed the Sanitation Services Transition Plan. Malone stated he remembered that at a workshop or council meeting the council agreed that we should hold town hall meetings and get public input. Williams stated there was a council meeting with a lot of people in the audience and the council voted on this plan. Keefer stated there were discussions that as we move forward with the transition plan we would have meetings for the purpose of educating the public on the

plan and new system. He stated that we would plan to meet with people as we move forward with the sanitation program and the pilot program, but that those plans did not include the spring cleanup. Malone stated he would like to see time set aside to start getting some education done. Huddleston stated there was discussion about putting that information out through utility bills and asked if the three spring cleanup options could be listed on a survey included in the bills. When they are returned staff could tally their votes. Huddleston stated he wants the public to feel they are being made part of this process. He stated the spring cleanup information was just brought to the council at a work session last week. Shaw stated he prepared these options at the direction of the governing body and that the Sanitation Committee Plan presented to the council in July included this change to the spring cleanup. Huddleston stated he wants the citizens to have input instead of the council deciding it for them. He stated change is inevitable but he would like to make it as painless as possible. Keefer stated the timetable is a concern. He stated staff could put a survey together if the council wants to do that but it may affect the timetable. Huddleston stated there was nothing in the timetable about involving the public. Rawlings stated the council appointed the Sanitation Committee members and they provided input. Williams stated the sanitation plan has been out there for some time for people to weigh in.

Malone stated if the ultimate goal is to get to the coupon system then maybe it would be good to go to a shortened spring cleanup period with coupons and then transition to the full coupon system. S. Jones stated that maybe option #2 is the most logical option and then staff could prepare a letter to include with the utility bills notifying people of the changes. She stated she doesn't see a reason to wait, but that we need to send something out. Childers stated he thinks if the city bill is sent in an envelope it would be important to mark the envelope to say it includes the utility bill. Reavis stated he is amazed at the amount of stuff we gather at the spring cleanup. He stated that if he has to load his stuff to take it somewhere, it might as well be the landfill. He stated option #2 is confusing and option #1 simplifies things. Reavis made a motion to approve the landfill coupon system under Option #1 to replace Spring Cleanup. Rawlings seconded the motion. Motion carried with Malone and Martin voting in opposition.

Wallace made a motion to approve the Sanitation Services Transition Plan as presented and to include the landfill coupon system instead of spring cleanup. Reavis seconded the motion. S. Jones stated page 15 says that citizens will still be required to bag trash and that is a pet peeve of hers. She stated she has lived in several communities where carts were used and it was not required that trash be bagged. She stated it is a waste to bag it before putting it into a container. Williams inquired about the wind blowing the carts over. S. Jones stated the lids stay on and she has never had a problem with trash blowing all over. Wallace stated that is true unless someone doesn't secure their lid. Childers stated he has received six or seven comments from citizens that agree with Jones about bagging trash. Reavis stated that could be a cause for confusion since we cannot bag for recycle. Shaw stated that is a decision that can be made further on in the process. Motion carried without opposition.

Augusta Progress, Inc. Payment: Council reviewed and discussed a payment to Augusta Progress, Inc. (API) that was removed from Appropriation Ordinance 12A and tabled at the January 7, 2013 meeting. Malone stated he asked for this item to be tabled at the last meeting in order to obtain a legal opinion. Mr. All stated he consulted with the Kansas League of Municipalities and was told the council could do what they wanted as far as moving forward with the payment or denying the payment. Willis Wilson spoke as a member of API. He stated he understands the city's responsibilities and API responsibilities and has appreciated the city's support. He stated he thought it was a good study and that they had hoped to get funding from the County and Andover but that didn't materialize. He stated Andover and the County are funding the study about an Airport Authority. Williams stated during the last meeting there was a question about where API funds are invested. Wallace stated he had a two hour long meeting with Bill Morris and his questions were answered. Wilson stated their funds are kept liquid in interest bearing accounts and CD's where they could be easily accessed if an opportunity arises. Reavis stated API has been given the authority by this council to be the economic development arm of the council. He stated there has to be a partnership and even if they had \$500,000 in the bank if the opportunity presented itself that may not be enough. He stated that denying the payment after a majority of the council approved it shows a lack of respect and support of the responsibilities we have given them. Reavis stated API told

us upfront that if Andover and the County didn't participate they would still move forward with the study. He stated the council has no rightful, ethical, or moral reason to deny the payment to them now. Reavis made a motion to pay Augusta Progress, Inc. the \$20,000 removed from the previous meeting's appropriation ordinance. Childers seconded the motion. Childers stated \$20,000 a year is a bargain for this community. He stated API is an all volunteer committee. He stated pulling the rug out from under them would do the community a disservice. Malone stated he is not suggesting withholding the funds, but choosing not to participate in the study. He stated the mayor of Andover assured us that they would participate in the cost of the study and then the council meeting told his governing body they should table the issue. He stated he thinks the city should hold on to that money and then API could come back to us and request funds.

Williams stated API's history on what they have done for this community is pretty impressive. Wallace stated he told Bill Morris that he doesn't have a problem with API. He stated the reason he recommended withholding the payment is that he has had a bunch of constituents ask him why we would give them that money when things are so tough because of the economic situation. Dalton Patterson addressed the governing body on behalf of API. Patterson stated four businesses were brought in to the Industrial Park by API and he would estimate the city makes \$40,000 to \$45,000 in real estate taxes from those businesses that they wouldn't have if not for API. He stated those businesses pay \$70,000 to \$75,000 annually for utilities. Patterson stated API is an all volunteer committee that is no cost to the city. Patterson asked the council to take all that in to consideration. Martin asked Patterson if any of the loans they made were to businesses that have failed. Patterson stated there were and that they were downtown. Patterson stated Pro-Kleen would have left this community without the \$50,000 loan API provided them. Malone called the question. Huddleston seconded. Motion to call the question carried with Rawlings voting in opposition.

Reavis, Rawlings, Childers, and S. Jones voted in favor of the motion to pay Augusta Progress, Inc. the \$20,000 removed from the previous meeting's appropriation ordinance. Malone, Martin, Huddleston, and Wallace voted in opposition. Motion carried with Williams breaking the tie and voting in favor of the motion.

New Business:

Frisco Depot Transportation Enhancement Grant Application: Williams stated this is our third time to apply for this grant. Shaw stated this would more than likely be our last shot as there may not be a TE program in the future. Shaw stated the state recommended we bump our match up to get additional points on our application. Huddleston stated he is in favor of doing something with the depot, but if the grant doesn't come through this year what would we do. Keefer stated that is a good question. He stated there are other options out there such as selling tax credits, piece-milling the project out, or using all of our Capital Improvement funds one year to make the necessary repairs. Keefer stated he thinks we should take a shot to meet the 25% match. Childers made a motion to approve Resolution 2013-01 authorizing the submittal of the application for the Transportation Enhancement Grant application to KDOT for the restoration of the Frisco Depot including a 25% match and authorizing the City Manager to execute the application. Rawlings seconded the motion. Motion carried without opposition.

REAP: Council considered approval of the City's 2013 membership to the Regional Economic Area Partnership and Water Resources Committee. Sedgwick County Commissioner Dave Unruh addressed the governing body on behalf of REAP. He stated REAP is an important initiative in south central Kansas. He stated William's contributions have been appreciated and he respects her leadership. Unruh stated REAP is a volunteer organization that was started in 1997 to enhance the regional economy. He stated it allows communities in our region to speak with one voice and it includes 34 local governments in a 9 county area. Unruh stated that he is fully aware that member cities do not unanimously agree in all areas, but that is not a prerequisite. He stated in order for our communities to remain competitive we have to enhance our economic development opportunities whenever possible.

Wichita Councilmember Jeff Longwell addressed the governing body on behalf of REAP. He stated there are five areas that allow REAP to provide Leadership, Partnership and Advocacy. They include Regional Forums, Water Resources, Economic Partnerships, Workforce Development, and Legislative Policy and Promotion. He stated REAP works

as a catalyst to remove barriers. S. Jones asked for specifics on how they remove barriers. Longwell stated one of those include bringing affordable airfares to our region. He stated that could not have been done without the regional partnership. Huddleston stated that REAP is a council of city governments for the south central region, but stated the memo includes information on affordable airfares and western Kansas. Longwell stated that western Kansas gets a portion of the \$5 million allotted to the state and REAP has been designated to administer affordable airfares for the entire state. Longwell stated the assessment of membership fees is based on population and all communities have an equal vote. He stated REAP has such a good voice in Topeka because they have such numbers participating.

Wallace stated some people on the Sedgwick County Commission, specifically Ranzau and Peterhjohn have been quoted that this is a Trojan horse. Wallace asked for feedback on that. Longwell stated that affordable airfare is not a redistribution of wealth and he thinks all communities in this area benefit from that. Malone stated it is his understanding that Wichita is already in talks with the City of El Dorado about putting in a waterline along Hwy 254 and cutting all of us out of it. Longwell stated that is not correct and that he hasn't seen the report yet on a waterline from El Dorado to Wichita. He stated this is not an us versus you type of situation. He stated if we are going to improve our economic development situation we have to work together in a partnership. Unruh stated as far as mandating policy to communities, there has been no authority granted to REAP to impose anything on a local government. Wallace stated if REAP decides it wants something done, it can legislate to higher government which can mandate it to us whether we agree or not. Unruh stated he understands and shares Wallace's concern about unfunded mandates and someone telling us what has to be done. Longwell stated our communities have a lot in common and look at things similarly.

Huddleston stated he doesn't see a list of how funds are expended. Williams stated that was provided in the operating budget. Huddleston asked what REAP is able to provide to Augusta. He stated we have already worked on our water issues and with Andover on our airport. Longwell stated they have had workshops and would like to sit down with Augusta's economic development team. Huddleston asked what REAP has done for

Augusta in the past. Williams stated we were provided with a wealth of information with regard to our PAL agreements a few years ago. Longwell stated that Williams has led REAP and that the council has always been welcome to the table. Williams stated that during the discussion on affordable airfares REAP asked communities to consult with their businesses. She stated she did and that Pro-Kleen provided a wealth of information that REAP took to Topeka showing how much they spend annually on airfare. She stated our business benefit from affordable airfare. Reavis stated if you want to know what we as a city get from REAP it is probably less than what our citizens benefit from. He stated there are a lot of things our citizens get to take advantage of such as airfares, the train, etc.

Martin stated the projected revenue is listed at \$320,000 and asked if they have the actuals for 2012. Joe Yeager with REAP stated that REAP contracts with WSU for staffing and in 2012 there were two separate budgets for REAP and the water resources. He stated they are now combined. Wallace stated that REAP sounds like something API should be involved in, not the city. Yeager stated that REAP is meant to be for elected officials. Wallace stated he thinks API at least needs to be involved. Yeager stated Augusta has benefitted from the relationships and communications with other communities that has come with the REAP membership.

Reavis made a motion to approve the City's 2013 membership to the Regional Economic Area Partnership and Water Resources Committee. Childers seconded the motion. Motion carried with Malone, Martin, and Huddleston voting in opposition.

Neighborhood Revitalization Program – 604 Stone Lake Circle: Malone made a motion to approve the reinstatement of 604 Stone Lake Circle in the City of Augusta's Neighborhood Revitalization Program. Reavis seconded the motion. Motion carried without opposition.

2013 Street Sales Tax Program: Reavis made a motion to approve an Engineering Services Agreement with MKEC for the 2013 Street Sales Tax Program. Malone seconded the motion. Motion carried without opposition.

Emergency Water Supply Plan: S. Jones stated the wording needs to be fixed in section 3 at the top of page 7 to make it flow better. S. Jones made a motion to approve the annual update of the City of Augusta's Emergency Water Supply Plan with the wording change. Malone seconded the motion. Motion carried without in opposition.

Informational Memorandum & Final Comments:

Wallace: Wallace inquired about the status of the annexations at the south end of town. Keefer stated he has pulled that information out again but hasn't had a chance to look at it. He stated at one time he was waiting on information from the Museum about the ownership of the property. He stated he needs to notify the other property owner and send a letter.

Wallace stated he is concerned about the grant for the park and signing another agreement that lasts into perpetuity. Keefer stated staff made it clear that was included in the agreement. Shaw stated we already have those requirements for the park that last into perpetuity so this wouldn't be adding any time to that.

S. Jones: S. Jones inquired about the barrels in the Bank of America Parking lot. E. Jones stated the barrels are being used for soil testing. She stated the soil has undergone two rounds of testing and that she has been in contact with the property manager inquiring about when they would be removed. E. Jones stated the property manager has maintained contact with her and has said they are awaiting approval for removal of the barrels.

Huddleston: Huddleston referenced the Safety Department monthly report and stated that the number of animals picked up always matches the shaded area except in December and asked what happened to the other 25 animals. Keefer stated he would have to check on that. Huddleston stated he has heard nothing about the council's response to the Attorney General. Mr. All stated he sent an outline of what the council discussed and has not heard back. He stated he would check on that. Huddleston stated that in the LKM's December magazine, the legal forum discussed subordinate bodies and the Kansas Open Meetings Act (KOMA). Huddleston stated that article would indicate that API would be subject to

KOMA. Mr. All agreed. Keefer stated their meetings have always been open. Huddleston asked if they would be subject to serial meetings. Mr. All stated they would, but that they are an organization that is working continually outside of meetings but with only two or three members at a time. Huddleston asked if they should attend KOMA training to make sure they are acting legally. He stated they are acting as an arm of the city and if they are not aware of the KOMA rules they could be in violation.

Martin: Martin stated that during the last meeting the ward boundaries were changed, but according to the memo received tonight we will be campaigning under the old boundaries. E. Jones stated that is correct. She stated that although she received assurances from the former County Clerk, League of Kansas Municipalities, and Secretary of State's Election office, the Butler County Attorney determined the ward boundaries could not be changed until after the April election. Martin asked if Butler County re-upped their REAP membership. Keefer stated he did not know.

Malone: Malone stated that the water issues are an old business item at all meetings and if we go into the summer with the water situation as it is it will be a problem. He stated we need to create a plan before we get to that day. Keefer stated that is why he keeps it as an agenda item. He stated it is a major concern and that 2.3 to 2.4 MGD will not be enough to meet a peak demand day in the summer. Malone stated we may need to start having those discussions and plan ahead. Keefer stated there are several communities in worse situations than us that do not allow any outdoor watering.

Reavis: Reavis stated at the last meeting Huddleston inquired about video streaming of the council meeting and asked if this would be a good time to look at a different web host that could archive the streaming given the concerns with the current web hosting. Shaw stated those are two different problems. He stated our storage comes from our server and is not a host issue. He stated he has been gathering information on streaming the council meetings and has looked at RFP's. He stated he has also asked our video equipment company to look at our equipment. Reavis asked if we are looking at just streaming or archiving. Shaw stated he is looking at both. He stated streaming will be more difficult

and archiving will take a lot of storage space. He stated he is looking at what type of equipment upgrades will be needed.

Reavis stated the new stopgap on Highland Drive is like a mini spillway and asked what it would cost to dye the concrete for the one on Kelly Avenue before it is poured. Rawlings stated he drives by it a couple times a day and hasn't noticed it. He stated it will fade over time. Reavis stated more people will see the one on Kelly Avenue though.

Adjourn: At 9:51 p.m. Wallace made a motion to adjourn. Malone seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
FEBRUARY 4, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on February 4, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael R. Martin, Michael Huddleston, Michael Wallace, Sue Jones, Mike Rawlings, Ron Reavis and Matt Malone. Also present: City Attorney David All, Assistant to the City Manager Josh Shaw, Director of Electric Utility Bill Webster, Water/Wastewater Superintendent Russell Still, and City Clerk Erica Jones. Visitors present were: Kent Bush, Larry Sample, Ken Brinkman, Brian Glenn, Gary Rogers, Myrna Rogers, Larry Henry, Gorden MacPhail, Malissa Nesmith, Troy Palmer, Jamie Hubbard, and Jason Lowery.

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

Minutes: Wallace stated he did not oppose adjourning at this meeting. Wallace made a motion to approve the minutes from the January 21, 2013 meeting as amended. Malone seconded the motion. Motion carried without opposition.

Appropriations:

January (1): Reavis inquired about the payment to Integrated Technologies. E. Jones stated it is the monthly bill for the City's anti-virus protection software. Reavis made a motion to approve Ordinance 1 in the amount of \$393,458.70. Huddleston seconded the motion. Motion carried without opposition.

January (1A): Rawlings made a motion to approve Ordinance 1A in the amount of \$172,477.44. Childers seconded the motion. Motion carried without opposition.

January (1B): S. Jones inquired about the payment to Solomon Corporation in the amount of \$27,425.25. E. Jones stated it was for the purchase of a 3 phase pad mount meter and transformer. Huddleston inquired about the payment to Go Wichita and stated there was another payment to them recently. E. Jones stated this payment was for annual dues. Shaw stated the previous one was for an advertisement in one of their publications. Huddleston made a motion to approve Ordinance 1B in the amount of \$445,857.43. Martin seconded the motion. Motion carried without opposition.

Visitors: Gorden MacPhail, representing the Augusta Model Railroad Club, provided a report of their club activities over the past year. MacPhail stated they have officially changed their name from Wichita to Augusta, added insulation to their portion of the building, installed a programmable thermostat, and reduced their annual utility charges. He stated they now have a website and have posted You Tube videos to get their name out there. Huddleston asked if they are ever open to the public. MacPhail stated they are open to the public on Saturdays from 11 a.m. to 2 p.m. and have meetings on Thursday nights. He stated they have several tours lined up in the next month or two. MacPhail encouraged the council to visit the club.

New Business:

Global Parts Annual Claim for Exemption: Malissa Nesmith and Troy Palmer were present, representing Global Parts. Nesmith stated they now have 56 full time employees and have started two new entities. She stated they are continuing to grow. Troy Palmer stated they will be talking in the near future about expanding their building. Nesmith stated they are now an FAA certified repair station. Huddleston asked what it is that they repair. Nesmith stated just avionics at this time. Reavis stated he appreciates Global Parts' community involvement. He stated they are always more than generous and are very

good corporate citizens. Wallace made a motion to approve the annual claim for exemption of property taxation for Global Parts, Inc. Childers seconded the motion. Motion carried without opposition.

Dike Road Relocation Project: Larry Henry with MKEC stated that Dike Road will be relocated to the west of its current location. He stated the city has a lot of accountability but is not in control of the project. He stated the city will be letting the bid but KDOT and a consulting engineer will be doing the design work and construction inspection for the intersection and Butler County will do the construction inspection for the portion North of Hwy 54/400. Henry stated the two sets of plans and specs will be combined for a two part bid and will be awarded to one contractor. Huddleston asked if the entry from US 54 will change. Shaw stated it will be shifted approximately 100 feet to the west. S. Jones inquired about the time frame. Henry stated the bids will be let late spring or early summer with an anticipated late fall completion. Huddleston asked if there will still be a need for the road divider to the east of Dike Road and asked if it would interfere with the entrances into the new Wal-Mart. Henry stated it may not be needed. Shaw stated the entrance into Wal-Mart in that area will primarily be for delivery trucks and eastbound traffic. Malone made a motion to approve an Engineering Services Agreement with MKEC for Project Management and Contract Coordination/Administration for the Dike Road Relocation Project. Reavis seconded the motion. Motion carried without opposition.

East Sanitary Sewer Outfall Bids: Rawlings made a motion to approve the bid from Alan's Excavating, Inc. in the amount of \$55,566 for repairs to the East Sanitary Sewer Outfall Line. Childers seconded the motion. Motion carried without opposition.

Walnut Levee Certification Project: Council reviewed the engineering report for the repair/replacement of an interior drainage structure as part of the Walnut Levee Certification Project. Larry Sample with AMEC was present to address the council. Sample stated that AMEC was contracted to do the certification for the Walnut Levee. He stated the original analysis found that one drainage structure needed to be replaced and they were not able to get a good video inspection of the second structure. Sample stated they considered several different options for the structure that needs to be replaced and that they are recommending slip lining the existing pipe and extending it, which is the most cost effective option and will provide good drainage. Sample stated the proposed agreement includes completing the survey, preparing construction plans, tract maps and easements, regulatory review and permits, preparation of bid specifications, bid letting and construction inspection/administration, and to complete the various requirements necessary for the FEMA Certification of the Walnut River Levee. He stated the city would need to contract with a company to clean out and video the second structure and that they are not anticipating any issues with that structure. Sample stated the bids will be let in the spring with the construction completed in the fall. Reavis asked if AMEC will be doing the construction. Sample stated they will not but that they did provide an estimate for the construction. Reavis stated the cost could change when it is bid. Sample stated they could but that they try to be conservative and have included contingencies.

Wallace asked what the value of "n" is in the design rationale. Sample stated it is the factor of the pipe and the value of the pipe. Reavis asked how the timeline works with FEMA remapping. Shaw stated it is hard to say because FEMA has delayed the remapping and has not put a timeline on it. Sample stated that once FEMA adopts the procedure it would be close to 30 months before they start remapping. He stated he feels comfortable that this will be completed and certified before the remapping starts. Reavis made a motion to approve an Engineering Services Agreement with AMEC for design and construction engineering services and completion of the Walnut River Levee Certification Process. Malone seconded the motion. Motion carried without opposition.

Neighborhood Revitalization Program: Rawlings made a motion to approve Resolution 2013-02 scheduling a public hearing on March 4, 2013 to take input on extending the Neighborhood Revitalization Program

(NRP) for another term of one year. Malone seconded the motion. Motion carried without in opposition.

Kelly/Ohio Intersection Project: Malone made a motion to approve the Commitment of City Funds Agreement for the Kelly and Ohio Intersection Project authorizing the submittal of the City's local match to KDOT. Rawlings seconded the motion. Motion carried without opposition.

Water Utility Vehicle Bids: S. Jones stated the city was willing to take a used vehicle but that they bid new vehicles. Still stated that was correct and stated the prices for the new ones came in surprisingly lower than anticipated. S. Jones asked if they meet all specs. Still stated they do. S. Jones asked when the vehicles will be made available. Still stated they will be available in 8-12 weeks. Wallace made a motion to approve the purchase of the ¾ Ton Pickup from Rusty Eck Ford in the amount of \$22,867 and the 1 Ton Service Truck from Rusty Eck Ford in the amount of \$29,767. Malone seconded the motion. Motion carried without opposition.

Solicit Bids for Electric Distribution Bucket Truck: Rawlings asked if the other bucket truck will be traded in. Webster stated it will be sold on Purple Wave. He stated vendors have not been very interested in trading in bucket trucks in the past. Childers made a motion authorizing the Electric Distribution Department to take bid proposals from vendors for a 65' bucket truck demonstrator vehicle. Malone seconded the motion. Motion carried without opposition.

Sanitation Services Transition Plan: Shaw stated that staff is working on bid specs for the new poly carts and needs direction from the council on whether to include directional arrows, serial numbers, and the city name/logo on the carts. Rawlings made a motion to include directional arrows, serial numbers, and the city name/logo on the carts in the bid specs. Reavis seconded the motion. Motion carried without opposition. Shaw asked the council to review the alternatives to pay for the carts for the curbside recycling program. He stated staff will be coming back to the council in the near future to ask for direction on how to move forward with that. S. Jones asked if the recycling carts will be the same size as the other carts. Shaw stated they will. Rawlings stated some cities use different colors for their recycling carts. Shaw stated that would be part of the plan.

Informational & Final Comments:

S. Jones: Jones asked if there is any additional information available regarding the grant for Garvin Park including the plans and a timeline. Shaw stated that he and Keefer are reviewing the grant contract and will bring it to the council in the near future. Jones asked if it would be possible or feasible to get the equipment into the park this summer. Shaw stated it is possible but may not be feasible until fall. He stated the council indicated they wanted to get public input on the equipment and the Park Board will want to review it as well. Jones asked if the Park Board or the Council will host the public meetings. Huddleston stated he thinks that would come through the council since the Park Board makes their recommendations to the council for final decisions. Jones stated it would be nice to have a timeline for this next week.

Huddleston: Huddleston stated he received an email from Keefer last week inquiring about a date for KOMA training with the County Attorney. Huddleston asked if we do not have a settlement with the Attorney General's office why we are scheduling this training. Mr. All stated he has attempted to contact the Attorney General's office to finalize the settlement but has not reached anyone yet. Mr. All stated he will continue to try to make contact. Huddleston stated he thinks we are jumping the gun and that he would like to see the settlement before scheduling this training. He stated the settlement says the training should be completed within six months of the date of the agreement, but he is concerned about completing the training before the agreement has even been signed.

Martin: Martin stated there are three cul-de-sac's behind the Middle School, specifically Woodridge Ct., where there are street lights that are not working. He stated there are a lot of children in this area and the residents would like the lights fixed and more lights possibly added. Webster stated he would have the broken ones repaired tomorrow and look into adding additional lights.

Malone: Malone asked Shaw if he has any information about streaming the council meetings. Shaw stated he has some information together and is working on bid specs. He stated he will bring the council some quotes to get our equipment up to par. Shaw stated staff will need direction from the council whether the live streaming of the meeting or archiving and replaying the video of the meetings are more important. He stated to archive and replay the meetings would only cost a couple hundred dollars but the live streaming will be around \$10,000 annually. He stated staff will bring back several options for the council to consider.

Adjourn: At 7:55 p.m. Reavis made a motion to adjourn. Malone seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
FEBRUARY 19, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on February 19, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael R. Martin, Michael Huddleston, Michael Wallace, Sue Jones, Mike Rawlings, Ron Reavis and Matt Malone. Also present: City Attorney David All, City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, Director of Public Safety Tyler Brewer, and City Clerk Erica Jones. Visitors present were: Kent Bush, Cale Magruder, Ken Brinkman, Gary Rogers, and Myrna Rogers.

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

Minutes: Rawlings made a motion to approve the minutes from the February 4, 2013 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

February (2): Reavis made a motion to approve Ordinance 2 in the amount of \$1,054,179.01. Rawlings seconded the motion. Motion carried without opposition.

Visitors:

Downtown Augusta, Inc.: Wallace made a motion to approve the closure of City Lake Road from 7 a.m. to 11 a.m. on March 30, 2013 for the annual April Fools Run. Rawlings seconded the motion. Motion carried without opposition.

Bugs Bunny Program: Wallace abstained from the discussion because he is a member of the Friends of Augusta. Malone made a motion to approve the request from the Friends of Augusta for \$1,500 for the annual Bugs Bunny Program. Reavis seconded the motion. Motion carried without opposition.

Augusta Lion's Club: Rawlings made a motion to approve the closure of several streets the afternoon of April 13, 2013 for the Augusta Lion's Club bicycle clinic. Wallace seconded the motion. Motion carried without opposition.

Old Business:

Watering Restrictions: Council reviewed and discussed the City's Watering Restrictions and related issues. Williams stated she received an email with the suggestion that the restricted watering be done by wards or zones. S. Jones stated it is time to consider the Adopt A Pot program and under the restrictions watering occurs two times a week for half an hour. Jones asked the council to consider changing it to four times a week for 15 minutes. She stated she realizes this is a deviation from what is allowed for the rest of the city, but the overall watering time is less than what is allowed throughout the city. Keefer stated it would also depend on what the restrictions are at that time. Rawlings asked if the downtown watering system is a spray or drip system. Keefer stated it is a spray system. Rawlings stated a drip system would be better to avoid overspray. Huddleston agreed. Williams stated no additional water would be used. Huddleston made a motion to approve changing the downtown pot watering to four times a week for 15 minutes each time. Wallace seconded the motion. Huddleston inquired about the watering of the trees downtown. Keefer stated they are on the same watering system as the pots. Motion carried with Reavis voting in opposition. Reavis stated the residents cannot water four times a week at their home and it would be a double standard to allow the city to water that many times.

Neighborhood Revitalization Plan: Council reviewed and discussed the City's Neighborhood Revitalization Plan. Rawlings asked what would happen if this plan is approved now and then not approved next year.

Keefer stated that anyone that applies up to the point it expires will remain in the program until their plan expires, but new applicants would not be allowed after the expiration. Huddleston asked if every taxing entity has to participate. Williams stated they do not. Huddleston stated it has caused definite improvements in his ward that would not have taken place otherwise. He stated he thought the original intent was to improve blighted areas but that it was expanded to be used as an economic development tool. Keefer agreed. Williams agreed that it has worked really well south of Kelly and quoted state statute saying the program should encourage development of blighted or older neighborhoods. Huddleston stated it is a good program and needs to be continued. Malone agreed that it has worked south of Kelly, but stated he has heard that it has hindered re-sale because people aren't buying older homes when they can get the tax rebate on a house they can build. Malone stated he would support keeping it south of Kelly. Huddleston asked if it should be continued for commercial property. S. Jones stated her only concern about discontinuing it north of Kelly is that there are several homes in the 60-75 year range north of Kelly that are starting to show wear and tear. Keefer stated the program can be changed to exclude new construction. Williams stated staff also recommended possibly phasing the program out over the course of a couple of years. Malone stated he would like input from the builders and possible have a work session if any of them would be willing to come. Malone made a motion to schedule a work session at 7 p.m. on February 25th to discuss and get input from developers with regard to the Neighborhood Revitalization Plan. Martin seconded the motion. Motion carried without opposition.

New Business:

Stone Lake Estates Addition: Malone made a motion to approve the Consent to Assessment and Waiver of Assessment Proceedings from Augusta Developers for Lot 2, Block 5 of the Stone Lake Estates Addition. Rawlings seconded the motion. Motion carried without opposition.

Rawlings made a motion to approve Ordinance 2047 amending Ordinance 1920, revising and correcting the special assessments of certain property, and providing for the collection of such special assessments. Malone seconded the motion. Reavis inquired about lot 1. Keefer stated the developers understand that lot 1 will be part of a future development. Reavis inquired about where the utilities are currently with regard to lot 2. Keefer stated they run along Stonelake Drive and the south utility easement. Motion carried without opposition.

Schedule Public Hearing for 429 State Street: Wallace made a motion to schedule a public hearing for March 4, 2013 at 7 p.m. to consider a Waiver of Distance Limitations for 429 State Street as provided for in Section 3-306(b) of the City of Augusta's Code of Ordinances. Childers seconded the motion. Motion carried without opposition.

Safety Department Patrol Vehicle Bids: Reavis made a motion to accept the bid from Don Hattan for a Chevy Tahoe in the amount of \$23,137.50 for the Safety Department Patrol Vehicle. Childers seconded the motion. S. Jones inquired about the mileage on the trade in car. Brewer stated he didn't have that information with him and would have to get back to the council on that. S. Jones inquired about the condition of the trade in vehicle. Brewer stated it is not in good condition and is having a lot of mechanical issues. S. Jones stated she was just wondering whether it would be worth keeping but that it doesn't sound like it is. Malone asked how much more it would cost to equip the vehicle. Brewer stated we've been fortunate to be able to retro fit most of the items from the Interceptor with the exception of the cage and a storage compartment. Motion carried without opposition.

Water Line Repair: Keefer stated this will go along with the street project that was carried over from the 2012 Street Program. He stated a camera was run through the sewer line and that it was okay but a recommendation was made to replace the waterline. He stated he would like to move on with this so we can complete the street repairs the contractor has been holding off on. Keefer stated the bids on the one million gallon tank came back higher than the engineers estimate and that Willis Wilson is working with

the low bidder to reduce the cost. He stated this will be an agenda item at the next meeting. Huddleston asked who came up with the \$90,000 - \$100,000 estimate for this work. Keefer stated it was staff and Larry Henry with MKEC. Malone made a motion to authorize the design and construction of a replacement waterline between High and 12th Streets. Reavis seconded the motion. Motion carried without opposition.

Butler County Solid Waste Committee: Reavis made a motion to appoint Jeremy Drake to the Butler County Solid Waste Committee. Huddleston seconded the motion. Motion carried without in opposition.

Attorney General Settlement: Council reviewed and discussed a proposed settlement agreement with the Attorney General's office. Wallace stated he was not happy that in order to sign the agreement the council has to admit guilt. Mr. All stated the only thing that is being admitted is that the wording of the motion was not correct. S. Jones stated she was not signing the agreement as is because it does state that the council is admitting guilt. She stated that if the council did nothing wrong why they would be threatened with future prosecution. Huddleston stated the agreement stated it was based on an investigation by the Attorney General's office, but that no one spoke to him, he never saw a complaint or the email that was sent regarding the complaint. Huddleston stated he is not signing this agreement either. He stated he tried to contact the Attorney General and received an email saying they would not respond to an email or message from a council member. Huddleston stated he doesn't see where this draft of the agreement is really any different from the original agreement. Williams stated they removed quite a bit from what was included in the original agreement. She stated she does not have a problem with the proposed agreement and asked Mr. All what would happen if only some of the council signs the agreement. Mr. All stated he hadn't discussed that possibility with them but that he thinks they want the entire council to sign the agreement. Williams stated the only left in the agreement is that we admit we made a technical error. Wallace stated the original complaint was that we didn't have the authority to go in to executive session, but that the investigation showed that we did. He stated the technical violation has nothing to do with the original complaint.

Rawlings asked the council if they want to push this issue to the point where it could be a half million dollar lawsuit that would end up costing the taxpayers. Huddleston stated it would not be half million dollar lawsuit. Mr. All stated it would probably end up with a fine. Williams stated she does not want to drag this out or get on the bad side of the Attorney General. She asked what the council thought about the agreement specifying that the only violation was that the motion did not list where the council would convene after the executive session. Wallace stated his concern is that we are limiting our future over something that we didn't do. Huddleston asked if the council could have a meeting with the city attorney to resolve their questions to their satisfaction. Williams asked why item #2 was included in the agreement when it wasn't even a problem. Wallace stated the resolution doesn't even address the original complaint. Childers stated these are guidelines that are used as guidance for other entities about violations. Wallace again stated that he was not going to admit to anything because the council did nothing wrong.

S. Jones stated she had issues with item 5b, item 7, and item 8. She stated item 7 is the item that she will not sign the agreement for because she does not agree with it. She also referenced item 8 and that council agrees to bear costs. Mr. All stated that means that they city would bear the cost of litigation. S. Jones stated as long as item 7 is in the agreement she will not sign it. Huddleston stated he doesn't feel that the council has had a good attorney-client relationship, especially in regard to this issue. He stated the Attorney General's office would not speak to him because of attorney-client privilege. Mr. All stated that they will not speak to anyone individually that is a potential subject for litigation, that she would only speak to their attorney. Huddleston stated he was not sure what her intent is but that she came out full force. Mr. All stated that he has said before he doesn't know why we are still talking about this issue. Williams asked if it would be appropriate to talk to the Attorney General himself. Mr. All stated she said she would talk to him about these proposed changes.

Williams asked about inserting a phrase in item 7 listing the specific violation. Mr. All stated he told the Attorney General's office that there are these types of mistakes in municipalities all over the state, but that they only respond to complaints and when investigating the original complaint they went through several of the city's minutes and found this specific technical violation of not listing the place the council would reconvene after an executive session was consistent. Huddleston stated there was no substantive violation of KOMA here. He stated as heavy handed as they are being he would rather work with the District Court Judge instead of this woman from the Attorney General's office. Wallace stated he thought we could make a counter offer that we are going to attend the KOMA training and be diligent in not making this same technical error in the future.

Reavis stated he thinks we need to pick our fights. He stated we did have a technical violation and that is what this agreement states. Huddleston stated that is not what item 7 says. Wallace stated that was not part of the original complaint though. Reavis stated he doesn't see what the big deal is. S. Jones stated item 7 is the big deal. Wallace stated to him it is worth fighting for. Reavis stated the council has already admitted to a technical violation and that the Attorney General is agreeing not to prosecute us for that violation. Williams agreed with Reavis but stated she does see S. Jones' point. Childers asked what the council would think if item 7 stated the council admits specifically to the technical violation that was made instead of being vague and saying "these admissions". Williams agreed that changing the wording of item 7 would be appropriate.

Mr. All stated he feels the Attorney General's office is just being generous and it didn't come across that way in the agreement. He asked the council what they want the Attorney General to agree to. Rawlings stated rewording item 7 to say "In consideration of the one technical violation". Huddleston stated it should list the specific violation. Mr. All stated he agrees with the council that there isn't an actionable violation here. Huddleston asked what would happen if there is a future violation if the council agrees to item 6c and would they come back to us on this one. Mr. All stated it would only apply to future violations because item 7 is stating they will forgo prosecution for this violation. Williams asked the council if they would be in favor of making the changes to item 7 and if so would they sign the agreement. The consensus of the council was that they would. Williams stated item 5a should be more specific and list the specific technical violation of not identifying the place for reconvening. Huddleston stated there was no intent from anyone on the council to violate KOMA and that he has a problem with signing an agreement if it includes an admission of guilt. Wallace stated the council is personally liable. He stated he welcomes an investigation because we have an open forum here. Mr. All stated he will inquire about the changes and what would happen if not everyone on the council wants to sign the agreement. Williams stated she would rather the council not continue to waste any more time on this issue.

Informational:

Wallace: Wallace stated he will not be able to attend the scheduled KOMA training on February 28th. He stated he could go to the County Attorney's office for the training or since he has six months from the time the agreement is signed he could take it somewhere else too.

Williams: Williams asked if there is an update of the proposed State legislation to reclassify trade fixtures as personal property. Keefer stated he hasn't received any updates at this point in time. He stated that this didn't go anywhere when it was brought up previously. Williams asked Keefer to contact David Crum to inquire about the status of that.

Final Comments:

S. Jones: S. Jones inquired about the Electric Department camera situation. Keefer stated he could not give a reason why the cameras were not connected to the Safety Department. S. Jones asked if anything was

stolen. Keefer stated there was but they have been unable to determine what it was. He stated they are looking at other option concerning the security cameras and how to connect those to the Safety Department.

S. Jones asked staff about why we do not have a timeline for the playground equipment for Garvin Park. Shaw stated he is unable to give dates at this time and if he did they would be made up dates. He stated staff will be ready to present the agreements at the next council meeting but that they are waiting for information from the State regarding the requirements of the grant. He stated if a Disadvantaged Business or Davis Bacon Act are requirements it will require extra work and the bidding process will be more extensive. He stated it may have to be broken into two projects, one for the playground and one for the parking lot. Shaw stated that he and Parks Foreman Brian Alfaro met with a playground equipment vendor. He stated they asked for him to provide three conceptual drawings for the playgrounds that can be presented to the public for input. He stated staff understands that this is a priority for the council. Rawlings inquired about the location of the equipment. Shaw stated it would be at the end of the walking path at the cul-de-sac by the pump house. Rawlings stated that would be perfect to get it out of the flood zone.

S. Jones inquired about the pay grade comparison. Keefer stated that Angela Casper is about 99% done with the comparison and staff is ready to review it. He said he anticipates it to be included on the March 4th council agenda.

S. Jones asked if the council is going to talk about the downtown design codes. Williams asked if the council wants to have that as an agenda item at a meeting or added to the work session next Monday. Wallace made a motion to add the discussion of the suggested changes to the downtown design codes to the work session scheduled for February 25th. S. Jones seconded the motion. Motion carried without opposition.

Childers: Childers stated he received input from citizens concerned about the length of the 30 mile per hour zone west of town. Keefer stated that Wal-Mart worked with KDOT on that and that is under the control of KDOT not the city. Childers asked how often the speed limits around the schools are reviewed. Keefer stated they are 30 miles per hour like all other residential areas, except when the school zone lights are flashing. Childers inquired about the use of the school zone lights during the lunch hour. Keefer stated those were shut down last fall at the request of the school district.

Rawlings: Rawlings thanked S. Jones for keeping the council's feet to the fire with the playground equipment at Garvin Park.

Huddleston: Huddleston inquired about the February report for the Levee Project and stated that the last item on page three said a site evaluation investigation was done to determine the source of oil contamination. He asked what the source was. Keefer stated there was several monitoring wells along Dike Road on the back side of the levee due to a major pipeline break back in the 1980's. Huddleston asked if staff has seen the investigation report. Keefer stated he doesn't recall getting a report on this but that he would check with them.

Malone: Malone asked if staff had anything to report on the streaming and archiving of the council meetings. Shaw stated he thinks he will have something for the council to review at the next meeting.

Reavis: Reavis inquired about the engineering services agreements for the Walnut River diversion and El Dorado water line projects and asked what the cost of the engineering is for each of those projects. Keefer stated the \$2 million estimate is for both and he couldn't say the breakdown offhand. Reavis stated he doesn't want to hold off on the water line project. He stated he is not in agreement that the Walnut River diversion is a legitimate solution to our problem. Keefer stated that Willis Wilson has it

broken down into two separate projects. He stated that staff is going to be meeting with the city's bond counsel and financial advisor later this week, weather permitting, to discuss funding options so we can adhere to the cash basis law. Williams stated it was the consensus of the council to do both projects simultaneously. Reavis asked if we would have the money to do the water line versus the river diversion. Keefer stated we don't have the money or plan for any of that at this time. Malone asked Keefer if he has heard anything more from the State regarding a wholesale water contract. Keefer stated Wilson is getting close to getting that information together. He stated he is not sure of the time frame though. Reavis asked if it was decided at the meeting he missed that we would go ahead with the Walnut River diversion. Williams stated it was. Keefer stated it was a work session and that no official action had been taken to move forward with it. Keefer stated as we move forward with both we may have to have a rate increase as noted last fall as part of the sales tax election and issue temporary notes to pay for the engineering.

Martin: Martin stated there is a pipe laying out in the field south of Hwy 54 east of town and asked if the contract is working on getting that done. Keefer stated they are and it should be complete by the end of March.

Adjourn: At 8:42 p.m. Reavis made a motion to adjourn. Wallace seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
MARCH 4, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on March 4, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael R. Martin, 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, City Inspector Dan Allen, Assistant to the City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, Gary Rogers, Myrna Rogers, Dustin Avey, Jeff Best, John Bowman, Debbie Bowman, John Black, Willis Wilson, Larry Henry, Rachel Cain, Even Cain, Willis Wilson, Mark McCollom, Mark Sudduth, Randy Johnson, and R.C. Sandifer.

Prayer: Councilman Mike Rawlings gave the invocation.

Minutes: Reavis made a motion to approve the minutes from the February 19, 2013 meeting. Rawlings seconded the motion. Motion carried without opposition.

Appropriations:

February (2A): S. Jones inquired about the training received from the Lyon County Sherriff. Keefer stated it was the annual Sherriff's spring training and that a representative from the Augusta Department of Public Safety attended. S. Jones asked if the payment to Utility Contractors is the balance of what is owed to them. Keefer stated we are still holding \$10,000. He stated the last change order will be on the appropriation ordinance for the next meeting. Rawlings made a motion to approve Ordinance 2A in the amount of \$1,202,793.50. Reavis seconded the motion. Motion carried without opposition.

Visitors:

Downtown Augusta, Inc.: Holly Ross, Executive Director of Downtown Augusta Inc. requested the closure of the 500 and 600 blocks of State Street on Saturday, May 4th for their Second Annual Women's fair. Malone asked if there will be any changes from last year's event. Ross stated she hopes there are more vendors. Malone made a motion to approve the closure of the 500 and 600 blocks of State Street on Saturday, May 4th for DAI's Second Annual Women's Fair. Childers seconded the motion. Motion carried without opposition.

Wal-Mart: Jeff Best, landscape architect with Law Kingdon, presented a request on the behalf of Wal-Mart for accommodations to the City's watering restrictions as it pertains to the installation and maintenance of their landscaping. Best stated they have made a shift from fescue to bermuda grass and are changing 25% of their plant material to more drought tolerant plants. He stated the establishment period is tricky and while they will apply for the 30 day watering permit it may not be enough. Best stated they are looking at watering 3 acres and that there are 23 zones that will run 15-20 minutes each. He stated they will use a high efficiency drip system for the trees and shrubs. Best stated they are also asking that if the city fully restricts outdoor watering they are asking to be allowed to keep their drip system going. Williams stated she would prefer to see landscaping versus cement and asked how often they would be using their drip system. Best stated they could use it within the restrictions once they get past the 30 day permit. Williams asked how a conservation fee would be assessed to Wal-Mart since it is usually based on a winter average and that location has not had any winter usage. Keefer stated it would be difficult to establish and would depend on the timeframe.

Rawlings asked if they are landscaping 3 acres. Best stated they have 3 acres total of landscape area. Rawlings stated a typical residence is a ½ acre lot so the Wal-Mart property could be considered to be 5 or more commercial lots. He stated their watering in April and May would not be an issue but could be in July and August. Keefer reminded the council that the school district watered within the restrictions

and the 30 day permit and had to truck in any excess water needed. Rawlings asked Best about the use of a well. Best stated one was used for construction but there wasn't enough water. Huddleston inquired about the possibility of holding off the planting for one year. Best stated Wal-Mart would be willing to look at that but that we don't know that the water conditions will be better next year. Williams asked if they considered planting the grass this spring and waiting to plant the trees and shrub until the fall. Best stated that he hadn't thought of that but there may be merit to that. Williams stated it might be a safer option. Huddleston stated the water demand might be lower at that time.

S. Jones asked Best if they had considered hardscaping as opposed to what we are accustomed to in this area. Best stated we may be too far down the road to do that but it would also depend on what the city would want to see out there. S. Jones stated she is concerned that there is so much uncertainty and with the citizens would be upset that Wal-Mart can put in a lawn but they can't. Malone stated he would be in favor of granting them the permit the school district got and then they would have to truck in more water if it was needed.

Best stated they are mandated by the State to cover the dirt in a permanent fashion. Williams stated this will be an investment for the whole community and the corridor. Best stated because the site is so large they will not be able to complete a full water cycle in two hours. Huddleston stated he doesn't have an estimate on how much water they will need. Dan Allen asked Best why they could not do the front in sod and buffalo seeding in the back and along the dike. Best stated it would not be in their best interest as far as the establishment period because it has to permanently covered per the state. Williams inquired about the dormancy period of bermuda grass. Best stated they would not pull the permit until it was out of dormancy and that would be dependent on temperatures. Reavis asked if more than one zone can be run at a time to lower the watering time. Best stated that some could but that there is only a 2 inch main line so that would lower the water pressure. Huddleston asked if the sod is a drip system. Best stated it is not.

Williams asked Best how they would move forward if the city does not provide a permit beyond the two hours of watering per day. Best stated he did not know. Childers stated he would hesitate to act on this given the city made the school district hold off and given that our current situation is worse than it was last year. Malone stated that during the construction Wal-Mart trucked in water and asked if that would be feasible for watering. Best stated it would be up to Wal-Mart. Best stated to apply time limits to watering regardless of size isn't equitable in his opinion since they would not require more water per square foot. Williams stated that would make sense if we had an equitable water supply. She asked if it would be possible to table the item and Wal-Mart could look at their options.

Huddleston asked for clarification on what exactly they are asking for. Best stated they are asking to be able to use their drip system for watering regardless of whether the restrictions change and looking for more than 2 hours of watering time per day during the permit period. After surveying the council Williams stated it looks like the council has decided to have Wal-Mart adhere to the current policy. Keefer stated that the current drainage plan was based on all 3 acres absorbing rain and if it is hardscaped it may affect the drainage. Best asked if it would be acceptable to put off planting trees and shrubs and whether they would get an occupancy permit if they put it off. Keefer stated that the city would work with them on that.

Old Business:

Watering Restrictions: Council reviewed and discussed the City's Watering Restrictions and related issues. Keefer stated he has seen articles in the Wichita Eagle about Cheney Lake running out of water in 2015 and that Wichita is looking at their options for water resources. He we need to be paying attention to our interest in the water from the City of El Dorado because he is concerned about what Wichita pulling 30 million gallons a day would do to the supply. Malone stated he noticed Mulvane's usage is considerably higher than it was this time last year. He stated we might ask them when or if they will

turn their wells back on. S. Jones asked if we are still looking into a water authority with them. Keefer stated Willis Wilson is working on that study.

Wage and Benefit Survey: Council reviewed and discussed the City's Wage and Benefit Survey. Angela Casper stated she prepared a wage and benefit survey from neighboring cities. She stated she compared mid-points, health benefits, and paid leave plans. Malone stated he would like more time to look at this and made a motion to table this agenda item for a future meeting. Childers seconded the motion. S. Jones stated she understands the City of Wichita is included because we've lost employees to them, but that she thinks it has skewed the results. Casper stated that removing Wichita would reduce the total average by about 2% under mid-point, but that most of the positions were fairly comparable with the exception of upper level staff position. Malone thanked Casper for her work and stated this was a lot of information to compile. Reavis inquired about the total cost if this scenario is accepted by the council. Casper stated it would cost around \$10,000 to bring those below the pay scale into the pay scale by giving an additional \$0.25 raise per year. Huddleston asked if "better opportunity" translates to more money. Casper stated it does. Huddleston stated if you are comparing pay categories and benefits, the City of Wichita has a different retirement system. Casper stated she did not include any pensions in the survey, only pay scales, health benefits, and paid leave. Huddleston stated some of our employees receive other retirement benefits and asked if we should look at that. Casper stated that would almost be impossible to do without hiring an outside consultant to do that. Childers stated he didn't notice anything comparing total compensation. Huddleston asked if the council will receive revised reports with the City of Wichita removed. Casper stated she could provide a summary of that information or per classification. Malone asked that it be emailed to the council instead of reprinted. Childers stated that since the City of Wichita is a direct competitor he doesn't know why the council would want to exclude them. Huddleston stated if you are a small employer you can't compete with them. Childers stated that was no reason to ignore the information. Casper recommended pulling out the staff positions and leaving the line employees in the survey. Keefer agreed it would be reasonable to remove the top key staff and upper management member positions from the City of Wichita. Motion to table carried without opposition.

Downtown Design Codes: The council decided to develop a committee made up of S. Jones, Malone, Keefer, Dan Allen, and Mark McCollom to review the downtown regulations and to bring back a draft with recommendations for the council at a later meeting.

New Business:

429 State Street: A Public Hearing was conducted to take input on the request for a "Waiver to Distance Limitations" for 429 State Street per Section 3-306(b) of the City's Code of Ordinances. John and Debbie Bowman addressed the governing body about the event business they are planning for this location. J. Bowman stated they are looking at revitalizing the building and turning it into an event center that hosts events where there may be a demand for serving liquor. D. Bowman stated there will also be an event rental supply business located upstairs. Huddleston asked when they plan to be ready to operate. J. Bowman stated they plan to be open by the end of 2013. He stated they are in the process of obtaining contractor bids and then will move forward with financing and then construction. He stated they did have the building registered as a historical building. Reavis inquired about the occupancy. J. Bowman stated they are planning for 200-250 occupancy.

R. C. Sandifer, Pastor of Trumpets Of Yahveh Ministries, addressed the council and stated he objects to the use of the building for alcohol purposes. Williams asked Sandifer when their church took occupancy on State Street. Sandifer stated it was 20 years ago. Williams asked if a conditional use permit was required back then. Keefer stated it was not. Huddleston stated he always understood that you cannot prevent a church from moving into any area. The Public Hearing was closed.

S. Jones made a motion to approve the Waiver to Distance Limitation for 429 State Street per Section 3-306(b) of the City's Code of Ordinances. Malone seconded the motion. Reavis asked the Bowman's if they will require security on site during events. J. Bowman stated they will. He stated they will not have events on a daily basis. Malone asked how far the other two bars are from the church. Dan Allen stated they are all within the 200 foot limit. Allen stated that this request is for the purpose of selling the alcohol, but that even without this waiver anyone could bring alcohol in to the events. Motion carried with Rawlings voting in opposition.

Neighborhood Revitalization Plan: A Public Hearing was conducted to take input on the renewal of the City's Neighborhood Revitalization Plan. Mark McCollom addressed the council and stated he is in support of the NRP Program. He stated that if not for the program a lot of the projects south of Kelly would not have happened. He stated he would like to see the dollar amount cap increased.

Randy Johnson addressed the council and stated the NRP program he likes best is the 10 year program south of Kelly. He stated he has done several remodels and plans on doing more. Johnson stated he would like to see the 5 year program north of Kelly reinstated and the cap raised as well.

Mark Sudduth addressed the council and stated he thinks the NRP program south of Kelly is one of the smartest things the council has done for revitalization. He stated it has been a really good sustaining factor for our community. Sudduth stated he does not see any viable reason for not continuing the program south of Kelly. The Public Hearing was closed at this time.

Williams stated that several years ago Eric Grooms came to the council and showed that it only took 1 ½ years for Augusta to get it's money back from this program. She stated that no matter what the council decides the program will have to be presented to three other entities. Williams stated that there has been a change in the County Commission and Commissioner Palmer is no longer in support of this. Williams stated she thinks this is a great program and would like to see it continued south of Kelly indefinitely, but not north of Kelly. Malone stated the council would be foolish not to extend what we have now for the next year and then start to phase it out north of Kelly. He stated that would give the builders time to prepare and if there is an expiration date on the program it might spur some growth. Huddleston asked if there is any detailed report that shows what will be hitting the tax rolls each year. Keefer stated the amounts are included in the valuations because it is a rebate program and that we receive an annual estimate of those amounts from the County. Huddleston asked if we can show over time how much it is actually helping our valuation because of the NRP. Keefer stated he can provide the assessed value of improvements for each year. Huddleston stated he thinks this is a good program for what it was originally intended for and that it improves the valuation of the entire neighborhood. He stated it was expanded recently and that we may need to scale that back at some point to get back to what it was originally intended for. Childers stated it works for what it was originally intended for, but that a couple of years ago we perverted the original plan. He stated he was willing to support it in its current state for one more year.

Childers made a motion to approve Ordinance 2048 adopting a Neighborhood Revitalization Plan and Designating a Neighborhood Revitalization Area and repealing the Plan as adopted by Ordinance Number 2033. Huddleston seconded the motion. Malone stated that over the next year sometime he will bring back something to the council to phase out north of Kelly. Williams stated possibly ending it completely for north of Kelly. Motion carried without opposition.

Malone made a motion to approve Resolution 2013-03 authorizing and directing the Mayor to execute a new Interlocal Agreement with the Board of Butler County Commissioners, Unified School District #402 and Butler Community College. Rawlings seconded the motion. Motion carried without opposition.

Water System Improvement Financing: The City's Financial Advisor, Dustin Avey, addressed the governing body. He stated there were temporary notes issued in 2011 to fund the Spillway/Dam and Levee projects. Keefer stated funds have been set aside for silt sedimentation and restocking of the lake, but after that there will be approximately \$200,000 left over in the project fund. Avey stated we are looking at issuing \$900,000 in general obligation debt for the Spillway/Dam project when the temporary notes mature in September and when all the work is completed. He stated since the Levee project will not be complete by September he would recommend rolling that temporary debt over for one more year. He stated that would also allow the effect on the mil levy to be spread over two years instead of all at once. Avey stated the second item that needs to be considered is the funding for the Water Supply project. He stated he is in the process of looking at a long term funding analysis for the entire Water Supply project and will bring that back to the council at a later date. Avey stated the refinanced water bonds allowed for the restructuring of the bonds in 2014 and he will include the new sales tax revenues and water rates for the analysis. Avey presented the council with a mil levy analysis and said that the document should help with the 2014 budget process for the mil levy. He stated it gives some perspective for how future projects may impact future mil levies. Keefer stated the Bond and Interest fund is subsidized by a transfer from other funds to reduce the mil levy. He stated when we first got started on this 3-4 years ago it was estimated that the debt for these projects would require a 4-6 mil increase but it may end up slightly better than that.

Malone asked if the information on the Water Supply System projections came from Willis Wilson. Keefer stated it did and that Avey is including items 1-8 in the temporary financing of the Water Supply project. Avey stated there will be a full year of sales tax receipts prior to when the permanent debt will need to be issued which will give a clearer picture of what those receipts will be. Malone asked Avey where he has seen interest rates go since the first of the year. Avey stated from the first part of December to the end of January rates went down and then they went up the first part of February. He stated they are holding steady right now. Avey stated he needs direction from the council that this is the direction the council wants to take. He stated he will have documents for consideration by the council at the next meeting.

Rawlings made a motion authorizing the City's Financial Advisor and staff to move forward with the paperwork to issue temporary notes for the Water Supply Project, to extend the term of the Levee Project Temporary Notes for one year, and the issuance of General Obligation Bonds for the Spillway/Dam project. Malone seconded the motion. Motion carried without opposition.

One Million Gallon Water Tank Repairs Bids: Willis Wilson, Aqua Tech Engineering, stated there was good bidder participation and the bids ranged from \$513,770 to \$560,000 which was higher than the \$450,200 engineer's estimate. He stated he got with the low bidder to figure out where the pricing differences were between their bid and the engineer's estimate. Wilson stated what drove the price up were the painting costs. He stated that instead of the \$5.00 per sq ft he estimated they came in at \$12.50 a sq ft. Wilson stated the low bidder worked the hardest to get the city's business, so he chose to negotiate with them. He stated they said the schedule was a big issue and that they could not meet the schedule so their bid included \$7,000 in liquidated damages for exceeding the schedule. He stated Caldwell Tanks offered to change the project schedule to 105 days for the tank to be out of service, use a conventional urethane coating system on the outside tank wall instead of the specified epoxy system, and change how the tank accessories are fabricated so less field work is required. Wilson stated the revised bid from Caldwell Tanks included the offered deducts is \$472,520.

Malone inquired about the life expectancy of this tank if the repairs are made. Wilson stated if it is kept painted it could live on into perpetuity. Malone asked what the time frame would be if the council decided to install a new tank instead of repairing this one. Wilson stated the time would be a non-issue because the old tank would be kept in service until the new tank was on line. Rawlings stated he is looking at the time scenarios related to taking this tank out of service. Williams asked when the project

would start. Wilson stated it could start tomorrow and would be complete at the end of June. S. Jones stated according to Wilson's memo a new tank would cost \$621,000 versus the \$507,000 for the rehab of the existing tank. She stated recoating the old tank every 10 years for the next 30 years could make the price exceed \$600,000 over the long term and asked if we would be better off procuring a new tank instead of rehabbing this one. Wilson stated no. He said the \$621,000 would go up in price and we wouldn't get any part of it back until it reached 10 years. Martin asked if the tanks are the same sizes. Wilson stated they are. S. Jones stated she wants to make sure the council is not being short sighted and just taking the least expensive route. Keefer stated there have been a lot of conversations about this and if we had the money he would prefer a new tank, but that we don't have funds available for a new tank.

Williams stated we've delayed this project once already but she is concerned about it being out of service into the summer. Wilson stated that because of the painting requirements you can only do it this time of year. Martin asked how old this tank is. Keefer stated it was built in the mid 50's. Williams stated the worst case scenario would be that we would only have 2.5 million gallons of water per day for the entire city. Childers stated this makes the point as to why we should not have granted changes for Wal-Mart.

Williams inquired about the chance for human error while the tank is out of service and what impact that could have on the system. She asked if this is going to be difficult for our staff to handle. Wilson stated he believes it is completely doable. Rawlings stated the tank was taken out of service 20 years ago for about 30 days and the staff at that time was able to do it. Malone made a motion to approve the bid from Caldwell Tank in the amount of \$513,770 and to approve a deduct change order in the amount of \$41,250. Reavis seconded the motion. Motion carried without opposition.

Sanitary Sewer Line Repairs: Larry Henry with MKEC engineering stated that Mayer Specialties was hired to televise the sewer lines and that they determined the sanitary sewer line under the Kelly/Ohio Intersection need to be replaced. Henry stated it would be prudent to look at those and make the repairs before starting the Kelly/Ohio project. He stated we are under a time crunch to get the repairs completed before the street work starts in late May. Reavis asked how this will impact traffic. Henry stated it will impact traffic during the repairs. Keefer stated the water line repairs will also be done during that time frame. Reavis asked if the city's crews will be repairing the water line. Keefer said yes. Williams addressed the community and stated there will only be about 1 ½ months of hassle-free driving at the intersection of Kelly and Ohio before people will have to find a different route.

Rawlings made a motion authorizing the repair of the sewer lines in and around this intersection as part of the Kelly and Ohio Intersection Project. Childers seconded the motion. Motion carried without in opposition.

Malone made a motion to approve an Engineering Services Agreement with MKEC for the design and construction inspection services for the School Street Water Line replacement project. Rawlings seconded the motion. Motion carried without opposition.

School Street Waterline Replacement – Engineering Agreement: Larry Henry, MKEC Engineering, stated the School street project was put off from 2012 to 2013 to review the utilities first and it was found that the water line is in need of repair. Rawlings asked Henry if he has referred to the water study MKEC prepared for the City several years ago. Henry stated he had not and that he was not aware that they had done one. Reavis asked if anyone has contacted the gas company about repairs in this area or in the area of the Kelly/Ohio Intersection project. Keefer stated the gas company has already done all of their relocating at Kelly/Ohio but that he was not sure about School Street. Reavis made a motion to approve and Engineering Services Agreement with MKEC for the design and construction inspection services for the School Street Water Line replacement project. Malone seconded the motion. Motion carried without opposition.

Annexation Public Hearing: Rawlings made a motion to approve Resolution 2013-04 scheduling a public hearing for Monday, May 6, 2013 at 7 p.m. to take input on whether to annex two tracts of property located adjacent to the City of Augusta. Childers seconded the motion. S. Jones recalled that the last time the council went through this the Planning Commission opposed it. Keefer stated they questioned whether it complied with our comprehensive plan. S. Jones asked Keefer if he thinks this will happen again. Keefer stated he does, but that we have to ask them per the statute. S. Jones asked if they have to approve it. Keefer stated no. Motion carried without opposition.

KS Dept of Wildlife, Parks and Tourism Grant Agreement: Williams publically thanked Myrna Rogers for her hard work in obtaining this grant. Huddleston stated this is a reimbursable grant and asked if we have to come up with that funding. Keefer stated it will be set up as a project fund which will go into the red but we will reimburse ourselves. Shaw stated that the time frame for reimbursement is short. Reavis made a motion to approve an agreement with the Kansas Department of Wildlife, Parks and Tourism for the LWCF Grant for the Garvin Park Playground. Malone seconded the motion.

Williams asked when we can expect to see this completed. Shaw stated that staff has three or four park designs in hand but there are several questions about how the bid process will work if we are getting bids from the vendor who helped write the specifications. He stated there are also questions regarding the Davis Bacon Act and that staff is waiting for several responses from the State. Keefer stated staff is waiting to see if the city can work under the State's bids for playground equipment since they already comply with the federal regulations. Huddleston asked at what point the Park Board will be involved. Keefer stated staff is working toward that goal. Motion carried without opposition.

Web Streaming and City Hall Camera Equipment: Council reviewed and discussed the draft RFP for Web Streaming and City Hall Camera Equipment. Williams stated that she like Shaw's recommendation that we can provide day after viewing of the meetings at little to no extra cost and later consider budgeting for a full upgrade. Huddleston asked if there is only one vendor for that. Shaw stated this is not the only vendor that offers this type of equipment but he consulted with them since they installed our current system. He stated they provided an estimate so Shaw would have information for the council, but if we went that route we would bid that project. Williams stated staff found that usage of live streaming was very minimal. Huddleston stated in the past he has inquired about keeping the VHS tapes and that staff has said that it is recommended that you don't keep them. E. Jones stated that is correct. She stated the archived videos of the meeting would not be an official record of the meeting and could not be used to change the minutes after they were approved. She stated that is the reason why cities have been encouraged not to keep the second record. E. Jones stated that if the videos were archived she would strongly recommend the minutes be reduced to recording only the official action and motions of the council and not the discussion. She stated the archived videos would contain the discussions if there were questions.

Attorney General Settlement Agreement: Council reviewed and discussed the draft Settlement Agreement with the Attorney General's Office. Williams asked Mr. All if he asked about what would happen if the council didn't all sign the agreement. Mr. All stated he tried to contact the Attorney General's office starting on Friday and left messages but did not hear back from them. Huddleston stated item #7 should be changed from County to Council. S. Jones stated if the County Attorney sends a letter about the council completing training and his displeasure in not being brought into the discussion then she doesn't see any reason to deal with this agreement. S. Jones made a motion to table this item. Malone seconded the motion. Motion carried without opposition.

Informational & Final Comments:

Huddleston: Huddleston inquired about item #4 and whether it was originally a drip hose. Williams stated it was not originally but has been changed to one. Huddleston asked who is KS DCCCA. Shaw stated it is an independent contractor that will observe the use of seat belts. Huddleston asked if we pay for this. Shaw stated it is paid for by the State.

Williams: Williams asked where you can get an application for the Adopt A Pot program. S. Jones stated it is on the city website and at Downtown Augusta Inc, and has to be submitted to Downtown Augusta Inc. Williams congratulated Brian Alfaro for helping us get the Tree City USA designation. Malone asked what the designation does for us. Keefer stated it gives us access to trees and the designation shows we are working towards preserving trees. Williams stated it is a blue ribbon for the city.

Adjourn: At 9:38 p.m. Reavis made a motion to adjourn. Malone seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
MARCH 18, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on March 18, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael R. Martin, Sue Jones, Mike Rawlings and Ron Reavis. Council members Michael Huddleston, Michael Wallace, and Matt Malone were absent. Also present: City Attorney David All, City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, Water/Wastewater Superintendent Russell Still, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, Gary Rogers, Myrna Rogers, Willis Wilson, Tony Madrigal, John Black, Kent Overaker, Larry Henry, Garth Hermann, and Jamie Hubbard.

Prayer: Youth Pastor Brad Reynolds, Life Church, gave the invocation.

Minutes: Reavis made a motion to approve the minutes from the March 4, 2013 meeting. Martin seconded the motion. Motion carried without opposition.

Appropriations:

March (3): S. Jones inquired about the payment to G Farney for Parks education. Keefer stated they conduct classes for swimming pools and sell pool related products and that the Parks staff will be attending a class in Topeka. S. Jones inquired about the payment to Kriz Davis. Keefer stated they are the supplier of Electric related equipment and this particular charge is for the large transformer for DJ Engineering. S. Jones asked if the \$10,000 payment to Utility Contractors is the final payment and if they provided the appropriate fill dirt. Keefer stated it was and that they instructed the City to order the appropriate amount of fill dirt from Bergkamp and have them billed for it. Rawlings stated he saw city crews moving the dirt earlier today. Reavis made a motion to approve Ordinance 3 in the amount of \$358,076.75. Rawlings seconded the motion. Motion carried without opposition.

Visitors:

Augusta Chamber of Commerce: Kent Overaker, Executive Director of the Augusta Chamber of Commerce, requested the use of City Hall and Channel 7 for a Candidate Forum on March 26th at 7p.m. S. Jones asked who would moderate the forum. Overaker stated Denise Rockers will be the moderator. Childers asked if there were any concerns from staff. Keefer stated there was not and that a staff member would be here to unlock the building and run the camera equipment. Childers made a motion to approve the use of City Hall and Channel 7 for a Candidate Forum on March 26th at 7p.m. Reavis seconded the motion. Motion carried without opposition.

Old Business:

Watering Restrictions: Council reviewed and discussed the City's Watering Restrictions and related issues. Keefer stated there was nothing new to report, but that we will need to continue to monitor the situation as we get closer to the growing season.

New Business:

Property and Liability Insurance Coverage: Council considered approval of the City of Augusta's 2013/2014 Property and Liability Insurance Coverage. Tony Madrigal with Madrigal & Welch asked if the council had any questions about the proposal. Williams stated she was pleased to see it didn't go up 30%. Madrigal stated that property rates went up but the liability and auto rates went down to offset those. He stated there was a 3% increase overall and that most cities are seeing a 10-15% increase. Reavis made a motion to approve the bid proposal from Madrigal & Welch for the renewals of the City's 2013/2014 Property and Liability Insurance Coverage. Rawlings seconded the motion. Martin asked why the Airport Liability premium was not included. E. Jones stated that particular policy does not expire until

April 15th and the proposal was not available in time for this council meeting. She stated it would be on the agenda for the April 1st meeting. Motion carried without opposition. Madrigal stated this is the 25th year Madrigal & Welch has provided the city's insurance coverage.

GO Bond and Temp Note Financing: Reavis made a motion to approve Resolution 2013-05 authorizing the issuance of General Obligation Bonds for the City's Spillway/Dam Project. Childers seconded the motion. Motion carried without opposition.

Rawlings made a motion to approve Resolution 2013-06 authorizing water system improvements as part of the City's Water Supply Project. S. Jones seconded the motion. Motion carried without opposition.

Childers made a motion to approve Resolution 2013-07 authorizing the issuance of Temporary Notes for Water System improvements as part of the City's Water Supply Project and renewal of the Temporary Notes for the Corp's Levee Project. Rawlings seconded the motion. Motion carried without opposition.

Aqua Tech Engineers: Council considered approving an Engineering Services Agreement with Aqua Tech Engineers for various El Dorado Water Line Projects. Willis Wilson stated scope of work includes the new booster pump station, the water line from the new booster pump station to the existing booster pump station, a waterline from the existing booster pump station to refinery north property line and from refinery south property line to SW 40th and BNSF, the water line within the refinery, and the water line from SW 40th and BNSF to the Augusta Water Treatment Plant. Williams asked Wilson if he already had enough staff on hand to handle this project. Wilson stated he does and that if this is approved he will hire more staff to take care of other projects. He stated he will increase his staff from seven to eleven. Keefer stated the temporary notes will be issued to have adequate funding to get the project started, but that they do not carry us all the way through the design phase. Wilson agreed and said those items not included in the funding will be at the end of the project. Keefer stated this funding will get the ball rolling but we will need to sit down and take a look at long term funding for these projects.

S. Jones stated based on the figures in the memo we are looking at a \$14.1 million project. Wilson agreed and stated it will be \$13.9 million without including the engineering costs. Keefer stated the total cost of both the Water Line Projects and the Walnut River Water Supply Project will be close to \$20 million. Rawlings asked Wilson if there was any contingency factored in to the project. Wilson stated he factored in a 15% contingency.

Reavis referenced the section of the contract regarding indemnification and said this will hold Aqua Tech harmless and asked how that would be handled if there were problems like at the Wastewater Treatment Plant. Keefer stated we have used this standard agreement with Aqua Tech before and said he would have to look to the city attorney but he thought this is standard in most agreements. Mr. All stated you will find these exchanges in indemnification in most contracts. He stated it says if Aqua Tech does something wrong they will fix it and if we do something wrong then we will fix it. Wilson stated they would be liable for any negligence on their part.

S. Jones referenced Exhibit A – Engineer's Services and the section on page 8 regarding visits to site and observation of construction. She stated it has always bothered her in these standard contracts that it says "...the Engineer in general will determine in general if the work is proceeding in accordance with the contract documents..." and asked if the engineer is not the one doing this who would be. She asked how we protect the city to make sure they are proceeding in accordance with the contract. Wilson stated that without the words "in general" it would make the engineers responsible for every action of the contractor. Rawlings stated in most electrical designs it shows point A receptacle and point B receptacle but does not show the way from point A to point B and leaves that up to the contractor. S.

Jones asked if we get any type of a narrative with the bid. Wilson stated we do not, that it is just unit price bids. He stated the specifications give the level of quality expected. S. Jones asked when we approve a bid does the contractor sign anything guaranteeing a certain level of quality. Wilson stated they do say they will adhere to the specifications and drawings provided by the engineer. S. Jones stated based on the timeline it looks like the timing for construction is out to early 2015. Wilson stated the construction should be complete somewhere around August 2015.

Reavis made a motion approving an Engineering Services Agreement with Aqua Tech Engineers for various El Dorado Water Line Projects. Childers seconded the motion. Motion carried without opposition.

Council considered approving an Engineering Services Agreement with Aqua Tech Engineers for the Walnut River Water Supply Project. Reavis stated the standard hourly rates on the memo and the spreadsheets are different. Keefer stated the cover spreadsheet includes DR1 and DR2 and when you add the permitting and support services to that it comes up to \$462,380. Wilson stated the amounts in the contract match, but his spreadsheet is off.

Reavis stated as many aware he is opposed to this project. He stated he drove out to the river yesterday and there is no water in it to pump to the city lake. He stated if there is no rain between now and spring there will be no water to pump and that if it rains enough that the lake fills up we won't need the water from the river. Reavis stated the study says the sedimentation will need to be cleaned out of the pre-sedimentation basin which will require permits and testing. He stated there have been concerns voiced by the public on why we haven't dredged the city lake and the main reason has been because the silt may be contaminated and we would have to buy property to dispose of the silt. Williams stated that is not the major reason. Reavis stated that was irrelevant and that this would be another permit we will have to get from the EPA. He stated there will be continuous maintenance for this project and we will have to purchase land for the basin. Reavis stated that based on his calculations, if the silt is 2 feet deep when we clean it out it will be 31,566 cubic yards of silt and would be 1,558 truckloads of sediment we will have to relocate. Williams questioned how long it would take to accumulate 2 feet of sediment. She stated the city lake only accrues one centimeter of sediment per year.

Wilson stated the river water is clearer than the water in the city lake and that all the testing of the river came back negative. He stated you could wait for the sediment in the basin to reach 2 feet or you could do it when it is less than that. He stated you would move the sediment to the side of the basin to dry and then dispose of it or use it as top soil. Williams asked how often it would be done if we waited for it to reach 2 feet. Wilson stated it would be once every 10-20 years depending on the turbidity of the river.

Williams asked if we would have been able to draw water from the river in 2012 if we had the rights. Wilson stated we could have. Williams stated that prior to the work shop several of the council members agreed with Reavis, but after the work shop and seeing that it could have helped in this situation and in the future they changed their minds. Reavis inquired about zebra mussels and stated that the potassium permanganate that will be used to kill them is another system that will have to be maintained at the river. He stated he does not know why we would want to take the chance of introducing zebra mussels to the city lake. Reavis stated he contacted DWR today to see if there are any other municipalities with systems like this in place and they couldn't think of any other than golf courses that pump water from creeks to water their grounds with. He stated they told him the Walnut River has minimum flow standards. Reavis stated in summary this is too big of an unknown deal. He stated the big ongoing maintenance issue and the zebra mussels make this not a good idea. Wilson stated DWR is the one who suggested we look at this option. Williams asked if this is approved tonight but we decide later not to pursue this, could we give notice and terminate the contract. Wilson said yes. Williams stated this is the third time since the lake was build that it has almost gone dry. Rawlings stated had we had this system in place already we would have been able to get the lake back in place

before DWR would cut off the river supply. He stated it looked to him like the water in the river is moving at a good rate. Rawlings stated he definitely thinks we need to pursue this for the future because we don't know what could happen to the El Dorado waterline at any given time. He stated if the city lake were full we would have a backup supply. Shaw stated taking the water from the river to surface water storage is basically the same concept as what is being done in Wichita.

Keefer asked Wilson what he would consider to be a fatal flaw. Wilson stated unavailability of water throughout the year to do what we want to do. Reavis asked what kind of issues we will have with the Railroad. Wilson stated there would be one railroad crossing and we would have to pay an annual fee for that. Wilson stated we are looking at increasing the sediment basin to prevent future siltation of the city lake. Rawlings made a motion approving an Engineering Services Agreement with Aqua Tech Engineers for the Walnut River Water Supply Project. S. Jones seconded the motion. Motion carried with Reavis and Martin voting in opposition.

VFD Bids: Rawlings abstained from the discussion due to a conflict of interest. With Rawlings abstaining there was not a quorum to take action on this agenda item. S. Jones said it looks like we had difficulty in getting people to bid because of the requirements for the equipment, that they took exception to the specifications. Wilson stated there are only a couple of drive manufacturers that could meet the requirements. He stated there were a couple of the manufacturers that said they had drives that could meet the specs, but each drive was nearly \$40,000 so they didn't submit a bid. He stated one bidder dropped out because they weren't comfortable with the specifications and the other didn't feel they could be competitive on the price. Rawlings stated his supplier does about 90% of the VFD's in the Kansas City area and is one of Cutler Hammer's top customers.

Childers stated that on the face of this, if he were a citizen and the only person bidding on this was a council member and it awarded to them, it would be cause for concern. He stated he understands the RFP process and what they are up against and he isn't sure what the solution is. Childers stated the council is aware this is a delicate situation and that he hates that we can't get more than one bid. Childers stated that without competition, on the face of it, he as a citizen he would be concerned.

USD #402 Fiber Optic Network: Reavis made a motion to approve an agreement with USD #402 to use the City's right-of-way along Summit Street to extend their fiber optic network to Robinson School. Childers seconded the motion. Motion carried without in opposition.

Childers made a motion to approve an agreement with USD #402 to use the City's right-of-way along State Street to extend their fiber optic network to the Middle School. Reavis seconded the motion. Motion carried without in opposition.

South Ohio Street Project – Engineering Agreement: Council considered an Engineering Services Agreement with MKEC for the conceptual design and cost estimates for the South Ohio Street Project. Larry Henry with MKEC stated this project was scheduled in the city's CIP for 2015. He stated this is for a preliminary design and decision making tool for the council. He stated this is a KDOT project and the State will pay 80% of the costs of the project and the city will pay 20%. He stated we need to get a good handle on what other costs are likely to be incurred by the city and what right of way will be needed. Reavis asked if the preliminary approval from KDOT makes it a three lane road if that would be a requirement. Henry said it would not be a requirement. Keefer stated this was part of the 5 year program that KDOT no longer has. He stated we will not be locked in to a three lane road. Keefer stated MKEC will identify issues we will have to deal with, such as the need to replace the waterline along that area. He stated we will also need to relocate the electric and monitor the sewer line. Keefer stated this will help us find out what is realistic. Reavis stated he wants to make sure it is a comparison of our options. Williams stated this is a first step.

Reavis made a motion to approve an Engineering Services Agreement with MKEC for the conceptual design and cost estimates for the South Ohio Street Project. Childers seconded the motion. Motion carried without opposition.

Kelly/Ohio Project: Reavis made a motion to approve a Letter Agreement with Goedecke Engineering for the review of KDOT Shop Drawings as part of the Kelly and Ohio Street Intersection Project. Childers seconded the motion. Motion carried without opposition.

Training Area License Agreement with the Kansas Army National Guard: Rawlings made a motion to approve a Training Area License Agreement with the Kansas Army National Guard for Santa Fe Lake. Childers seconded the motion. S. Jones asked why this is being moved up a year. Keefer stated the Sergeant indicated there are going to be some staff changes and he wanted to have this taken care of. Motion carried without opposition.

Annual LWCF Maintenance Assurance Agreement: Rawlings made a motion to approve the annual LWCF Maintenance Assurance Agreement with the Kansas Department of Wildlife, Parks and Tourism. Childers seconded the motion. Motion carried without opposition.

Corps Levee Project – Thunder Road Relocation: Rawlings made a motion to approve two Easement for Right-of-Way agreements with Butler County for the relocation of Thunder Road as part of the levee enhancement project. Reavis seconded the motion. Motion carried without opposition.

Reavis made a motion to authorize the improvement of the 200 block of West 6th Street as part of the road improvement project by Butler County along Thunder Road. Rawlings seconded the motion. Motion carried without opposition.

Give Back Day: Williams stated she would not be available to participate this year. Childers stated he currently had a conflict on that date. S. Jones and Reavis stated they would be available. Williams stated she would send out an invitation to the schools to participate. S. Jones made a motion to approve the City of Augusta's participation in the 4th Annual Grizzlies Give Back Day on Saturday, April 27th. Childers seconded the motion. Motion carried without opposition.

Attorney General Settlement Agreement: Council received an update from the City Attorney regarding the Attorney General's KOMA Settlement Agreement. Mr. All stated the Attorney General's office has approved the last agreement he presented at the March 4th council meeting. He stated he was not able to get an answer back in time for tonight's meeting regarding what would happen to those who do not want to sign the agreement. S. Jones stated the issue was tabled at the last council meeting. Williams asked that it be put on the agenda for the next council meeting. S. Jones stated she was trying to understand if the County Attorney letter was sufficient. Mr. All stated it did not address the issues in the agreement.

Executive Session: At 8:34 p.m. Childers made a motion to go in to executive session for 10 minutes to discuss matters related to non-elected personnel per the request of the City Manager and to return at 8:44 p.m. in the council chambers. S. Jones seconded the motion. Motion carried without opposition.

At 8:44 p.m. Childers made a motion to exit executive session with no binding action being taken. Rawlings seconded the motion. Motion carried without opposition.

Informational & Final Comments:

S. Jones: S. Jones stated the Safety Department's monthly report stated there was difficulty with the 2-wheel Tahoe's navigating through the snow in the recent snow storms. She recommended they consider all-wheel drive when looking at purchasing vehicles in the future.

Rawlings: Rawlings stated there are bricks that have settled in the 1100 block of State Street. Keefer stated he would pass that information on to the street department.

Martin: Martin stated there are pot holes on 7th Street in front of Jump Start, Rose Hill Bank, and a couple of the overpass heading East. Keefer stated he would pass that information along to the street department.

Keefer: City Manager Bill Keefer read a statement to the governing body and the public. He submitted his resignation and stated that with a heavy heart he has accepted a position as City Manager in another community. Keefer stated his resignation will be effective Friday, May 17th at 5 p.m. honoring the two month notification per his employment contract and allowing time to work with staff and the council to begin the transition to a new City Manager. Keefer stated Augusta has been his home for over 16 ½ years and he appreciates the opportunity the City of Augusta has afforded him. He thanked the many loyal and dedicated city employees who he has worked with and their resolve to do their best to serve the citizens of Augusta.

Adjourn: At 8:47 p.m. Reavis made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
APRIL 1, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on April 1, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael R. Martin, Michael Wallace, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Council member Michael Huddleston was absent. Also present: City Attorney David All, City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, Director of Electric Utility Bill Webster, Electric Distribution Superintendent Tim Davis, Street/Sanitation Foreman Anthony Craft, Airport Manager Lloyd Partin, and City Clerk Erica Jones. Visitors present were: Kent Bush, Myrna Rogers, Suzi Thien, John Black, Cale Magruder, Larry Henry, Kevin Cowan, Ken Madsen, and Willis Wilson.

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

Minutes: S. Jones made a motion to approve the minutes from the March 18, 2013 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

March (3A): Malone made a motion to approve Ordinance 3A in the amount of \$898,035.32. Childers seconded the motion. Motion carried without opposition.

Visitors:

Sunlight Child Advocacy Center (SCARF): Williams presented Suzi Thien, representing SCARF, a proclamation declaring April as Child Abuse Prevention Month. Thien addressed the council and shared information about SCARF and their current and upcoming projects.

Old Business:

VFD Bids: Reavis made a motion to approve the bid from MITE Electric in the amount of \$57,700 for the aerator VFD's for the Wastewater Treatment Plant. Childers seconded the motion. Motion carried with Rawlings abstaining due to a conflict of interest.

Watering Restrictions: Council reviewed and discussed the City's Watering Restrictions and related issues. There was nothing new to report.

New Business:

GO Bond and Temp Note Financing: Malone made a motion to approve Resolution 2013-08 authorizing and directing the issuance, sale and delivery of General Obligation Temporary Renewal and Improvement Notes, Series 2013, for the renewal of Levee project temporary notes and new temporary notes for the Water System Improvement projects. Childers seconded the motion. Motion carried without opposition.

Childers made a motion to approve Ordinance 2049 authorizing and providing for the issuance of General Obligation Bonds, Series 2013, for the permanent financing for the City Lake Spillway project. Rawlings seconded the motion. Motion carried without opposition.

Malone made a motion approve Resolution 2013-09 prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Bonds, Series 2013. Rawlings seconded the motion. Motion carried without opposition.

Garvin Park Playground: Reavis made a motion to approve the City's membership in the National Joint Powers Alliance and our participation in their national contract to purchase playground equipment from Little Tikes for Garvin Park. Malone seconded the motion. Motion carried without opposition.

Childers made a motion to approve an Engineering Services Agreement with MKEC for design and bidding services for the Garvin Park Playground parking lot. Rawlings seconded the motion. Motion carried without opposition.

Zoning Classification 337 Gregg Street: Wallace made a motion approve Ordinance 2050 amending the Zoning Classification for 337 Gregg Street from Neighborhood Commercial to Residential Two-Family Dwelling (R-2A). Childers seconded the motion. Motion carried without opposition.

Annexation 135 South Hwy 77: Reavis made a motion to approve Ordinance 2051 annexing a tract of land located at the south City Limits owned by the Kansas Museum of Military History. Wallace seconded the motion. Motion carried without opposition.

Airport Liability Insurance: Malone made a motion to approve the 2013 Airport Liability Insurance Policy. Martin seconded the motion. Motion carried without in opposition.

95 Gallon Trash Cart Bids: Wallace made a motion to approve the bid from Toter for the 95 Gallon Trash Carts with the removal of the in-mold label feature for a total adjusted bid price of \$34,978. S. Jones seconded the motion. Motion carried without opposition.

Electric Dept Bucket Truck Bids: Wallace made a motion to approve the bid from Drake Scruggs for the Electric Department Bucket Truck in the amount of \$177,452.12 including sales tax and waiving the irregularities. Malone seconded the motion. Motion carried with S. Jones voting in opposition.

Jet A Fuel Trailer: Wallace made a motion to authorize the sale of the 1,000 gallon Jet Fuel Trailer and the 1984 100LL Fuel Truck and the revenue from the sale of this equipment to be applied towards the lease purchase of a 3,000 Gallon Jet A Refueler Truck. Childers seconded the motion. Motion carried without opposition.

KMU Voting Delegates: Wallace made a motion to approve designating Bill Webster as the City's voting delegate for KMU and to designate Jim Sutton as the alternate voting delegate. Rawlings seconded the motion. Motion carried without opposition.

Attorney General Settlement Agreement: Williams, Childers, Rawlings and Reavis stated they were willing to sign the agreement and Malone, Jones and Wallace stated they were not. Williams stated the agreement will be in the City Manager's office for those willing to sign.

Informational & Final Comments:

Williams: Williams reminded the citizens that tomorrow is the election and polls are open from 6 a.m. to 7 p.m. and encouraged everyone to get out to vote. Williams stated at the last meeting the City Manager gave his formal resignation. She stated that the council gave her the opportunity to prepare the process to bring back something for the first meeting after the election. Williams stated she sent out requests to 7 consultant agencies including one locally and received responses from 6 of them that will be providing letters of interest and summaries of services. She stated she will put that information together for the council. She welcomed any comments from the council and stated the council will decide on this process and on the consultant to use if they decide to go that direction. Williams stated that prior to the next meeting the council will have a packet of information about the consultants and that she would ask that they provide her with three consultants that they would like to have proposals and presentations from and they would do that during a work session. She stated the council would then decide what

consultant they want to use. Reavis asked if the League of Kansas Municipalities was included. Williams stated they were and that they were one of the six that responded.

Reavis: Reavis stated he hopes the council considers the expense and how labor intensive this was including the letter in the utility bills for the future. He stated communication is good but that was quite a cost. He stated he was impressed by the number of landfill coupons given out and used so far. Reavis stated on the public works monthly report the only thing listed under recycle was cardboard. Keefer stated he would have to double check to confirm that. Williams thanked Shaw for the very informative letter that was sent out for the landfill coupons.

Malone: Malone stated the video replay of the forum directed us to another site. He asked if that will be integrated into our website so there will be a link to get them there. Shaw stated there will be a link on the minute's page for the videos.

Martin: Martin asked if the new compost hours will be listed in the paper. Keefer stated it starts next week and will be listed on the city's website and on channel 7.

Rawlings: Rawlings stated he has been perplexed over the last couple weeks by the questions he has been asked by citizens when we have put that information out there in the paper, website, or even mailed. He stated people are not availing themselves to find out information. Rawlings stated that even though it is costly, the mailings may be the only way they will get the message. He said it is perplexing that they want to know but they are not looking for the information.

S. Jones: S. Jones stated she was at the park today and the dirt along the asphalt road has not been addressed. She stated there are piles of dirt that have been dumped along the road running parallel to the dam. Keefer stated the dirt is to fill the cracks and address the drop off. S. Jones stated it is not very attractive. She reminded everyone that the city is still taking applications for the Adopt A Pot program and that they can be obtained from City Hall, DAI, or the city's website.

Adjourn: At 8:16 p.m. Wallace made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
APRIL 15, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on April 15, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Michael R. Martin, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Council members Michael Huddleston and Michael Wallace were absent. Also present: City Attorney David All, City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, Water/Wastewater Superintendent Russell Still, Inspector Dan Allen, Airport Manager Lloyd Partin, and City Clerk Erica Jones. Visitors present were: Kent Bush, John Black, Connie Thurman, Larry Henry, Cale Magruder, David Crum, Betty Crum, Dayne Woodall, Jason Lowery, Diane Lowery, and Jamie Hubbard.

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

Minutes: Rawlings made a motion to approve the shortened version of the minutes from the April 1, 2013 meeting. Malone seconded the motion. Motion carried without opposition.

Appropriations:

April (4): Reavis made a motion to approve Ordinance 4 in the amount of \$391,901.19. Martin seconded the motion. Motion carried without opposition.

Old Business:

Sanitation Transition Plan Update: Rawlings made a motion to approve the Sanitation Services Transition Plan Version 3.0 and proceed with the implementation steps as outlined, to implement the pilot program as a transition to full implementation of the plan, and to take bids for the lease purchase of a refuse truck. Childers seconded the motion. Motion carried with Martin and Malone voting in opposition.

Rawlings made a motion to approve black as the color of the trash carts, directing staff to proceed with developing container placement guidelines, approve the plan to offer free rollout service to the elderly (72+) and disabled and to develop a verification form for such, and to not require trash to be bagged. Childers seconded the motion. Motion carried without opposition.

Watering Restrictions: There was nothing new to report. Keefer stated there will be a discussion on this at the next meeting.

New Business:

Oath of Office: E. Jones administered the Oath of Office to Jason Lowery, Jamie Hubbard, Mike Rawlings, and Ron Reavis.

Williams recognized Huddleston and Martin for their service on the council.

Rawlings made a motion to elect Childers as President of the Council. Reavis seconded the motion. Motion carried without opposition.

Public Hearing 1201 Money Lot 39: Malone made a motion to approve Resolution 2013-10 scheduling a public hearing on June 3, 2013 at 7 p.m. to determine whether a structure located at 1201 Money, Lot 39 is considered a dangerous and unsafe structure and ordering its repair or removal and cleanup of the property and to include Mary Vogt and the physical property owner Jacque Rawlings on the public hearing notice. Rawlings seconded the motion. Motion carried without opposition.

Bids for Kelly/Ohio Sewer Line: Malone made a motion approve the bid from Alan's Excavating, Inc. in the amount of \$135,466.90 for the Kelly/Ohio sewer line replacement project as well as the alternate bid for the replacement of the manholes for a total of \$136,048.90. Reavis seconded the motion. Motion carried without opposition.

100 LL Avgas Storage Tank Lease Agreement: Reavis made a motion to approve the lease agreement with D-J Engineering for the use of the City's 100 LL Avgas Storage Tank at the Municipal Airport. Lowery seconded the motion. Motion carried without in opposition.

Jet Fuel Truck Lease/Purchase Agreement: Reavis made a motion to approve a lease/purchase agreement with World Fuel Sales for a Jet Fuel Truck for the Municipal Airport. Childers seconded the motion. Motion carried without opposition.

Garvin Park Playground: Reavis made a motion to approve Option 1B with the large structure and 5 swings for the Garvin Park Playground and to investigate rotating the footprint 180 degrees. Childers seconded the motion. Motion carried without opposition.

Empty Containers Policy: Malone made a motion to approve the Empty Containers Policy. Childers seconded the motion. Motion carried without opposition.

KMEA Board of Directors: Rawlings made a motion to appoint Jim Sutton to the KMEA Board of Directors for the City's Director #1 position. Malone seconded the motion. Motion carried without opposition.

Cereal Malt Beverage License: Malone made a motion to approve a Cereal Malt Beverage License for Wal-Mart Stores, Inc. Childers seconded the motion. Motion carried with Rawlings voting in opposition.

New City Manager: Williams provided the council with a packet of information including a letter with the proposed process and timeline for hiring a new City Manager, and letters of interest and summaries of services for seven consultants. Reavis made a motion to schedule a work session on April 29th at 7 p.m. at City Hall to review the top three consultants and to discuss how to proceed with the process. Malone seconded the motion. Motion carried without opposition

Informational Memorandum:

Williams: Williams reminded the council that the mayoral appointments will be coming up at the first or second meeting in May and that the Park Board is appointed by the council not the mayor. Williams congratulated the City for its recognition by the Kansas Rural Water Association (KRWA) for having the best tasting water in Kansas.

S. Jones: Jones asked staff to provide a list of what committees there are, those serving on the committees, and the terms of the appointments. Williams asked staff to include the duties of the committees and how often they meet.

Final Comments:

S. Jones: Jones stated the dirt piles in the park have not been addressed. Keefer stated the dirt that was originally brought was of poor quality so they are waiting on another pile of dirt to fill the cracks on the dam and they will be hauling the original pile of dirt away. S. Jones stated she had a complaint about the digital sign at the Doctor's office on North State and asked staff if it complies with the sign ordinance. Keefer stated he would check on that. Williams stated they would have had to obtain a permit.

Childers: Childers invited the new council members to use Drop Box and stated that he scans the council documents and makes them available electronically if they are interested. Childers stated he forwarded

an email he received regarding a sign to Keefer. Keefer stated he spoke to Dan Allen who spoke to the property owner who told him it was none of his business and they would take care of it when they are ready. Keefer stated Allen will be following up with a letter giving them a certain amount of time to get it resolved.

Rawlings: Rawlings inquired about the timeline for completing the street at Highland Drive where the stop logs structures were placed. Keefer stated it will be coordinated with when the asphalt is brought in to do Thunder Road.

Williams: Williams stated the sign at the Industrial Park is not straight and needs to be tightened up. Williams congratulated Rawlings, Reavis, Lowery, and Hubbard on their election and re-election to the council.

Lowery: Lowery stated he appreciates the staff reports that were provided.

Malone: Malone asked if we are unable to read a water meter one month but are able to read it the next month does that usage get spread over two months or do they have to pay it all on one bill. E. Jones stated that meters are very rarely estimated, but when that does occur the computer automatically bills them for what they used the previous month then the next month they will pay the difference if they used more than estimated or have a credit if they used less. Malone stated when Dustin Avey with PiperJaffray was here six or eight months ago he asked him about the new rules the SEC and MSRB had put in place and he said it was no problem we can serve as the financial advisor and underwriting bond deals. Malone stated Wednesday's Wall Street Journal said the SEC is investigating four firms one of which is PiperJaffray for just what I was asking about. Keefer stated a couple of months ago the council approved a document acknowledging that PiperJaffray was serving as the underwriter on that issue. Keefer stated that if he understood it correctly, the jest of the legislation was that we should have a disclosure statement that separates and makes sure that we understand when their roles as a financial advisor changes to that of an underwriter. Malone stated he remembers approving it, but that is what they are being investigated for because that document has no bearing. Keefer stated he would have to check in to that.

Reavis: Reavis stated he received a compliment about the water department and how they handled a water leak in a citizen's front yard and how they cleaned up after the repair was complete. Reavis stated the fire hydrant at Star and Belmont has been out of service for a long time. Keefer stated he would check on that. Reavis stated the Kansas Museum of Military History still has a County address and that there is a process to change it to a City address. Reavis stated he thinks it would be beneficial to change it to a Walnut address. Reavis stated in Friday's paper there was an article about the Air Force and the government wanting input and support from the public on keeping the tanker program in Wichita. He asked if the City has weighed in on that. Reavis made a motion to authorize the mayor to write a letter of support for keeping the tanker program in Wichita. Malone seconded the motion. Motion carried without opposition.

Adjourn: At 8:44 p.m. Reavis made a motion to adjourn. Malone seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
MAY 6, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on May 6, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Michael Wallace, Jamie Crum, Sue Jones, Ron Reavis, and Matt Malone. Council members Mike Rawlings and Matt Childers arrived after the meeting started. Also present: City Attorney David All, City Manager Bill Keefer, Assistant to the City Manager Josh Shaw, Santa Fe Lake Caretaker Rod Davis, and City Clerk Erica Jones. Visitors present were: Kent Bush, Dustin Avey, John Black, Steve Hollingsworth, Larry Henry, Sandy Koontz, Brenda Nyberg, Ross Rountree, John Goines, Bonnie Smith Walter Burress, and David Crum.

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

Minutes: Wallace made a motion to approve the minutes from the April 15, 2013 meeting. Malone seconded the motion. Motion carried without opposition.

Appropriations:

April (4A): Reavis made a motion to approve Ordinance 4A in the amount of \$984,620.55. Malone seconded the motion. Motion carried without opposition.

Old Business:

City Manager Recognition: Mayor Williams, former Mayor David Crum, and former Mayor Ross Rountree presented Bill Keefer with a plaque recognizing his service as City Manager for the City of Augusta. Each read a statement about their time serving with Keefer and wishing him and his family the best in their new community. Keefer thanked the Mayor and Council members he worked with and praised the city employees for their efforts and asked the public to appreciate and recognize all that city employees do.

Piper Jaffray: Dustin Avey, the City's Financial Advisor, was present to respond to comments from Malone regarding an article in the Wall Street Journal indicating that Piper Jaffray is under investigation by the SEC. Avey stated that Piper Jaffray that to the knowledge of his department head and legal counsel, they are not being investigated by the SEC as indicated by the article. Avey stated they aware of regulatory changes and their procedures and processes ensure they are in full compliance with all federal regulations and internal policies.

Rawlings arrived at 7:45 p.m.

Job Classification and Pay Plan: S. Jones made a motion to approve Resolution 2013-11 implementing the City's Job Classification and Pay Plan. Reavis seconded the motion. Motion carried without opposition.

Watering Restrictions: Staff recommended holding off on making any changes to the watering restrictions.

New Business:

Public Hearing for Annexation of 140 Walnut Street: The public hearing was closed after no public comments were received.

Reavis made a motion to approve Ordinance 2052 annexing a tract of land located at 140 Walnut Street. Wallace seconded the motion. Motion carried without opposition.

Matt Childers arrived at 8:22 p.m.

Butler County Conservation District: Rawlings made a motion to approve a proposal from the Butler County Conservation District for Watershed Protection Programs for the City Lake and Santa Fe Lake Watersheds, under the condition that the parties enter into a formal agreement for watershed protection services that would outline the services to be provided, program(s), and funding assistance; the Conservation District would provide quarterly reports to the Council; a formal application for conservation practice funding assistance would be prepared and approved by the city with individual applications for local match funding approve by the council or their designee; and that the agreement will be approved annually. Wallace seconded the motion. Motion carried with S. Jones voting in opposition.

2013 Street Sales Tax Bids: Malone made a motion approve the bid from Cornejo and Sons in the amount of \$187,285 for the asphalt repair portion of the 2013 Street Sales Tax projects and the alternate for Quail Drive. Childers seconded the motion. Motion carried without opposition.

John Goines, 414 Oak, addressed the council about the repairs to Oak and his concerns regarding the condition of the curb and gutter. Larry Henry stated funds are included in the project to repair a portion of the curb and gutter. Reavis made a motion to approve the proposal from Andale Paving in the amount of \$132,832 for the roller compacted concrete project along Oak Street between 4th and 6th Streets. Malone seconded the motion. Motion carried without opposition.

KLINK 2014: Malone made a motion authorizing the use of the 2014 KLINK funds for a project along 7th Street between Bluff and the west city limits as well as authorization to apply for a 2015 KLINK Project for the same project. Childers seconded the motion. Motion carried without opposition.

Court Collection Services: Rawlings made a motion to approve an agreement with American Municipal Services for the collection of unpaid municipal court fines and fees. Lowery seconded the motion. Motion carried without in opposition.

City Hall Phone System Upgrade: Wallace made a motion to approve an agreement with Applied Solutions Group to assist the City with the process to replace the phone system at City Hall. Reavis seconded the motion. Motion carried without opposition.

Fee Schedule: Malone made a motion to approve Resolution 2013-12 updating the City's Fee Schedule. Wallace seconded the motion. Motion carried without opposition.

Special Meeting: Wallace made a motion to schedule a special meeting for 7 PM on Monday, May 13th to interview search firm candidates and to consider selection of a consultant subject to approval of an agreement. Rawlings seconded the motion. Motion carried without opposition.

Informational Memorandum:

Williams: Williams stated it is City Clerk Appreciation Week and said the council appreciates City Clerk Erica Jones.

S. Jones: Jones stated the Adopt-A-Pot program can start any time and encouraged the public to adopt a pot.

Williams: Williams reminded the council that the mayoral appointments will be considered at the next council meeting.

Final Comments:

S. Jones: S. Jones stated the council previously worked on changing the criteria for the downtown design committee and asked where we were on that. Keefer stated it should be an agenda item at the next council meeting. S. Jones asked if there is any information about the grant for the Depot. Shaw stated he has not heard anything new, but that we are supposed to find out next month. S. Jones inquired about the big water tank behind Wal-Mart and stated when she asked the contractor they indicated it could be a secondary water source for the city. Keefer stated the water tank was installed to meet the codes for their fire prevention system. Williams stated that Wal-Mart is set to open on June 12th.

Childers: Childers stated Lulu Street was opened up today and the lanes were all opened up. Rawlings asked if the intersection had been cleaned because he saw a sign base left on 7th earlier today. Malone asked if we could have the street sweeper clean up the roadway around the construction area. Keefer stated he would check on it. Williams stated the bridge is finished. Keefer stated that was correct but we are waiting on the paving of Thunder Road.

Williams: Williams inquired about the dirt work around in Garvin Park by the baseball diamonds. Keefer stated we are working on enhancing the banks along the roadway as weather permits. Keefer stated he is not sure where we are with the dirt for the new roadway and for the cracks along the dam.

Crum: Crum stated she was contacted by a resident on Angelina who stated that any time it rains the road gets torn up from people mudding. Crum asked if we could close the roads during rainy periods, post signs prohibiting mudding, or ticketing and fining those that are mudding. Keefer stated it is difficult to catch them when they are doing it and he encouraged people to report to the Safety Department when they see people doing it so we can send someone there to ticket them. He stated we cannot afford to have an officer stay there and watch for them and that putting up signs would not work as a deterrent. Williams asked when we would be putting more gravel down on the lake road. Keefer stated there are funds set aside in the capital improvement budget for gravel this year.

Williams: Williams thanked everyone who came out to volunteer for the Give Back Day. She stated they were not able to seal the playground due to the weather so they are looking for a volunteer group interested in organizing a work day to do that.

Lowery: Lowery stated he would like to start a conversation about residents parking in front businesses downtown. He stated he is looking for guidance on this issue. Lowery stated he was very happy the council passed the pay plan tonight. He also thanked Keefer for the tour of the city facilities last week.

Malone: Malone stated he noticed that city personnel are stacking up the bricks. Keefer stated staff has previously discussed with the council selling those bricks to fund other projects. He stated we are inventorying those right now and looking at different ways to sell them. Shaw stated he has an RFP prepared and is looking at whether to open it up to citizens to purchase them first or to sell them in bulk to a vendor. Keefer stated the City will need to maintain an inventory for repairs. He stated he thinks we should give the citizens an opportunity to purchase them before putting out the RFP to vendors.

Reavis: Reavis referenced the Butler County Commission minutes and the discussion about Pro-Coaters owing back taxes and asked how that affects our loan with them. Shaw stated we are a lien holder for our loans, but that the back taxes will be taken care of first. Shaw stated they owe us approximately \$13,000 at this time. Keefer stated we have personal guarantees in place that we could use if we had to. Reavis publically thanked Keefer for his service and wished him good luck.

David All: Mr. All read a statement announcing his retirement as legal advisor to the city as of May 31st. He stated he will continue to work as prosecuting attorney until the new city manager is hired and appoints his replacement. Williams thanked Mr. All for his 30 years of service to the community.

Executive Session: At 9:39 PM Wallace made a motion to go into executive session for 15 minutes to discuss personnel matters of non-elected personnel, in particular to review and discuss the interim City Manager position. Bill Keefer and Josh Shaw are to be included in the executive session with the Governing Body and the council will resume the meeting at 9:54 PM in the council chambers. Malone seconded the motion. Motion carried without opposition

Lowery made a motion to exit executive session with no action being taken. Malone seconded the motion. Motion carried without opposition.

Rawlings made a motion to appoint Josh Shaw as the Interim City Manager with a salary equivalent of a \$70,000 annual salary to commence on May 19th and end with the start of a new City Manager. Malone seconded the motion. Motion carried without opposition.

Adjourn: At 9:55 PM Malone made a motion to adjourn. Lowery seconded the motion. Motion carried with Wallace voting in opposition.

City Clerk

CITY COUNCIL
SPECIAL MEETING
MAY 13, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in a special session on May 13, 2013 with Mayor Kristey Williams presiding for the purpose of interviewing executive search firm candidates and to consider selection of a consultant to conduct the search for a new City Manager, subject to approval of a contract agreement. Council present were Matt Childers, Jason Lowery, Michael Wallace, Jamie Crum, Sue Jones, Mike Rawlings, Ron Reavis and Matt Malone. Also present: Assistant City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, Art Davis, Marla Flentje, and Larry Shelton.

The Council conducted interviews with Art Davis, representing Art Davis Group, LLC; Marla Flentje, representing The Austin Peters Group, Inc.; and Larry Shelton, representing Chell Consulting, LLC.

Reavis made a motion authorizing the Mayor to request a contract from Marla Flentje, with The Austin Peters Group, Inc., for consulting services related to the search for a new City Manager. S. Jones seconded the motion. Motion carried with Malone voting in opposition.

Adjourn: Reavis made a motion to adjourn at 9:40 p.m. Lowery seconded the motion. Motion carried with Wallace voting in opposition.

City Clerk

CITY COUNCIL
MAY 20, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on May 20, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Matt Childers, Michael Wallace, Jamie Crum, Sue Jones, Mike Rawlings, and Ron Reavis. Council member Matt Malone was absent. Also present: City Attorney David All, Interim City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, Gary Rogers, Tony Madrigal, Chris Williams, Russell Still, John Black, Uriah Jones, Steve Hollingsworth, Larry Henry, Priscilla All, Johnna Smith, Marla Flentje, and Sharon Forrester.

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

Minutes: Reavis made a motion to approve the minutes from the May 6, 2013 meeting. Lowery seconded the motion. Motion carried without opposition.

Rawlings made a motion to approve the minutes from the May 13, 2013 special meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

May (5): Wallace made a motion to approve Ordinance 5 in the amount of \$445,557.40. S. Jones seconded the motion. Motion carried without opposition.

Visitors:

Tony Madrigal and Chris Williams, representing EMC Insurance, presented the City with a dividend check in the amount of \$14,968.60 for the 2012-2013 coverage year.

Pat McCool, with the Kansas Rural Water Association (KRWA), presented the City and Water Plant staff with an award for having the "Best Tasting Water in Kansas".

Johnna Smith, an art teacher at Augusta Middle School, presented a proposal for her summer art students to create a mural for the backdrop of the City Council Chambers. Childers made a motion to approve the proposal including a request for funding in the amount of \$200 from the City. Reavis seconded the motion. Motion carried without opposition.

Gary Rogers, representing the Leonard Whitehill American Legion Post #189, presented a request for the City to waive the cost of the rental of the gazebo at Shryock Park and to permit them to sell hotdogs and soda for a \$1 donation on July 4th. Wallace abstained from the discussion due to a conflict of interest as he is a member of the organization. Rawlings made a motion to approve the Leonard Whitehill American Legion Post #189 request and to permit them to sell hotdogs and soda at the gazebo at Shryock Park and to waive the rental fee. Childers seconded the motion. Motion carried without opposition.

Mayor Williams presented City Attorney David All with a plaque recognizing his 31 years of service as City Attorney for the City of Augusta. Mr. All thanked the three city managers he served with and the current and previous council members. He stated theirs is a very thankless job, but one that is very important for the community.

Councilman Reavis, representing the WFO Car Club presented a request to use the downtown area for their annual car show scheduled for August 3, 2013. Wallace made a motion to approve the request to use the downtown area for the annual WFO Car Club car show on August 3, 2013. Childers seconded the motion. Motion carried without opposition.

Old Business:

USD 402 Watering Restriction Hours: John Black, USD #402 Superintendent, presented a request to wash school buses between the hours of 6 a.m. to 4 p.m. on Mondays and Thursdays but limited to no more than 7 hours each day. Wallace made a motion to permit the School District to wash school buses between the hours of 6 a.m. to 4 p.m. on Mondays and Thursdays but limited to no more than 7 hours each day. Childers seconded the motion. Motion carried without opposition.

Wholesale Water District Study Update: Shaw provided an update on the schedule of the Wholesale Water District Study and stated that when staff has a document they can sign off on he will bring it to the council for review.

New Business:

City Manager Recruitment Services: Reavis made a motion to approve a Letter of Understanding with The Austin Peters Group, Inc. for City Manager Recruitment Services. Wallace seconded the motion. Motion carried without opposition.

Public Hearing 1201 Money Lot 39: Rawlings made a motion to approve Resolution 2013-13 scheduling a public hearing on July 1, 2013 at 7:00 p.m. to determine whether a structure located at 1201 Money Lot 39 is considered a dangerous and unsafe structure and ordering its repair or removal and cleanup of the property. Lowery seconded the motion. Motion carried without opposition.

School Street Waterline Bids: Reavis made a motion approve the bid from Dondlinger & Sons Construction in the amount of \$99,712 for the School Street Waterline Improvements. Lowery seconded the motion. Motion carried without opposition.

IT Select Service Agreement: Childers made a motion to approve a Select Service Agreement with ISG Technology Inc. for IT services in the amount of \$600 monthly. Rawlings seconded the motion. Motion carried with S. Jones voting in opposition.

Williams Petroleum Services, LLC: Rawlings made a motion to approve a Request for Services Agreement with Williams Petroleum Service, LLC for mowing services. Childers seconded the motion. Motion carried without in opposition.

Antique Brick Street Pavers: Wallace made a motion to approve a policy outlining the procedures for the sale of excess antique brick street pavers from the Street Department. Childers seconded the motion. Motion carried without opposition.

Mayor's Appointments to Boards and Committees: Wallace made a motion to approve the Mayor's proposed appointments to the Boards and Committees of the City of Augusta. Rawlings seconded the motion. Motion carried without opposition.

Rawlings made a motion to designate the Augusta Gazette as the City's official newspaper and Emprise Bank as the official City Bank. Lowery seconded the motion. Motion carried without opposition.

Reavis made a motion to approve the appointments to the Park Board. Wallace seconded the motion. Motion carried without opposition.

Informational Memorandum & Final Comments:

Wallace: Wallace stated he was contacted by citizens on the north side of town stating that they cannot hear the storm sirens. Shaw stated he would verify that all the sirens are working properly.

Williams: Williams stated she appreciated the Safety Officers coming to the park during the ball games encouraging people to leave before the storm arrived.

S. Jones: Jones stated that the new playground equipment is being installed at Garvin Park. Jones asked staff to check where water is coming up on the back side of the dam because it is really rough and is eroding and she thought at some point we were past that. Rawlings stated it is supposed to erode. Shaw stated it is a sacrificial berm. Rawlings stated it is loose top soil that is eroding and once it gets down two inches it will hit clay.

Childers: Childers stated several council members were contacted by a citizen concerned about carp in the City Lake. Shaw stated that staff was contacted as well and that they are checking with the Kansas Department of Wildlife and Parks to see how to address the issue.

Rawlings: Rawlings asked why city hall does not have Wi-Fi internet. E. Jones stated that is one of the first things on the list for the IT people to look into after they sign the select service agreement approved earlier tonight.

Williams: Williams inquired about the amount of pots downtown that have been adopted as part of the Adopt-A-Pot program. S. Jones stated 23 pots have been adopted and the city will be planting the remaining pots. Shaw stated they might be planted as early as next week.

Williams stated the high school football team may be willing to seal the Play Park on July 2nd if anyone wants to join them. Williams stated the new Wal-Mart will open on June 12th and there will be a 7:30 a.m. ribbon cutting. She asked the council if they would like to have a dedication and ribbon cutting for the new playground at Garvin Park and the consensus of the council was yes. Williams stated the Kelly/Ohio project sewer line work is finished. Shaw stated the earliest start date for the paving is May 20th, but that he will verify an actual start date with the contractor.

Lowery: Lowery stated he appreciates the update from staff on the trash situation. Shaw stated the carts arrived today and he is working on drafting an RFP and will finalize the details soon. Reavis asked what is being done with the carts if we are not having a pilot program. Shaw stated they will be used for the first phase of the rollout instead of doing a pilot program since a rental truck was not available.

Reavis: Reavis inquired about the process to replace the City Attorney. Shaw stated he has drafted an agreement for an Interim City Attorney. Shaw stated that by city code it is his appointment to make so he will be contacting attorneys in Butler County and reviewing their resumes and qualifications before making an appointment.

Adjourn: At 8:21 PM Reavis made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
JUNE 3, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on June 3, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Matt Childers, Michael Wallace, Jamie Crum, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Also present: Interim City Attorney Cami Baker, Interim City Manager Josh Shaw, City Inspector Dan Allen, and City Clerk Erica Jones. Visitors present were: Kent Bush, John Black, and Kent Overaker.

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

Minutes: S. Jones made a motion to approve the minutes from the May 20, 2013 meeting. Lowery seconded the motion. Motion carried without opposition.

Appropriations:

May (5A): Reavis made a motion to approve Ordinance 5A in the amount of \$813,378.30. Childers seconded the motion. Motion carried without opposition.

Visitors:

Kent Overaker, Executive Director of the Augusta Chamber of Commerce, presented a request to close the southern half of the 300 block of State Street for an outdoor acoustic concert on June 14, 2013. Wallace made a motion to close the southern half of the 300 block of State Street for an outdoor acoustic concert on June 14, 2013. S. Jones seconded the motion. Motion carried without opposition.

Old Business:

City's Watering Restrictions and related issues: Staff did not have any recommended changes at this time.

New Business:

Downtown Main Street Design Codes: Wallace made a motion to approve Ordinance 2053 amending certain sections of the City Code pertaining to design codes for the downtown Main Street area. Malone seconded the motion. Motion carried with Childers voting in opposition.

Malone made a motion to approve Resolution 2013-14 amending the membership requirements for the Main Street Design Committee. Wallace seconded the motion. Motion failed with Malone, Rawlings, S. Jones, and Wallace voting in favor, Reavis, Lowery, Crum, and Childers voting in opposition, and the Mayor breaking the tie in favor of the opposition.

Reavis made a motion to approve Resolution 2013-14 amending the membership requirements for the Main Street Design Committee, excluding council members from serving on the committee. Childers seconded the motion. Motion failed with Reavis and Childers voting in favor and Lowery, Crum, Wallace, Rawlings, S. Jones, and Malone voting in opposition.

Lowery made a motion to approve Resolution 2013-14 amending the membership requirements for the Main Street Design Committee, with a maximum of two governing body members serving on the committee. Malone seconded the motion. Motion carried with Lowery, Wallace, Rawlings, S. Jones, and Malone voting in favor and Reavis, Crum, and Childers voting in opposition.

CIP Review Committee: S. Jones made a motion to appoint Malone and Lowery to the CIP Review Committee. Childers seconded the motion. Motion carried without opposition.

Garvin Park Playground: Wallace made a motion to schedule a ribbon cutting ceremony for Tuesday, June 11th at noon at the new Garvin Park Playground. Childers seconded the motion. Motion carried without opposition.

Work Session: Wallace made a motion to schedule a work session for 7 p.m. on Monday, June 10th to review the Mulvane-Augusta-Rose Hill Public Wholesale Water Supply District Feasibility Study. Lowery seconded the motion. Motion carried without voting in opposition.

Informational Memorandum:

Williams: Williams stated she received a certificate from Butler Community College thanking the City for participating in Give Back Day. Williams stated the Augusta High School Football team will be sealing the Play Park on July 2nd if anyone is interested in helping. Williams thanked staff for helping with providing the information requested by Austin Peters for the City Manager Recruitment Profile.

Malone: Malone asked if staff knows when there will be any feedback from Marla with Austin Peters. Shaw stated we would have the community profile and qualification profile to present for approval at the next council meeting.

Wallace: Wallace referred to item #5A and stated he doesn't mind giving Keefer his old chair, but stated he would like to see the council members chairs replaced. Rawlings agreed and stated it is his opinion that all of the chairs in the council chambers need to be replaced. Wallace stated he would like funds to be included in the budget to purchase new chairs. Rawlings stated he received a quote for 50 chairs for \$32 each and that he would bring a proposal for the next meeting. S. Jones asked E. Jones to obtain a proposal for replacing the chairs.

Williams: Williams recognized the retirement of employee Paulette Scott and said that she appreciated all she has done for the City.

Final Comments:

Wallace: Wallace inquired about the buildings we've assumed the mowing for. Allen stated they have to be tagged for 5 days and then a registered letter is mailed out. He stated if it still isn't mowed 21 days after the registered letter is sent then we mow it. He stated we have turned 20-30 properties over to the Parks department to be mowed, but they have to mow all of the city property first. Childers asked if the waiting period is set by state statute and Allen said yes.

Childers: Childers stated the sign at Taco Tico is still leaning and that it is time to turn the heat up on them. Allen stated that when he spoke to the owner she said it should be fixed in six weeks and that she hung up on him. Williams stated it is violating the city code and we need to address it.

Childers inquired about the property abandoned in the 900 block of Money and asked where staff is with getting the property remediated. Allen stated the previous owner's name is still on record but that the bank took over the property. Allen stated the City spent over \$1,800 cleaning it up and we now mow it. He stated there are people interested in buying the property but that the bank is not interested in selling it.

Rawlings: Rawlings stated he was contacted by former mayor Ross Rountree about people four wheeling on the west side of the lake and dragging mud all over the streets. Rawlings stated staff is aware and watching the area, but encouraged citizens to get the tag numbers and call it in to the Safety Department and maybe file civil suit. Crum stated she still thinks we should post signs. Williams stated people should continue to call it in immediately when they see it. She stated there may be other options available too, such as putting up gates. Rawlings stated that gates are not a good idea because of liability issues.

Rawlings stated he received a complaint about the city property at the Simmons lift station needing to be mowed because the weeds are six feet tall.

Rawlings said he has received a couple of complaints about how pool parties are scheduled. He stated people are told they have to wait in line the day the pool opens and then they get there and there are already five parties listed on the calendar. Rawlings stated this process makes it hard for groups like schools and churches to schedule parties. He stated he would like to have them be able to schedule parties in February or March.

Williams: Williams stated we are one month away from the firework display and we have had three fireworks stands submit applications which will put \$1,500 towards the display. She stated we have \$5,000 in donations for the display and she is looking for another \$1,000. Crum stated it would be nice for there to be a way to make donations on the city bills. E. Jones stated that would not be an option with our current software. Shaw stated we could look at other ways to make donations such as using the Augusta Community Foundation. Williams stated Ignite Augusta is a 501C3 organization which is an avenue for people to make a tax deductible donation with no administrative fees.

Lowery: Lowery welcomed Cami Baker as the Interim City Attorney. Lowery also thanked Shaw for all he has done and told him to keep up the good work.

Reavis: Reavis inquired about the Levee report included in the packet, specifically the part saying the modification is complete for the deletion of bid item #22 and the amount of the mod is \$183,700 credited back to the government and that they are reimbursable funds and is city money. Reavis asked if that means we have a \$183,700 credit sitting out there. Shaw stated that was resolved some time ago. He stated we don't have a credit out there; it either came back to us and put back in the project fund or was deducted from the project. He stated he would check in to that for him to be sure.

Reavis stated another concern he has is that the stop logs have been changed and now they won't fit into the buildings we built to house them. Shaw stated the dimensions are the same but they are steel now instead of aluminum which makes them weigh 3,500 lbs each. He stated that because of the weight it would take a lot to move them around on trailers so instead they are being put on concrete pads next to the stop log structures. Shaw stated the buildings will still be used to store levee materials and sand bagging equipment. He stated there will also be a trailer with stop logs on it so we have the flexibility to move them if needed. Reavis asked if it is true the City only has one truck that can lift these stop logs and that it belongs to the Electric Department. Shaw stated that is correct. He stated in next year's budget there will be funds to purchase a new digger truck and that the old one will be kept so there will be two on hand that can lift the stop logs. Malone asked if a hi-loader can be used. Rawlings stated it would not lift it high enough. Reavis asked if the stop log issue will add cost to the levee project. Shaw stated it would not except for the cost of the concrete pads. Reavis stated it seems like it is going to require more sand bagging. Shaw stated we asked if there was a way of adding a rubber seal to add more of a water tight wall. He stated the CORP thought that might be a worthwhile idea. Shaw stated we may only have to sand bag the first two or three feet if we use the rubber seal, but that there will be more sand bags because they are wider openings and we have more structures.

Adjourn: At 8:25 PM Reavis made a motion to adjourn. Malone seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
JUNE 17, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on June 17, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Matt Childers, Michael Wallace, Jamie Crum, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Also present: Interim City Attorney Cami Baker, Interim City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, Gary Rogers, Myrna Rogers, Larry Henry, Rod Davis, Sandy Koontz, and John Black.

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

Minutes: Wallace made a motion to approve the minutes from the June 3, 2013 meeting. Lowery seconded the motion. Motion carried without opposition.

Appropriations:

June (6): Reavis made a motion to approve Ordinance 6 in the amount of \$526,470.43. Malone seconded the motion. Motion carried without opposition.

Old Business:

Downtown Design Committee Appointments: Wallace made a motion to approve the Mayor's recommendation to approve the current Design Committee minus Rick Koeppen. Rawlings seconded the motion. Reavis asked Williams to list the members. Williams stated the committee will consist of Sue Jones, Mark McCollom, Holly Ross, Renee Harrison, Aaron Wells, Bill Morris, and Tom Knudson. Motion carried with Reavis voting in opposition.

City Manager Recruitment Profile: Marla Flentje with The Austin Peters Group, Inc. presented a draft copy of the City Manager Recruitment Profile. The council recommended the following amendments: Page 3, delete "an espresso coffee bar" and replace with "local bakery"; Page 4 change to "two" No child left behind awards; Page 5 delete the fourth paragraph related to the Arts Council and add a mention of the Arts Council in the third paragraph; and Page 7 remove "curb-side recycling". Flentje stated that one of the council members would be unavailable during the month of August to interview the finalists, so the timetable will need to be adjusted to accommodate that. S. Jones made a motion to approve the City Manager Recruitment Profile created by the Austin Peters Group Inc. with the recommended changes and authorize the mayor to review the final draft for approval. Malone seconded the motion. Motion carried without opposition.

Rawlings made a motion authorizing the consultant to develop ad copy for the announcement of vacancy and authorizing city staff to post the job advertisements as recommended. Childers seconded the motion. Motion carried without opposition. Flentje stated she would provide an update on the process every 10-12 days.

Butler County Conservation District: Wallace made a motion to approve the agreement with the Butler County Conservation District for services to implement watershed protection programs for Augusta City Lake and Santa Fe Lake. Childers seconded the motion. Motion carried without opposition.

Spillway: Council discussed options for painting/coating the Spillway structure in Garvin Park. The council suggested considering landscaping instead of painting/coating. Wallace made a motion to

request Larry Henry with MKEC to bring back a proposal from their landscape architects with suggestions regarding the landscaping. Lowery seconded the motion. Motion carried without opposition.

City's Watering Restrictions and related issues: Shaw stated some water had been pulled from the City Lake but it was very poor in quality. He stated we will be pulling water from Santa Fe Lake soon and it will be used to fill the million gallon tank when it is brought back online.

New Business:

Garvin Park Playground parking lot bid: Childers made a motion to approve the bid from Cornejo and Sons LLC in the amount of \$33,560 for the Garvin Park Playground parking lot. Malone seconded the motion. Motion carried without opposition.

Rawlings made a motion authorizing Shaw to move forward with using the remaining grant funds to make purchases including benches and other items recommended. Wallace seconded the motion. Motion carried without opposition.

Convention and Tourism Agreement: S. Jones made a motion to table this agenda item and place on a future agenda when the Executive Director of the Chamber of Commerce is able to be in attendance. Wallace seconded the motion. Motion carried without opposition.

Conceal Carry Legislation: Council reviewed and discussed new state legislation regarding concealed carry of firearms in municipal buildings. Council followed staff's recommendation and did not take action on this item.

KDOT Agreement for Speed Monitor Trailer: Lowery made a motion to approve an ITS Set-Aside Project Agreement with KDOT to assist with the purchase of a Solar Powered Speed Monitor Trailer. Childers seconded the motion. Motion carried without opposition.

KDOT 2014 KAIP Grant Agreement: Wallace made a motion to approve a FY 2014 KAIP grant agreement with KDOT for installation of an AWOS-III at the Augusta Municipal Airport. Reavis seconded the motion. Motion carried without opposition.

Council Chamber Chairs: Malone made a motion to approve the purchase of 50 chairs in the amount of \$40.24 each plus shipping from Church Plaza and 14 black leather executive chairs in the amount of \$244.58 plus shipping from Galaxy Business Equipment. Childers seconded the motion. Motion carried with Reavis voting in opposition.

Informational Memorandum & Final Comments:

S. Jones: Jones asked when the street department will finish the fill work on the sides of the road by the spillway. Shaw stated the dirt will be delivered this week. Jones asked when the remaining two entrances to the Lakeside Addition on the West side of Ohio will be completed. Shaw stated he would have to check in to that.

Rawlings: Rawlings stated the Oak Street paving done by Andale Paving looks really good, but that we may need to look at graveling 4th Avenue.

Williams: Williams stated the handprints are fading on the pillars at the Play Park and we may need to look into preserving those. Williams recommended a partnership between the City and the Augusta Little League for improvements to Garvin Park. Williams asked if it would help if local citizens contacted the bank about the property at 922 Money. E. Jones stated she understood that

the previous owner is still listed as the owner on record and is attempting to get the house back. Williams stated the Augusta High School Football team will be sealing the Play Park on July 2nd at 6 a.m.

Crum: Crum asked if now that Wal-Mart has closed if the city could consider moving the recycling bins up to the north part of the lot. Williams stated we would have to check with the property owner. Shaw stated that eventually the new sanitation system will hopefully eliminate the need for those bins.

Lowery: Lowery stated there is a lot of foliage growing over street signs and mentioned the intersection of Broadway and Osage specifically.

Malone: Malone inquired about the ordinance regarding boats, trailers, and RV's parked in the street. Shaw stated that a little over a year ago we got more stringent in the enforcement of that ordinance. He stated he will provide information regarding the ordinance and the previous discussion at the next meeting. Crum stated that there is a trailer by the armory that smells strongly of urine. Rawlings stated that in trying to enforce the ordinance we have found that some of those people are the most belligerent people when it comes to what they believe are their rights. Williams stated if someone has a specific address that is violating the ordinance they need to report it to the council or staff.

Reavis: Reavis asked for a recommendation from the Director of Public Safety about making the new Lulu south of 7th a no parking zone.

Reavis reference the settlement agreement with the Attorney General and stated the way he reads it they think we agreed and admitted to the technical violation. Shaw stated that David All said this issue is now done. Williams stated when those that signed it did they agreed to the technical violation. Reavis stated this has been an insult to the governing body, the complainant, and the Attorney General's Office. Childers stated if the Attorney General's Office had handled it properly it would never have gotten this far.

Adjourn: At 9:07 PM Wallace made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
JULY 1, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on July 1, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Matt Childers, Jamie Crum, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Also present: Interim City Attorney Cami Baker, Interim City Manager Josh Shaw, Public Works Superintendent Anthony Craft, City Inspector Dan Allen, and City Clerk Erica Jones. Visitors present were: Kent Bush, Mary Vogt, Shelly Martin, Lori Shryock, Kent Overaker, Bill Morris, Kristina Cartmell, and Fred Brewster.

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

Minutes: Childers made a motion to approve the minutes from the June 17, 2013 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

June (6A): Reavis made a motion to approve Ordinance 6A in the amount of \$1,206,009.90. Childers seconded the motion. Motion carried without opposition.

Visitors:

Bill Morris, representing Downtown Augusta Inc., presented a proposal to paint the lettering on the historical markers along the downtown streetscape. S. Jones made a motion authorizing the Downtown Design Committee to paint the lettering on the historical markers along the downtown streetscape using litho chrome for an amount not to exceed \$100. Reavis seconded the motion. Motion carried without opposition.

Shelly Martin, representing the Dusty Boot Saloon and White Knuckle Off Road Jeep Club, presented a request to barricade a portion of State Street on July 19th for a Jeep Night. Martin stated they will have Jeeps on display and several vendors. Martin confirmed that they will have event liability insurance. After discussion regarding what portion of the street(s) should be barricaded, Malone made a motion approving the street closure on July 19th for the Jeep night and authorizing the organizers to work with Public Works Superintendent Anthony Craft to determine what portion(s) of the street(s) should be barricaded. S. Jones seconded the motion. Motion carried with Rawlings voting in opposition.

Fred Brewster presented a request to waive the watering restrictions for a benefit car wash for the youth of the First Southern Baptist Church. Reavis made a motion to approve waiving watering restrictions for a benefit car wash for up to three hours. Malone seconded the motion. Motion failed with Reavis and Malone voting in favor of the motion and Childers, Lowery, Crum, S. Jones, and Rawlings voting in opposition.

Old Business:

Convention and Tourism Agreement: Reavis made a motion to approve a one year extension to the Convention and Tourism Agreement with the Augusta Chamber of Commerce in the amount of \$3,000. Rawlings seconded the motion. Motion carried without opposition.

Spillway Landscaping: Larry Henry with MKEC presented landscaping design alternatives developed for land adjacent to the spillway in Garvin Park. There was a consensus from the governing body for S. Jones to meet Henry at the site to review the issue.

City's Watering Restrictions and related issues: Shaw stated the One Million Gallon Tank project is complete. Shaw stated he has asked Willis Wilson with Aqua Tech Engineering to provide an estimate of how much water there is in the City Lake.

Augusta City Lake: Rawlings made a motion authorizing the expenditure of \$20,000 out of the fish restocking funds to purchase several thousand largemouth bass and an additional 300 lbs of fathead minnow to address the mature carp problem in the Augusta City Lake. Malone seconded the motion. Motion carried without opposition.

New Business:

Public Hearing 1201 Money Lot 39: Council conducted a public hearing to take input on the determination of whether a mobile home at 1201 Money Lot 39 should be considered an unsafe and dangerous structure and ordered to be cleaned up. Dan Allen stated he has documents related to this property going back as far as 2002 and as recent as 12/31/2011 regarding the trash and blight at this property. Williams inquired about the cost to clean up the property. Allen stated he received an estimate not to exceed \$2,500. Cami Baker suggested the resolution being presented this evening be amended to mirror the previous resolution.

Kristina Cartmell, owner on record for the mobile home located at 1201 Money Lot 39 addressed the governing body. Cartmell stated she has a nephew that is willing to help her haul it off. Williams stated the resolution, if approved tonight, would give Cartmell 30 days from its publication to clean up the property and encouraged her to do so. Mary Vogt addressed the governing body and stated the trailer does not have an axle or tires so it cannot be hauled off. She stated it will have to be removed piece by piece. Williams closed the public hearing.

Rawlings made a motion to approve Resolution 2013-15 amended to mirror the previous resolution and declaring the mobile home at 1201 Money Lot 39 as an unsafe and dangerous structure and ordering it to be cleaned up. Lowery seconded the motion. Motion carried without opposition.

Sale of Antique Street Pavers Policy: Malone made a motion to approve lowering the price of the Antique Street Pavers to \$1.50 per paver and opening it up to anyone for a period of one month at which point the remaining pavers will be auctioned off. Lowery seconded the motion. Motion carried without opposition.

Trash Truck Bid: Rawlings made a motion to approve the bid from Elliot Equipment Company for a New Way Sidewinder Body and Peterbilt 320 Chassis in the amount of \$215,961 including trade-in. Childers seconded the motion. Motion carried without opposition.

CMB License: Reavis made a motion to approve a CMB license for Uncle Henry's Steakhouse. Malone seconded the motion. Motion carried without opposition.

Frisco Depot Restoration Project: Childers made a motion to approve a KDOT Request for Construction Project form for the Frisco Depot Restoration Project. Malone seconded the motion. Motion carried without opposition.

South Ohio Street Project: Larry Henry with MKEC presented conceptual designs for the South Ohio Street project.

Visitor: A visitor was overlooked at the beginning of the meeting so the Mayor recognized him at this point allowing him to address the governing body.

George McCoy, 1408 Kelly Ct., addressed the governing body regarding concerns about traffic concerns on Kelly Ct. McCoy stated there are approximately 16 kids who live on that block and play and ride bikes in the street. He stated there is a problem with vehicles driving 30 plus miles per hour on the very narrow street. McCoy requested speed bumps be installed and/or the speed limit reduced from 30 MPH. He stated he has voiced his concerns to the Safety Department and officers have been out there but they haven't done anything to address the issue. Williams stated the speed limit concern in residential areas is an issue city wide. Shaw stated there have been multiple requests over time for speed control all over town. Shaw stated there needs to be a consensus from the governing body on how they want to address this and that staff needs specific direction. Williams asked that staff and the Director of Public Safety review the issue and provide information to the governing body.

Work Sessions: Malone made a motion to schedule a budget work session for July 8th at 7 p.m., a budget work session for July 22nd at 7 p.m., and a joint work session with the Street Sales Tax Committee to review the South Ohio Street Concept Design and Pavement Management Plan with the City Engineer for July 29th at 7 p.m. all at City Hall. Childers seconded the motion. Motion carried without opposition.

Informational Memorandum & Final Comments:

S. Jones: Jones stated that there are two gates going in and out of the compost area and asked why the gate going out is sometimes locked. Craft stated he would address the issue.

Rawlings: Rawlings stated the second coat of paving is done on Highland Drive and it may possibly be opened in the next couple of days.

Williams: Williams stated the new mural is not quite complete as it still needs to be grouted and the trim painted. Williams thanked Johnna Smith, Audra Shelite, and DeAnn Triboulet for their work and the students for their work on the mural. Williams stated the Augusta High School Football team will be sealing the Play Park at 6 a.m. tomorrow.

Reavis: Reavis stated in Item #3 it should read Lakeside not Lakepoint. Reavis thanked the staff in the Electric Department for addressing the outages in the Arnold/Huntington area and for their responsiveness. Reavis stated the Library minutes mentioned a \$3,000 donation for the furniture in the adult room and noted that should be recognized.

Adjourn: At 9: 18PM Reavis made a motion to adjourn. Malone seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
JULY 15, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on July 15, 2013, with Mayor Kristey Williams presiding. Council present were Jamie Crum, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Council absent was Jason Lowery, Matt Childers, and Michael Wallace. Also present: Interim City Attorney Cami Baker, Interim City Manager Josh Shaw, Water/Wastewater Superintendent Russell Still, Street/Sanitation Superintendent Anthony Craft, and City Clerk Erica Jones. Visitors present were: Kent Bush, Gary Rogers, Myrna Rogers, John Black, Keith Ayotte, and Kent Overaker.

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

Minutes: Rawlings made a motion to approve the minutes from the July 1, 2013 meeting. Malone seconded the motion. Motion carried without opposition.

Appropriations:

July (7): Reavis made a motion to approve Ordinance 7 in the amount of \$304,317.57. Malone seconded the motion. Motion carried without opposition.

Old Business:

City's Watering Restrictions and related issues: Shaw reported that Santa Fe Lake is approximately one foot below the spillway and the City Lake is down one foot. Shaw stated staff is trying to identify a problem with the water line from Santa Fe Lake.

New Business:

Patrol Vehicle Bids: Reavis made a motion to approve the bid from Don Hattan for the two wheel drive Tahoe in the amount of \$27,200. Malone seconded the motion. Motion carried with Rawlings and Jones voting in opposition.

Inflow and Infiltration (I & I) Study: Keith Ayotte, representing MKEC, presented the findings of the I & I study and discussed the methodology and reasoning behind MKEC's recommendations.

Lease Agreement for Refuse Truck: Reavis made a motion to table this item until the August 5th agenda. Malone seconded the motion. Motion carried without opposition.

CTB Grant Application: Rawlings made a motion to approve the grant request by the Augusta Historical Museum in the amount of \$500 for the reimbursement of expenses related to the 2013 Yesteryear Fair. Reavis seconded the motion. Motion carried without opposition.

CTB Billboard Sign: S. Jones stated the "Augusta" part is very difficult to read. Malone made a motion to authorize the installation of the new sign graphics located at the Augusta Municipal Airport with changes to the lettering with the Mayor's approval and if there is additional cost as a result of the lettering change to bring it back to the council. Rawlings seconded the motion. Motion carried without opposition.

Frisco Depot Restoration Project: Reavis made a motion to appoint Bill Morris as the architect for the Frisco Depot Restoration Project. Rawlings seconded the motion. Motion carried without opposition.

Special Meeting 2014 Budget Hearing: Malone made a motion to schedule a special meeting at 7 p.m. on Monday, August 12, 2013 to conduct a public hearing for the proposed 2014 Budget along with other actions related to the approval of the 2014 Budget. Rawlings seconded the motion. Motion carried without opposition.

Amend Special Meeting: Malone made a motion to amend the Special Meeting scheduled for 7 p.m. on July 29, 2013 at City Hall to begin at 6:30 p.m. at which time the council will proceed to the Frisco Depot for a tour of the building and that any left over budget discussion items will follow the Pavement Plan presentation. Crum seconded the motion. Motion carried without opposition.

Informational Memorandum & Final Comments:

Williams: Williams asked the council if they could help paint the room and when it could be done. There was not a consensus at that time.

Crum: Crum asked if the City has anything related to the Green River Ordinance. E. Jones stated all people going door to door are required to obtain a General Business License.

Reavis: Reavis stated a power line caught a tree on fire on in the 3400 block of Timber yesterday.

Adjourn: At 8:06 PM Reavis made a motion to adjourn. Malone seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
SPECIAL MEETING
JULY 29, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in a special session on July 29, 2013 with Mayor Kristey Williams presiding for the purpose of receiving an update on the status of the City Manager recruitment process and to consider the appointment of a City Council screening committee to review City Manager resumes. Council present were Matt Childers, Jason Lowery, Michael Wallace, Jamie Crum, Sue Jones, Ron Reavis and Matt Malone. Councilman Mike Rawlings was absent. Also present: Interim City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, Marla Flentje, Kent Overaker, Brian Alfaro, and Anthony Craft.

Marla Flentje with The Austin Peters Group provided an update on the City Manager recruitment process.

Wallace made a motion to appoint S. Jones, Malone, Reavis, and Williams to a subcommittee, and to schedule a meeting of the subcommittee at 7:15 p.m. on August 12, 2013 at City Hall for the purpose of reviewing the application documents for the City Manager position and preparing a recommendation for the governing body on which applicants should be interviewed the first week in September. Lowery seconded the motion. Motion carried without opposition.

Adjourn: Wallace made a motion to adjourn at 7:18 p.m. Reavis seconded the motion. Motion carried with Wallace voting in opposition.

City Clerk

CITY COUNCIL
AUGUST 5, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on August 5, 2013, with Council President Matt Childers presiding. Council present were Jason Lowery, Jamie Crum, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Council absent was Mayor Kristey Williams and Michael Wallace. Also present: Interim City Attorney Cami Baker, Interim City Manager Josh Shaw, Water/Wastewater Superintendent Russell Still, Street/Sanitation Foreman Anthony Craft, and City Clerk Erica Jones. Visitors present were: Kent Bush, Gary Rogers, Myrna Rogers, John Black, Larry Henry, and Kent Overaker.

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

Minutes: Reavis made a motion to approve the minutes from the July 15, 2013 meeting. Rawlings seconded the motion. Motion carried without opposition.

Malone made a motion to approve the minutes from the July 29, 2013 special meeting. Lowery seconded the motion. Motion carried without opposition.

Appropriations:

July (7A): Malone made a motion to approve Ordinance 7A in the amount of \$1,493,428.28. Lowery seconded the motion. Motion carried without opposition.

July (7B): Reavis made a motion to approve Ordinance 7B in the amount of \$485,450.65. Malone seconded the motion. Motion carried without opposition.

Old Business:

City's Watering Restrictions and related issues: Shaw stated the City Lake levels have come up quite a bit. Russell Still stated there is a major repair needed on the Santa Fe Lake waterline and that the suction from the river caused the plant to lose nearly 2 million gallons of water through the leak. Shaw stated the City Lake will be the only secondary water source until the leak is located and repaired.

Lease Agreement for Refuse Truck: Malone made a motion to table this item until the August 19^h agenda. Lowery seconded the motion. Motion carried without opposition.

New Business:

Change Order Oak Street: Malone made a motion to approve Change Order #1 from Andale Paving for the Oak Street Project in the amount of \$5,822.11. Reavis seconded the motion. Motion carried without opposition.

School Street Repairs: Council reviewed and discussed School Street repair concerns and scheduling with Larry Henry, City Engineer. Rawlings made a motion to approve a Change Order in the amount of \$9,199.50 from Kansas Paving for the full reconstruction of School Street as part of the water line repair. S. Jones seconded the motion. Motion carried without opposition.

S. Jones made a motion to approve a supplemental engineering services agreement with MKEC for additional design and construction inspection engineering services related to reconstruction of School Street in the amount of \$21,500. Rawlings seconded the motion. Motion carried without opposition.

GAAP Waiver: Malone made a motion to approve Resolution 2013-15 requesting the State Director of Accounts and Reports to waive the requirements of K.S.A. 75-1120a(a) with regard to the City's 2013 financial statements and reports. Reavis seconded the motion. Motion carried without opposition.

Antique Brick Pavers: The governing body directed Shaw to negotiate a price with Lusco Brick for the antique brick pavers and to bring a proposal to the council for approval.

ICMA Conference: Lowery made a motion to approve the Interim City Manager's request to attend the ICMA conference in Boston, MA the week of September 22-25, 2013. Crum seconded the motion. Motion carried without opposition.

LKM Annual Conference: Reavis and S. Jones indicated interest in attending the conference if their schedules permit.

Informational Memorandum:

Reavis made a motion to approve the bid from Budget Blinds in the amount of \$975 for blinds for the City Manager's office. Rawlings seconded the motion. Motion carried without opposition.

Final Comments:

S. Jones: Jones inquired about an annual refresher of the customer service training attended by employees last year and asked staff to follow up on that.

Rawlings: Rawlings stated there is an area of city property located on the east side of Highland Drive and the south side of the levee that has been taken over by very tall weeds. Shaw stated it is behind the contractor's fence and that he would follow up on it to make sure it is taken care of.

Childers: Childers stated he was contacted by a citizen concerned about the river levels and asked what the plan was with the levee yet to be completed. Shaw stated the levee is done and functional except for the railroad closure structure at the double tracks and that we do not have the operational manual. Shaw stated the stop logs are at the other locations and that we need to have a dry run to see how it will work. Shaw stated that without water going over the spillway at the City Lake he is not as concerned about the creek backing up. Reavis asked who the regulatory agency is over the railroad. He stated they have jerked us around and cost us a lot of money. Reavis stated we should file an official complaint.

Crum: Crum inquired about the completion date for the Ohio/Kelly project. Shaw stated that last Wednesday was work day 49 out of 60. He stated the recent rains have slowed down the progress, so today was probably work day 51.

Lowery: Lowery asked staff to check on the street patching on Clark.

Reavis: Reavis expressed his appreciation to the City and community for their support of the car show. He stated there were over 260 cars registered and a steady stream of spectators. Reavis stated he

gave away door prizes to people who had receipts for purchases made in Augusta. He stated the downtown businesses' donations were tremendous. Reavis stated next year is the 20th Anniversary of the car show and they are already starting to make plans. Reavis stated Kent Overaker from the Chamber played music part of the time which relieved him. Crum told Overaker his band was great.

Adjourn: At 7:51 PM Reavis made a motion to adjourn. Malone seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
SPECIAL MEETING
AUGUST 12, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in a special meeting on August 12, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Jason Lowery, Mike Rawlings, Sue Jones, Ron Reavis and Matt Malone. Council members Jamie Crum and Michael Wallace were absent. Also present: Interim City Manager Josh Shaw and City Clerk Erica Jones. Visitors present were: Kent Bush.

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

Public Hearing: The Mayor promptly closed the public hearing as there was no one in the audience to address the governing body.

Proposed Budget: Reavis reiterated his desire to increase the Library's allocation. Reavis asked if the additional \$25,000 allocated for parks could be decreased to cover the \$11,800 the Library needs to balance their budget. E. Jones indicated that the Council could not increase expenditures after the budget was published, only reduce expenditures. She stated the Council could consider amending next year's budget if additional revenues became available. Shaw stated the money budgeted for park improvements does not affect the mill levy but comes from capital improvement funds which come from sales tax and electric fund transfers.

Rawlings made a motion to adopt the 2014 budget as published. Childers seconded the motion. Motion carried without opposition.

Adjourn: At 7:07 p.m. Childers made a motion to adjourn. Malone seconded the motion. Motion carried without opposition.

City Clerk

CITY MANAGER SELECTION SUB-COMMITTEE
AUGUST 12, 2013
7:15 P.M.

The City Manager Selection Sub-Committee met on August 12, 2013, with Kristey Williams presiding. Other committee members present were Sue Jones, Ron Reavis, and Matt Malone. Also present: Marla Flentje with The Austin Peters Group.

Executive Session: At 7:15 p.m. Malone made a motion to go into executive session for 60 minutes to discuss personnel matters of non-elected personnel, more specifically for the purpose of reviewing the application documents for the City Manager position and preparing a recommendation for the governing body on which applicants should be interviewed the first week in September. The executive session will include Sub-Committee members, Marla Flentje, and Cami Baker via conference call if necessary. The Sub-Committee will return to open session at 8:15 p.m. in the Council Chambers. Jones seconded the motion. Motion carried without opposition.

At 8:15 p.m. Jones made a motion to exit executive session with no action being taken. Malone seconded the motion. Motion carried without opposition.

At 8:15 p.m. Jones made a motion to go into executive session for another 45 minutes to discuss personnel matters of non-elected personnel more specifically for the purpose of reviewing the application documents for the City Manager position and preparing a recommendation for the governing body on which applicants should be interviewed the first week in September. The Sub-Committee will return to open session at 9:00 p.m. in the Council Chambers. Malone seconded the motion. Motion carried without opposition.

At 9:00 p.m. Malone made a motion to exit executive session with no action being taken. Jones seconded the motion. Motion carried without opposition.

Adjourn: At 9:00 p.m. Malone made a motion to adjourn. Reavis seconded the motion. Motion carried without opposition.

Marla Flentje

CITY COUNCIL
AUGUST 19, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on August 19, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Matt Childers, Jamie Crum, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Councilman Michael Wallace was absent. Also present: Interim City Attorney Cami Baker, Interim City Manager Josh Shaw, Water/Wastewater Superintendent Russell Still, Parks Foreman Brian Alvaro, and City Clerk Erica Jones. Visitors present were: Kent Bush, Brian Glenn, John Black, Steve Hollingsworth, Willis Wilson, Larry Henry, and Kent Overaker.

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

Minutes: Rawlings made a motion to approve the minutes from the August 5, 2013 meeting. Childers seconded the motion. Motion carried without opposition.

Malone made a motion to approve the minutes from the August 12, 2013 special meeting. Lowery seconded the motion. Motion carried without opposition.

Reavis made a motion to approve the City Manager's Screening Sub-Committee minutes from August 12, 2013. Malone seconded the motion. Motion carried without opposition.

Appropriations:

August (8): S. Jones made a motion to approve Ordinance 8 in the amount of \$2,025,993.14. Lowery seconded the motion. Motion carried without opposition.

Visitors: The Mayor presented Johnna Smith, Audra Shelite, and DeAnn Triboulet with certificates of appreciation for the mosaic mural in the council chambers.

Old Business:

City's Watering Restrictions and related issues: Larry Henry with MKEC presented his findings and estimates to repair the raw water line from SFL. Willis Wilson presented a report of the City of Augusta's Water Rights Perfection Highlights. The consensus of the governing body was for staff to prepare a financial solution for the repairs to the raw water line from SFL to present to the governing body at a future meeting.

Willis Wilson presented an update on water supply projects' status and other water related issues.

Rawlings made a motion to approve the implementation of the first year fish restocking program for the Augusta City Lake. Childers seconded the motion. Motion carried without opposition. The governing body asked staff to provide the pros and cons of changing the Augusta Lake to a State Lake/Park.

Rawlings made a motion to change the watering restrictions to allow outdoor watering at all times, except on Wednesdays or Sundays. Malone seconded the motion. Motion carried without opposition.

Lease Agreement for Refuse Truck: Malone made a motion to approve the lease/purchase agreement for the purchase of a refuse truck from Community Leasing Partners for a total of \$165,961 at an interest rate of 4.49% and authorizing the Mayor and City Clerk to execute the agreement and all

other documentation related to the agreement. Lowery seconded the motion. Motion carried without opposition.

New Business:

Street Sign Bids: Jones made a motion to approve the bid from J & A Traffic Products in the amount of \$20,623.85 for MUTCD compliant signage and hardware. Rawlings seconded the motion. Motion carried without opposition.

South Ohio Street Engineering Services: Rawlings made a motion to approve an engineering services agreement with MKEC Engineering for the South Ohio Street Project in an amount not to exceed \$160,000. Childers seconded the motion. Motion carried without opposition.

2012 Audit: Jones made a motion to table the 2012 Audit until the Auditor is able to attend the meeting. Childers seconded the motion. Motion carried without opposition.

Executive Session: At 8:13 p.m. Malone made a motion to go into executive session for 20 minutes for consultation with the City's Attorney for matters that would be deemed privileged in the attorney-client relationship. He asked that Interim City Manager Josh Shaw and City Attorney Cami Baker join the Council in the executive session. The governing body will reconvene in the Council Chambers at 8:33 p.m. Childers seconded the motion. Motion carried without opposition.

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

AirCapital Aircraft Sales & Service Lease Agreement: Childers made a motion, pursuant to the cancellation clause provided in Section 18 of the lease agreement, to terminate the lease and all amendments thereto with AirCapital Aircraft Sales & Service and provide the tenant with 60 days from the September 1st billing to vacate the premises. Jones seconded the motion. Motion carried without opposition.

City Manager Interview Process: Marla Flentje with The Austin Peters Group spoke to the council about the City Manger interview process and procedures. She stated the council needs to establish dates and times for the interviews and to give direction on the elements of the interview process. The Council gave the consensus of September 9th and 10th beginning at 6 p.m. for the interviews. The consensus was to include facility and community tours and a hospitality lunch.

Informational Memorandum & Final Comments:

S. Jones: Jones inquired about the street patch across Main Street just east of Dearborn and stated it needs to be repaired. Reavis stated that area is where we took the concrete out and put asphalt in because the concrete was buckling. Rawlings stated the asphalt can be shaved down.

Jones asked if the asphalt for the new parking lot in Garvin Park is being taken out to the street. Shaw stated it is not. Jones stated the old asphalt will be in bad shape. Shaw stated to take the asphalt all the way to the street would be at our cost and could not be done with grant funds. He stated the culvert has collapsed and will need to be replaced. Shaw stated he will inquire about the cost.

Jones stated that in the monthly report from the Director of Public Safety, 31% of the animals picked up by animal control are euthanized. She stated she would like the council's permission to

talk to organizations about trapping, sterilizing and releasing animals. Jones stated she would like to prepare a cost analysis. Crum stated that many of the stray cats are starving to death and carry feline leukemia and she didn't believe releasing them back into the community was a good idea. Jones stated they are starving because of the number of them and if they are sterilized that number will go down. Crum agreed that something needs to be done. Childers asked Jones to provide the council with educational materials on how the process works.

Childers: Childers stated that local citizens have made offers for the bricks below \$1.50. He asked if the council has considered reducing the price. Childers asked that this be put on the radar for a future meeting. Williams stated if we are not able to work out an agreement with the vendor for the bricks she is open to other options.

Williams: Williams stated there is a large tree in the alley in the 100 block of Broadway that is in the power lines. Williams stated she has been asked why the City doesn't use regrind instead of the large rocks on Lakeshore Drive. Shaw stated there are varying opinions from the public about what is best based on their perceived problems with the road. He stated he trusts the Street Department's judgment based on the application. Williams asked if they could provide the governing body with a plan. Shaw stated that regrind is more expensive, especially to maintain. Jones stated the bottom line is that no one likes the rock and there has to be another solution. Williams stated that maybe they could take another look at it and provide the council with more information.

Executive Session: At 9:02 p.m. Reavis made a motion to go into executive session for 30 minutes to discuss personnel matters of non-elected personnel, specifically to review the city manager candidate screening report and to review the finalist recommendations of the selection sub-committee. He asked that Marla Flentje and City Attorney Cami Baker join the council in executive session. The governing body will reconvene in the Council Chambers at 9:32 p.m. Childers seconded the motion. Motion carried without opposition.

Rawlings made a motion to exit executive session with no action being taken. Childers seconded the motion. Motion carried without opposition.

At 9:35 p.m. Malone made a motion to go back into executive session for 10 minutes to discuss personnel matters of non-elected personnel, specifically to review the city manager candidate screening report and to review the finalist recommendations of the selection sub-committee. He asked that Marla Flentje and City Attorney Cami Baker join the council in executive session. The governing body will reconvene in the Council Chambers at 9:45 p.m. Lowery seconded the motion. Motion carried without opposition.

Childers made a motion to exit executive session with no action being taken. Rawlings seconded the motion. Motion carried without opposition.

Adjourn: At 9:45 PM Malone made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
SEPTEMBER 3, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on September 3, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Matt Childers, Jamie Crum, Michael Wallace, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Also present: Interim City Attorney Cami Baker, Interim City Manager Josh Shaw, Water/Wastewater Superintendent Russell Still, and City Clerk Erica Jones. Visitors present were: Kent Bush, Jay Anglemyer, John Black, Rob Vinson, Aaron Iverson, Dalton Patterson, Bill Ledgerwood, Rachelle Meinecke, and Holly Ross.

Prayer: Bill Ledgerwood, Elder at First Christian Church, gave the invocation.

Minutes: Reavis made a motion to approve the minutes from the August 19, 2013 meeting. Lowery seconded the motion. Motion carried without opposition.

Appropriations:

August (8A): S. Jones made a motion to approve Ordinance 8A in the amount of \$858,924.09. Lowery seconded the motion. Motion carried without opposition.

Visitors:

Holly Ross, Executive Director of Downtown Augusta Inc. (DAI), presented a request to close State Street and 6th Avenue on Saturday, October 5, 2013 from 7 a.m. to 6 p.m. for their Bikers on the Bricks event. Reavis made a motion to approve the request from DAI to close State Street and 6th Avenue on Saturday, October 5, 2013 from 7 a.m. to 6 p.m. for the Bikers on the Bricks event. Lowery seconded the motion. Motion carried without opposition.

Rachelle Meinecke, Executive Director of the Augusta Historical Museum, presented a request to close State Street from 3rd Street to the intersection of State and Walnut on Saturday, October 12, 2013 for their annual Yesteryear Fair. Meinecke also requested permission to conduct a cemetery tour on October 19, 2013 at 2 p.m. at Elmwood Cemetery. Reavis made a motion to approve the closure of State Street from 3rd Street to the intersection of State and Walnut on Saturday, October 12, 2013 for the Yesteryear Fair, and to approve the cemetery tour of Elmwood Cemetery on October 19, 2013. Lowery seconded the motion. Motion carried without opposition.

Dalton Patterson, representing August Hotel Investors, LLC, presented a Letter of Intent regarding the building of a Best Western Plus hotel to the governing body.

Old Business:

City's Watering Restrictions and related issues: Council reviewed the financing plan for the Santa Fe Lake (SFL) raw water line repair. Rawlings made a motion to approve utilizing water sales tax revenues to finance the SFL raw water line project including engineering and directing staff to amend the 2013 budget to provide the budget authority. Lowery seconded the motion. Motion carried without opposition.

Engineering Services Agreement: Reavis made a motion to approve an engineering services agreement with MKEC for repair of the SFL raw water line in the amount of \$22,000. Childers seconded the motion. Motion carried without opposition.

2012 Audit: Aaron Iverson with Edward B Stephenson & Co. presented the city's 2012 Audited Financial Reports. Lowery made a motion to approve the 2012 Audit. Childers seconded the motion. Motion carried without opposition.

New Business:

Voice Communication System Upgrade: Wallace made a motion to upgrade the City's Voice Communication System to Cox Communications. Rawlings seconded the motion. Motion carried without opposition.

Shaw informed the Council that there would be upwards of \$60 - \$70K in funds that were set aside for this project that will now be available to fund other projects such as upgrading the audio visual equipment in the council room, adding wireless to City Hall, and replacing the Christmas tree. There was a consensus from the governing body for staff to bring proposals for use of those funds to the next council meeting.

Old Business:

1201 Money Lot 39 Cleanup: Malone made a motion to approve the quote from Butler County in the amount of \$1,000, authorize Butler County Backhoe to proceed with the cleanup, and to bill the responsible parties as identified by resolution. Childers seconded the motion. Motion carried without opposition.

New Business:

KDOT Project Agreement: Malone made a motion to approve an agreement with KDOT for a geometric improvement project for the eastbound lanes on 7th Street. Rawlings seconded the motion. Motion carried without opposition.

Rawlings made a motion to approve a Cancellation of Agreement with KDOT for a previously awarded KLINK project, the funding for which has been rolled into the geometric improvement project. Malone seconded the motion. Motion carried without opposition.

Request to Exchange Federal Funds: Reavis made a motion to approve submittal of a Request to Exchange Federal Funds form to KDOT for the 2013 second distribution. Rawlings seconded the motion. Motion carried without opposition.

Voting Delegates: Malone made a motion to appoint Wallace, Reavis, and Williams as the City's voting delegates at the 2013 League Meeting and Shaw and E Jones as alternates. Childers seconded the motion. Motion carried without opposition.

Informational Memorandum & Final Comments:

S. Jones: S. Jones asked if the blinds for the city manager's office have been ordered. E. Jones stated they had. S. Jones asked if staff contacted private individuals about helping with mowing. Shaw stated he had not, but that it might be good to look at for next year given how late in the mowing season it is now. S. Jones stated there is a bus and a car in the driveway at 319 E Broadway with lots of stuff in them and they have been there for some time.

Childers: Childers asked if staff is still waiting to hear from Lusco about the bricks. Shaw stated he is but that it doesn't look promising. Childers stated the council should consider looking at lowering the brick price for citizens of Augusta.

Williams: Williams reminded the council members that the city manger interviews will be next Monday and Tuesday. She said if anyone is available to attend a lunch with a candidate to let her know. Williams stated if anyone has suggestions about interview questions to let her or Marla Flentje know.

Lowery: Lowery stated he has had more inquires about the bricks in the 200 block of Clark.

Malone: Malone asked if the council sub-committee will need to get together as a committee to finalize the city manager interview questions or if that can be handled by email. Williams stated they could try by email and if that doesn't work then they can get together or make phone calls.

Adjourn: At 8:40 PM Reavis made a motion to adjourn. Malone seconded the motion. Motion carried without opposition.

City Clerk

SPECIAL MEETING
CITY MANAGER INTERVIEWS
SEPTEMBER 9, 2013
6:00 P.M.

The Council of the City of Augusta, Kansas met in a special meeting on September 9, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Jason Lowery, Jamie Crum, Michael Wallace, Mike Rawlings, Sue Jones, Ron Reavis and Matt Malone. Also present: Marla Flentje with The Austin Peters Group, City Attorney Cami Banker, and Director of Public Safety Tyler Brewer.

Executive Session: At 6:00 p.m. Mike Rawlings made a motion to go into executive session for 3.5 hours to discuss personnel matters of non-elected personnel, more specifically for the purpose of interviewing City Manager candidates. The executive session will include the governing body, Marla Flentje, Cami Baker, and Tyler Brewer. The governing body will return to open session at 9:30 p.m. in the Council Chambers. Matt Malone seconded the motion. Motion carried without opposition.

At 9:30 p.m. Matt Malone made a motion to exit executive session with no action being taken. Mike Wallace seconded the motion. Motion carried without opposition.

Adjourn: At 9:30 p.m. Matt Malone made a motion to adjourn. Mike Wallace seconded the motion. Motion carried without opposition.

SPECIAL MEETING
CITY MANAGER INTERVIEWS
SEPTEMBER 10, 2013
6:00 P.M.

The Council of the City of Augusta, Kansas met in a special meeting on September 10, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Jason Lowery, Jamie Crum, Michael Wallace, Mike Rawlings, Sue Jones, Ron Reavis and Matt Malone. Also present: Marla Flentje with The Austin Peters Group, City Attorney Cami Baker, and Interim City Manager Josh Shaw.

Executive Session: At 6:00 p.m. Ron Reavis made a motion to go into executive session for 3 hours and 15 minutes to discuss personnel matters of non-elected personnel, more specifically for the purpose of interviewing City Manager candidates. The executive session will include the governing body, Marla Flentje, Cami Baker, and Tyler Brewer. The governing body will return to open session at 9:15 p.m. in the Council Chambers. Matt Malone seconded the motion. Motion carried without opposition.

At 9:15 p.m. Jason Lowery made a motion to exit executive session with no action being taken. Matt Malone seconded the motion. Motion carried without opposition.

At 9:15 p.m. Ron Reavis made a motion to go into executive session for another 30 minutes to discuss personnel matters of non-elected personnel, more specifically for the purpose of interviewing City Manager candidates. The executive session will include the governing body Marla Flentje, Cami Baker, and Josh Shaw. The governing body will return to open session at 9:45 p.m. in the Council Chambers. Mike Rawlings seconded the motion. Motion carried without opposition.

At 9:45 p.m. Matt Malone made a motion to exit executive session with no action being taken. Jason Lowery seconded the motion. Motion carried without opposition.

Adjourn: At 9:45 p.m. Mike Wallace made a motion to adjourn. Jason Lowery seconded the motion. Motion carried without opposition.

CITY COUNCIL
SEPTEMBER 16, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on September 16, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Jamie Crum, Michael Wallace, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Councilman Matt Childers was absent. Also present: Interim City Attorney Cami Baker, Interim City Manager Josh Shaw and City Clerk Erica Jones. Visitors present were: Kent Bush, Brian Glenn, John Black, Keith Cross, Larry Henry, Kevin Cowan, and Cheney Sloan.

Prayer: Pastor Keith Cross, First Christian Church, gave the invocation.

Minutes: Rawlings made a motion to approve the minutes from the September 3, 2013 meeting. Malone seconded the motion. Motion carried without opposition.

Malone made a motion to approve the minutes from the September 9, 2013 special meeting. Reavis seconded the motion. Motion carried without opposition.

Malone made a motion to approve the minutes from the September 10, 2013 special meeting. Rawlings seconded the motion. Motion carried without opposition.

Appropriations:

September (9): Wallace made a motion to approve Ordinance 9 in the amount of \$772,965.70. Reavis seconded the motion. Motion carried without opposition.

Visitors:

Chenay Sloan, representing Rainbows United, Inc. presented information about their organization's mission and services and discussed the details of a run/walk event they would like to host in Augusta next spring.

Old Business:

City's Watering Restrictions and related issues: Shaw stated that water usage has picked up but there have been no issues treating the amount of water we need to treat. Shaw stated we have started to take more water from the City Lake to help keep us from going over our take or pay amount with El Dorado.

Walnut Levee Certification: Brian Glenn with AMEC provided an update on the Walnut Levee Certification progress and upcoming construction project. There was a consensus from the council to use the contractor used by Williams Petroleum.

New Business:

Fee Schedule: Reavis made a motion to approve Resolution 2013-16 setting the City's Fee Schedule. Rawlings seconded the motion. Motion carried without opposition.

Engineering Services Agreement: Rawlings made a motion to approve an engineering services agreement with MKEC for design engineering services for the 7th Street Geometric improvement project. Lowery seconded the motion. Motion carried without opposition.

Remaining Budget Authority: Council reviewed and discussed options for expenditure of the remaining budget authority as a result of a favorable proposal for the City Hall phone system. Reavis made a motion to move forward with the upgrade of the audio/visual equipment in the council chambers, painting of the city council chamber's walls, and adding wireless internet access to city hall. Rawlings seconded the motion. Motion carried without opposition.

Transient Guest Tax: The City's Bond Counsel, Kevin Cowan, addressed the governing body about the process for modifying the City's charter ordinance related to the transient guest tax. Lowery made a motion directing Cowan to prepare a charter ordinance increasing the transient guest tax to 6% and to include a provision to allow the tax to be used for economic development purposes. Rawlings seconded the motion. Motion carried without opposition.

Work Session: S. Jones made a motion to schedule a work session for October 14, 2013 at 7 p.m. at City Hall to discuss the proposed Best Western Plus hotel development. Rawlings seconded the motion. Motion carried without opposition.

Informational Memorandum & Final Comments:

Williams: Williams wished Nancy Turnage, Executive Secretary, a happy birthday and thanked her for being at the meeting to run the audio/visual equipment.

Malone: Malone stated the back yard of 3116 Stephanie needs to be mowed. Shaw stated staff was aware and is working through the process of getting it taken care of.

Reavis: Reavis stated he was contacted by a citizen with the request for a feasibility study of installing a stop sign at Stonelake and David streets. Shaw stated staff will look in to that.

Reavis stated that any discussion about westward expansion has been held back because of the cost of extending utilities across the river. He asked if it would be feasible to add an extra line for utilities while installing the new Santa Fe Lake waterline. Shaw stated staff had already thought of that and have asked Larry Henry with MKEC to include that cost as an add alternate to the bid. Shaw stated we may be able to piecemeal that together, but that we would have to have a secondary funding source for that portion of the project.

S. Jones: Jones referenced item #4 on the Informational Memorandum and thanked staff for testing the different materials. She asked if the residents have been notified. Shaw stated they will be notified. Reavis stated he has had a citizen tell him he would be in favor of petitioning and paying for a hard surface road if it did not have to be curbed and guttered. S. Jones stated she had Larry Henry get her the cost information in the last 4-5 months and the citizens were not willing to pay the cost.

S. Jones stated the Bikers on the Bricks event was approved at the last council meeting, but that she found out that businesses were not notified until last Wednesday that the event was occurring. She stated she also was not aware that the beer garden opens at 9 a.m. She stated that does not give a good image of Augusta but that she was informed by staff that city code allows for them to start serving at 9 a.m. S. Jones stated the council needs to do more due diligence to gather all details of events prior to approval. Rawlings stated that with all of the events, including those through DAI and the Chamber, that the council needs to make sure they talk to all the businesses and individuals involved prior to coming to the council for approval. Malone stated he doesn't know how you can have an organization tailored to the downtown and not be able to contact them.

Rawlings: Rawlings stated that after Wal-Mart was built it was noticed that vehicles travel at a high rate of speed on 6th Street / Thunder Road near the intersection at Lulu. He stated he spoke to Director of Public Safety Brewer and he indicated he would like the governing body to approach the County Commission about doing a study to see about posting speed signage in that area. Shaw stated that staff is looking into annexing the rest of Lulu to 6th Street. He stated we can currently write tickets, but since that area is outside of the city limits we have to handle those in district court. Rawlings stated the request was more about posting the signage rather than annexing the area on 6th Street / Thunder Road.

Crum: Crum inquired about the grass and conditions inside a home located at 2510 Mainsgate and stated the neighbors have complained that the bank that owns the property is not maintaining it. She stated they are also not actively trying to sell the property. E. Jones stated staff is aware of this property and has mowed the grass for the last few years. She stated she would check with the Inspection Department to see if anything can be done about the inside of the property, but that the City cannot force the bank to sell the property.

Executive Session: At 8:37 p.m. S. Jones made a motion to go into executive session for 30 minutes to discuss personnel matters of non-elected personnel, specifically related to an employment contract for the City Manager and the contract for the Interim City Manager and asked that City Attorney Cami Baker and Marla Flentje (by phone if necessary) join the Council in the executive session. The governing body will reconvene in the Council Chambers at 9:07 p.m. Lowery seconded the motion. Motion carried without opposition.

At 9:07 p.m. Lowery made a motion to exit executive session with no action being taken. Malone seconded the motion. Motion carried without opposition.

At 9:07 p.m. S. Jones made a motion to go into executive session for 20 minutes to discuss personnel matters of non-elected personnel, specifically related to an employment contract for the City Manager and the contract for the Interim City Manager and asked that City Attorney Cami Baker join the Council in the executive session. The governing body will reconvene in the Council Chambers at 9:27 p.m. Malone seconded the motion. Motion carried without opposition.

At 9:27 p.m. Malone made a motion to exit executive session with no action being taken. Lowery seconded the motion. Motion carried without opposition.

Adjourn: At 9:28 PM Malone made a motion to adjourn. Wallace seconded the motion. Motion carried without opposition.

City Clerk

SPECIAL MEETING
CITY MANAGER SELECTION/ANNOUNCEMENT
SEPTEMBER 19, 2013
9:00 P.M.

The Council of the City of Augusta, Kansas met in a special meeting on September 19, 2013, with Mayor Kristey Williams presiding. Council present were Matt Childers, Jason Lowery, Jamie Crum, Michael Wallace, Mike Rawlings, Sue Jones, Ron Reavis and Matt Malone. Also present: Interim City Attorney Cami Baker, Interim City Manager Josh Shaw and City Clerk Erica Jones. Visitors present were: Kent Bush, Rod Davis, Marla Flentje, Ray Jones, Myrna Rogers, and Gary Rogers.

City Manager Employment Contract: S. Jones made a motion to approve an employment contract for City Manager with Gabriel Gonzalez with his starting date to be November 15, 2013. Rawlings seconded the motion. Motion carried without opposition.

Williams stated that Gonzalez said that he is really excited to work with all of us as a team and looks forward to seeing us soon. Williams thanked Marla Flentje for her assistance with this process. She thanked the City employees for maintaining services in the absence of a City Manager, and gave special thanks to Josh Shaw for all of his hard work as the Interim City Manager. Williams stated that the Council worked really well together through this process. She thanked Interim City Attorney Cami Baker for her work on the contract.

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

CITY COUNCIL
OCTOBER 7, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on October 7, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Matt Childers, Jamie Crum, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Councilman Michael Wallace was absent. Also present: Interim City Manager Josh Shaw and City Clerk Erica Jones. Visitors present were: Kent Bush, Myrna Rogers, Gary Rogers, Ray Jones, John Black, Larry Novak, Stan Taylor, Mike Galbraith, Steve Frank, Larry Henry, Tim Johnson, Bob King, Kevin Cowan, Bill Morris, Craig Johnson, Jaime Simpson, Steve Compton, and Bryan Sowards.

Prayer: Councilman Lowery gave the invocation.

Minutes: Reavis made a motion to approve the minutes from the September 16, 2013 meeting. Lowery seconded the motion. Motion carried without opposition.

Malone made a motion to approve the minutes from the September 19, 2013 special meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

September (9A): Rawlings made a motion to approve Ordinance 9A in the amount of \$1,001,901.19. Lowery seconded the motion. Motion carried without opposition.

Visitors:

Kent Bush, representing the Augusta Chamber of Commerce, presented a request to use the City Lake road for the annual Loop the Lake Run on October 12, 2013. Reavis made a motion to approve the request from the Augusta Chamber of Commerce to use the City Lake road for the annual Loop the Lake Run on October 12, 2013. Lowery seconded the motion. Motion carried without opposition.

Jaime Simpson, representing Project Jai Play, presented a request for use of the walking path and road around Garvin Park for a 5K walk/run fundraising event on November 16, 2013. Malone made a motion to approve the request from Project Jai Play to use the walking path and road around Garvin Park for a 5K walk/run fundraising event on November 16, 2013. Childers seconded the motion. Motion carried without opposition.

Bryan Sowards, representing KS Wildlife and Parks, was present to provide information and answer Council questions about the "Community Fisheries Assistance Program" and fish restocking. Larry Novak, 18 Woodland Drive, asked questions regarding handling algae control and restocking under the program. Craig Johnson, also with KS Wildlife and Parks, answered Novak's questions.

Steve Compton, utility customer at 419 State, presented a request for an extension of his August 15th utility bill for 15 days. Reavis made a motion to extend the utility payment for 419 State's August 15th bill until October 22nd and the September 15th bill to October 31st and the bills after the September 15th billing to be paid within the arrangement policy. Lowery seconded the motion. Motion carried without opposition.

Old Business:

City's Watering Restrictions and related issues: Shaw stated staff has reduced the amount of water purchased from El Dorado to 500,000 gallons per day and that we are starting to use the city lake more to get us on track to meet our take-or-pay amount in the contract with El Dorado. Shaw stated water usage is up, but not significantly.

City Council Chambers: Council reviewed and discussed options for painting the city council chambers. Crum made a motion to approve the bid from P & G painting in the amount of \$2,820 to paint the walls in Gray Huskie and the ceiling white, and to remove the blinds. Malone seconded the motion. Motion carried without opposition.

School Street Project: Larry Henry, City Engineer, provided an update on the School Street project. The general consensus from the governing body was to wait until 2014 to complete the School Street project. Shaw stated he would prepare a letter for the residents in that area to notify them of the delay.

New Business:

Charter Ordinance for Transient Guest Tax: Rawlings made a motion to approve Charter Ordinance 16 exempting the City from state provisions for transient guest tax, providing authority to increase the transient guest tax up to a not to exceed rate of 6%, and authorizing the use of transient guest tax for economic development purposes, with Section 5 referring to an audit to be changed from "may" to "shall". Childers seconded the motion. Motion carried with Lowery, Childers, Crum, Rawlings, Reavis, and Williams voting in favor and S. Jones and Malone voting in opposition.

Architectural Services Agreement: Lowery made a motion to approve an architectural services agreement with William Morris Associates Architects for the Frisco Depot restoration project. Childers seconded the motion. Motion carried with Malone voting in opposition.

Dike Road Relocation Bids: Reavis made a motion to approve the low bid from Mies Construction in the amount of \$321,279.90 for the Dike Road relocation project. Childers seconded the motion. Motion carried with S. Jones and Malone voting in opposition.

Utility Dump Truck Bids: S. Jones made a motion to approve the low bid from Mel Hamilton Ford in the amount of \$50,630 (including trade) for the Utility Dump Truck for the Parks Department. Lowery seconded the motion. Motion carried without opposition.

Airport Advisory Board: Malone made a motion to approve the Mayor's appointment of Dane Mulligan to the Airport Advisory Board to fill a vacant position. Lowery seconded the motion. Motion carried without opposition.

Informational Memorandum & Final Comments:

Childers: Childers stated he noticed the new radar trailer at the west end of town and that it is very nice looking. He stated his radar picked it up and Santa Fe Lake Road.

Lowery: Lowery asked if staff needed a consensus from the governing body requesting that they bring back a bid policy including a local preference option. Williams stated that it was pretty clear from tonight's discussion that there is a consensus from the governing body for staff to bring back options, which would then be subject to a vote by the council.

S. Jones: S. Jones stated that American Municipal Services was hired last spring to assist in the collection of unpaid court fees and fines and asked how that was coming along. E. Jones stated she is aware that they have collected some funds but that she would prepare a report on those collections to provide to the governing body with the report she prepares annually in December regarding the utility billing collections. S. Jones stated the Adopt-A-Pot winners have been selected. They are 1st Place – VFW (Ladies Auxiliary) , 2nd Place – Shirley Suther, 3rd Place – ACT3 (Linda Archer, Sandi Casey, and Jo Tillman).

Crum: Crum inquired about who was responsible for the flags on the poles by the High School. E. Jones stated the school district is responsible for those. Crum stated there were a couple that were coming loose and with the Homecoming Festival this week it would be good for those to be taken care of.

Adjourn: At 9:30 PM Malone made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
OCTOBER 21, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on October 21, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Matt Childers, Jamie Crum, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Councilman Michael Wallace was absent. Also present: Interim City Attorney Cami Baker, Interim City Manager Josh Shaw and City Clerk Erica Jones. Visitors present were: Kent Bush, Trudy Jacobson, Clint Headley, Sandi Casey, Bill Morris, Larry Henry, and Brian Glenn.

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

Minutes: Childers made a motion to approve the minutes from the October 7, 2013 meeting. Reavis seconded the motion. Motion carried without opposition.

Appropriations:

October (10): Malone made a motion to approve Ordinance 10 in the amount of \$544,508.54. Lowery seconded the motion. Motion carried without opposition.

Visitors:

Bill Morris, representing Downtown Augusta Inc., presented a request to close the 500 Block of State Street for the Annual Chili Cook Off on Saturday, October 26th and also made DAI's request for City funding for 2014. Malone made a motion to approve the closure of the 500 Block of State Street for the Annual Chili Cook Off on Saturday, October 26th. Lowery seconded. The governing body gave a consensus that they would like for the business owners to be notified or the closure prior to the event and prior to the request coming to the council. Motion carried without opposition.

S. Jones made a motion to table DAI's request for City funding for 2014 until DAI can present a concrete plan on how the current issues with DAI will be addressed. Malone seconded the motion. Motion carried without opposition.

Williams presented the Adopt-A-Pot awards to Trudy Jacobson, representatives from Ladies Auxiliary VFW Post 6746, with first place; Sandi Casey, representing ACT III, with second place; and Council member Malone, representing Shirley Suther, with third place.

Williams read a proclamation on behalf of the local VFW regarding the annual distribution of Buddy Poppies on November 9th and 10th at both Wal-Mart and Dillons.

Old Business:

Santa Fe Lake Waterline: Larry Henry with MKEC provided an update on the SFL raw water line engineering design process.

Walnut Levee Certification: Brian Glenn with AMEC provided an update on the Walnut Levee certification and discussed the contractor selection process for drainage structure improvements. Childers made a motion to bid the drainage structure improvements competitively. Malone seconded the motion. Motion carried without opposition.

New Business:

Change Order: Reavis made a motion to approve Change Order #1 in the amount of \$10,130 with AMEC for the Walnut Levee Certification project. Rawlings seconded the motion. Motion carried without opposition.

Engineering Services Agreement: S. Jones made a motion to approve an engineering services agreement with MKEC for the study of water and sanitary sewer lift station capacities in the 7th Street corridor and to do so by the execution of Section 4 of Resolution 2010-15 authorizing payment out of the Economic Development fund of the City. Lowery seconded the motion. Motion carried without opposition.

Cost Benefit Consultant: Reavis made a motion to select Steve Robb as the consultant to perform a cost-benefit analysis for the Best Western Plus hotel development project. Childers seconded the motion. Motion carried without opposition.

Street Sales Tax Committee: Malone made a motion to approve the appointment of Dalton Patterson, Tommy Palmer, Buddy Willis, Joe Pennycuff, Brent Van Dyke, Gary Rogers, Anita Elliot, Kevin Visor, Shirley Stueven, Tom Reiling, and Rick Blue to the Street Sales Tax Advisory Committee. Lowery seconded the motion. Motion carried without opposition.

MUTCD Sign Bids: Childers made a motion to approve the bid from Vulcan Signs in the amount of \$19,629.72 for MUTCD compliant signage and hardware. Malone seconded the motion. Motion carried without opposition.

Informational Memorandum & Final Comments:

Childers: Childers stated he had some questions about the emails he sent Shaw previously. Shaw asked Childers to remind him of the content of the emails.

Reavis: Reavis stated he received an email from a realtor about the downtown Emprise building and stated he would like to know for sure whether or not the council is interested in the building so we can either move forward or put the conversation to rest. Malone, Lowery, and S. Jones stated they were interested in the property but Childers, Reavis, Rawlings, Crum, and Williams stated they were not.

Reavis stated we are approaching the developer's self imposed deadline for the hotel and asked if we have a timeline or plan. Shaw stated that two steps were taken tonight regarding that discussion and that once the cost benefit analysis is complete we can have a discussion. Shaw stated he would also follow up with the developer about the deadline.

Williams: Williams stated that she, Reavis, Shaw, and E. Jones attended the LKM Conference this past weekend and that there were discussions about crowd funding and crowd sourcing, and that she would include that information in the Informational Memorandum at some point.

Rawlings: Rawlings stated he has had citizen's voice concerns to him about dogs at large and getting into trash. He stated that all dogs are to be on a leash unless they are in a fenced in yard. Rawlings stated he was asked about the grass on the new levee, and that he wanted everyone to know the contractor is responsible for that. He stated that they will re-seed it with Bermuda grass next spring.

Executive Session: At 8:16 p.m. Childers made a motion to go into executive session for 5 minutes to discuss personnel matters of non-elected personnel, specifically related to an employment contract for the City Manager position. Childers asked that Interim City Attorney Cami Baker joint the council in executive session and that the governing body would reconvene in the council chambers at 8:21 p.m. Lowery seconded the motion. Motion carried without opposition.

At 8:21 p.m. Lowery made a motion to exit executive session with no action being taken. Malone seconded the motion. Motion carried without opposition.

City Manager Contract: Rawlings made a motion to approve the amendment to the employment contract for the City Manager position. Lowery seconded the motion. Motion carried without opposition.

Adjourn: At 8:22 PM Malone made a motion to adjourn. Lowery seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
NOVEMBER 4, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on November 4, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Matt Childers, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Council members Michael Wallace and Jamie Crum were absent. Also present: Interim City Attorney Cami Baker, Interim City Manager Josh Shaw, Director of Public Safety Tyler Brewer, Airport Manager Lloyd Partin, Water/Wastewater Superintendent Russell Still, and City Clerk Erica Jones. Visitors present were: Captain Bruce Relph, Sergeant Chad McCluskey, Officer Derek Highbarger, Kent Bush, Myrna Rogers, Gary Rogers, John Black, Bill Morris, Desirae Farmer, Gail Abney, and Brad Waller.

Prayer: Councilman Jason Lowery gave the invocation.

Minutes: Rawlings made a motion to approve the minutes from the October 21, 2013 meeting. Lowery seconded the motion. Motion carried without opposition.

Appropriations:

October (10A): Malone made a motion to approve Ordinance 10A in the amount of \$1,144,116.81. Lowery seconded the motion. Motion carried without opposition.

Visitors:

Mayor Williams and Director of Public Safety Tyler Brewer presented Captain Bruce Relph, Sergeant Chad McCluskey, and Officer Derek Highbarger with the "Life Saving Award" for being directly responsible for the saving of a human life.

Myrna Rogers, representing the American Legion Unit 189, announced that they made a neck tie quilt as a fundraiser for the Sunlight Children's Home and have encouraged the other American Legion Posts in Butler County to do the same. They will sell tickets for one year and at the end of the year a winner will be drawn and the funds will be donated to the Home for the purchase of educational equipment to be used by the children.

Desirae Farmer addressed the Council and requested permission to have a Lake Run and Bake Sale on November 30th to raise funds to help cover medical expenses for her sister related to the six week premature birth of her child and the birth defects he/she suffers from. Farmer stated that LakePoint will be sponsoring the event and will be providing the necessary insurance coverage required by the City. Malone made a motion to approve the request to have a Lake Run and Bake Sale at the Augusta Lake on November 30th. Lowery seconded the motion. Motion carried without opposition.

Old Business:

Watering Restrictions: The Council asked staff to prepare documents for the next council meeting to rescind the water emergency and remove all watering restrictions.

Federal Disaster Declaration: Shaw stated that Butler County was included in the Federal Disaster Declaration signed by the President, and that the State Disaster Declaration also included Butler County. Shaw stated that would potentially make the Santa Fe Lake raw waterline repair reimbursable by up to 85%.

Water Rate Increase Recommendations: Shaw presented the Council with the different water rate increase options and stated they would be discussed further in the Special Meeting the next week. The Council asked staff to provide updates on the sales tax revenue projections for that Special Meeting.

Walnut Levee Certification: Shaw stated the bids were not ready for this Council meeting but would be available for the meeting on November 18th.

New Business:

Frisco Depot Restoration Project: Reavis made a motion to approve Floor Plan B and to authorize submittal of preliminary field check plans to the State to begin the environmental review process. Lowery seconded the motion. Motion carried without opposition.

Engineering Services Agreement: Reavis voice concern with Section 4.11 of the agreement. Brad Waller with Benesch conceded to delete Section 4.11.3. S. Jones made a motion to approve an engineering services agreement with Benesch for airport engineering/consulting services. Lowery seconded the motion. Reavis voiced concern with the Limitation of Liability amount listed in Section 5.2. S. Jones made a motion to withdrawal her motion to approve so more consideration could be given to Section 5.2. Lowery seconded the motion. Motion to withdraw original motion carried without opposition.

Benesch Work Authorization: S. Jones made a motion to table Work Authorization No. 1 with Benesch for Automated Weather Observation System (AWOS) siting and design and Work Authorization No. 2 with Benesch for Augusta Municipal Airport Land Acquisition until the Engineering Services Agreement is approved. Rawlings seconded the motion. Motion carried without opposition.

Vac/Sewer Truck Bids: Rawlings made a motion to approve the bid from RED Municipal & Industrial Equipment Co. for a total bid price of \$269,884 including trade and authorize staff to prepare a lease purchase agreement. Reavis seconded the motion. Motion carried without opposition.

Landfill Coupon Program: Malone made a motion to continue the Landfill Coupon Program for 2014 and to include commercial customers in the program. Reavis seconded the motion. Motion carried without opposition.

Cereal Malt Beverage License: Malone made a motion to approve the Cereal Malt Beverage License for Zorro's Tacos, located at 205 W 7th Ave, for sales for consumption on premises. S. Jones seconded the motion. Motion carried with Rawlings voting in opposition.

Special Meeting: S. Jones made a motion to schedule a Special Meeting at 7 p.m. Thursday, November 14, 2013 at City Hall for the object and purpose of reviewing and discussing a proposed water rate increase, reviewing and discussing results of the 7th Street Corridor Water and Sanitary Sewer Study with the City Engineer, and reviewing the cost benefit analysis for the proposed hotel development. Malone seconded the motion. Motion carried without opposition.

S. Jones made a motion to add an agenda item under New Business to review the 2014 Employee Health Insurance Renewal. Malone seconded the motion. Motion carried without opposition.

2014 Employee Health Insurance Renewal: Reavis made a motion to keep the employee insurance premium contributions the same for 2014 as they were for 2013. Childers seconded the motion.

Motion carried with Rawlings, Lowery, Reavis and Childers voting in favor and S. Jones and Malone voting in opposition.

S. Jones made a motion to approve the 2014 Employee Health Insurance Renewal. Lowery seconded the motion. Motion carried without opposition.

City Manager Contract Amendment: Lowery made a motion to approve amending the City Manager Contract to make his start date November 12, 2013. Malone seconded the motion. Motion carried without opposition.

Informational Memorandum & Final Comments:

Reavis: Reavis stated that staff is looking for direction on whether or not to put the Christmas tree up this year. Rawlings stated no based on the condition of the tree. Malone stated he would like that contingent on staff coming up with a plan for next year. Williams stated she would like the City to work with Ignite Augusta to put displays up at businesses around town and provide a map as to where they displays are located. S. Jones agreed. Cami Baker stated that the problem with that most businesses are not set up with adequate electrical power to support the larger displays and it is very costly to upgrade the electrical power. Rawlings stated he checked on one for someone and it was going to cost approximately \$3,000 to make the necessary upgrades. Baker stated the Ignite Augusta Board is still considering their options. Williams stated she would rather see the City get involved and display them in a few key locations instead of the tree.

Williams: Williams stated the paint in the council chambers looks great but that we do need to look in to purchasing blinds for the windows. She invited citizens to come take a look at the updated council chambers.

Williams thanked Holly Harper for working on the tile restoration at the Play Park. She stated there is no guarantee that the tiles will not fade again, but that there is now a map of all of the tiles.

Williams stated she received a fireworks display contract from a new vendor for \$7,500. She stated she was not pleased with last year's display. She asked the Council how they felt about her looking into a crowd sourcing project for the fireworks display. The consensus from the Council was for Williams to proceed with the crowd sourcing project.

Williams announced that Councilwoman Crum has had her baby and is currently on maternity leave.

Williams stated she would be rearranging the council according to Wards, with Wallace on the end since he has been gone.

Adjourn: At 9:08 PM Rawlings made a motion to adjourn. Malone seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
NOVEMBER 18, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on November 18, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Matt Childers, Michael Wallace, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Council member Jamie Crum was absent. Also present: Interim City Attorney Cami Baker, City Manager Gabe Gonzalez, Assistant City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, Myrna Rogers, Gary Rogers, John Sidorek, Brian Glenn, John Black, and Robert Buckingham.

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

Oath of Office: City Manager Gabe Gonzalez took the Oath of Office for the City of Augusta.

Minutes: Malone made a motion to approve the minutes from the November 4, 2013 meeting. Lowery seconded the motion. Motion carried without opposition.

Appropriations:

November (11): S. Jones made a motion to approve Ordinance 11 in the amount of \$270,992.46. Rawlings seconded the motion. Motion carried without opposition.

Visitors:

Robert Buckingham, 215 Harrington Avenue, thanked the City for their continued support for Augusta Youth Soccer. He stated 400 kids played this year.

Old Business:

Watering Restrictions: Wallace made a motion to approve the City of Mulvane's request to waive the take or pay provision in the wholesale water contract for 2013. Rawlings seconded the motion. Motion carried without opposition.

S. Jones made a motion to approve Resolution 2013-16 ending the water emergency and to remove all watering restrictions. Malone seconded the motion. Motion carried without opposition.

Master Engineering Services Agreement: Reavis made a motion to approve a Master Engineering Services Agreement with Benesch for airport engineering/consulting services, contingent on the City Manager negotiating the language related to transferring the risk of indemnification. Lowery seconded the motion. Motion carried without opposition.

Lowery made a motion to approve Work Authorization No. 1 with Benesch for Automated Weather Observation System (AWOS) siting and design. Childers seconded the motion. Motion carried without opposition.

Malone made a motion to approve Work Authorization No. 2 with Benesch for Augusta Municipal Airport Land Acquisition. Reavis seconded the motion. Motion carried without opposition.

Landfill Coupon Program: Reavis made a motion to continue the Landfill Coupon Program for 2014 under the same provisions as the 2013 pilot program. Wallace seconded the motion. Motion carried without opposition.

New Business:

Airport Lease Agreement: Reavis made a motion to approve an airport lease agreement with JD Aviation Services for aircraft maintenance and flight instruction services. S. Jones seconded the motion. Motion carried without opposition.

Walnut Levee Bids: Malone made a motion to approve the bid from HWA Davis Construction and Supply, Inc. in the amount of \$54,684 for the Walnut River Drainage Structure #5. Rawlings seconded the motion. Motion carried without opposition.

Library Board Appointment: Malone made a motion to approve the Mayor's appointment of Brad Kohlman and Jane Forkner to the Library Board. Reavis seconded the motion. Motion carried without opposition.

Informational Memorandum & Final Comments:

Malone: Malone asked how long we have the excavator at the lake for tree removal. Shaw stated we have it for two weeks. Malone asked if they are marking the trees for removal. Shaw stated they are not formally marked, but that staff has been keeping an informal watch on them and knows which trees need removed.

Reavis: Reavis asked why the Special Parks Fund is only at 23% of its budgeted expenditures. Shaw stated we have not made the payment yet for the new truck that was purchased for the Parks Department.

Reavis stated that former city employee Jim Pence passed away. He stated Pence was a dedicated city employee who after a storm fell off a pole and was injured. Reavis offered his condolences and thoughts to the Pence family.

S. Jones: Jones asked if none of the light displays besides the Augusta Kansas were worth putting out. Shaw stated that the others are in need of serious repair and would be costly in labor and material. Rawlings stated that the displays were purchased by citizens and non-profit groups and the City helped install them for safety reasons. He stated the repairs were done by volunteers and community groups. He stated there are no longer 50-60 volunteers to assist in putting them together and making the repairs. Rawlings stated it would take 400-500 man hours to clean up 5 or 6 of the displays in addition to material costs. Rawlings stated that each display cost \$25,000 to \$50,000 each and it would probably be cheaper to trade the old ones in and purchase new ones. Williams stated it is ultimately Ignite Augusta's decision because the displays belong to them.

S. Jones inquired about the stringing of garland on the downtown light poles. She stated the garland is in poor shape. Shaw stated the City is planning to put those decorations up and if the Council wants something different we would have to purchase it.

Williams: Williams stated there will be an open house to welcome new City Manager Gonzalez on December 2nd from 5 p.m. to 6:30 p.m. in the council chambers and is open to the general public.

Lowery: Lowery voiced his appreciation to the Street Sales Tax Committee for all their hard work in identifying projects to be considered.

Childers: Childers stated he appreciates the new format for the meeting.

Wallace: Wallace read a statement announcing that he was vacating his council seat effective immediately. He recommended Myrna Rogers to the governing body as his replacement. Williams thanked Wallace for his service on the council and stated the governing body would take Rogers into consideration and weigh their options.

Executive Session: Malone made a motion to recess into executive session for 15 minutes under the real property acquisition exception to the Kansas Open Meetings Law for the purpose of discussing acquisition of real property for future expansion of city facilities. Malone asked that Interim City Attorney Cami Baker, City Manager Gabe Gonzalez, and Assistant City Manager Josh Shaw join the executive session. The governing body will reconvene in the Council Chambers at 8:21 p.m. Lowery seconded the motion. Motion carried without opposition.

At 8:21 p.m. Rawlings made a motion to exit executive session with no action being taken. Reavis seconded the motion. Motion carried without opposition.

Adjourn: At 8:22 PM Malone made a motion to adjourn. Reavis seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
DECEMBER 2, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on December 3, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Matt Childers, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Council member Jamie Crum was absent. Also present: Interim City Attorney Cami Baker, City Manager Gabe Gonzalez, Assistant City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, Myrna Rogers, Gary Rogers, Ken Bratton, Paul Belt, and Teresa Wallace.

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

Minutes: Childers made a motion to approve the minutes from the November 18, 2013 meeting. Lowery seconded the motion. Motion carried without opposition.

Appropriations:

November (11A): Lowery made a motion to approve Ordinance 11A in the amount of \$988,527.66. Reavis seconded the motion. Motion carried without opposition.

Presentations:

The Mayor presented service awards to City of Augusta employees. Lieutenant Tim Follis was presented an award for 25 years of service, Director of Public Safety Tyler Brewer for 10 years of service, and Accounts Payable Clerk Tammy Davis for 10 years of service.

New Business:

Acceptance of Property: S. Jones made a motion to approve acceptance of the acquisition of Parcel #298-27-0-10-12-010-00-0-0 as a real estate asset of the City. Lowery seconded the motion. Motion carried without opposition.

2014 Utility Abatements: Council reviewed and discussed the 2014 Utility Abatement applications. The consensus of the Council was that the list of applicants was acceptable, to increase the abatement amount for the Augusta Community Caring Center to \$3,400, and that the approval of the abatements would be contingent on receiving the financials for the four that did not provide them with their application.

2013 Utility Write Off's and Collection: Rawlings made a motion to approve the write off of 25 utility accounts in the amount of \$5,801.17. Lowery seconded the motion. Motion carried without opposition.

Schedule a Public Hearing for 2013 Budget Amendments: Lowery made a motion to schedule a public hearing for Monday, December 16, 2013 at 7:00 p.m. to take input on 2013 Budget Amendments and to authorize publication of the public hearing notice. Malone seconded the motion. Motion carried without opposition.

City Council Appointment: The Council members each placed a name on a written ballot of their preferred candidate for the open council position. The City Clerk read the names aloud. The ballots were: Lowery, Rawlings, Childers, and Jones for Paul Belt and Malone and Reavis for Myrna Rogers. Paul Belt received the majority vote.

Final Comments:

Malone: Malone asked if the clean up around the lake is finished. Shaw stated it will be an ongoing process, but the tree removal with the rental equipment is finished.

Reavis: Reavis asked if the delivery of the Wichita East newspaper could be considered littering per our ordinances. He stated they are unsolicited newspapers that are tossed in driveways, curbs, and in the gutters. He asked if there is something that could be done to curtail their delivery. Childers stated if it is littering, the delivery of phone books could fall into that as well. Baker stated she would take a look at the city's ordinance. She stated this has been brought up in other communities too. Gonzalez stated we may need to send a letter to the newspaper on behalf of the City as a friendly reminder to make sure they are delivered to the porch if that is our desire.

S. Jones: Jones inquired about the status of the new trash truck. Gonzales stated we have received the truck and we are rolling out a plan to implement the automated trash system by April 1st. He stated we need to order additional carts and do some tree trimming.

Williams: Williams stated the open house to welcome Gonzalez was great and thanked all those who attended.

Childers: Childers inquired about the Airport sign and its lighting issues. Shaw stated the ultimate fix will be running electrical wire out to the sign. He stated the solar lights have had ongoing issues.

Executive Session: At 7:43 p.m. Rawlings made a motion to go into executive session for 30 minutes under the attorney-client privilege exception to the Kansas Open Meetings Act for consultation with the Interim City Attorney related to a development contract. Rawlings asked that City Manager Gabe Gonzalez, Assistant City Manager Josh Shaw, and Interim City Attorney Cami Baker join the Council in the executive session. The governing body will reconvene in the Council Chambers at 8:13 p.m. Malone seconded the motion. Motion carried without opposition.

At 8:13 p.m. Rawlings made a motion to exit executive session with no action being taken. Reavis seconded the motion. Motion carried without opposition.

Adjourn: At 8:14 PM Malone made a motion to adjourn. Rawlings seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
DECEMBER 16, 2013
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on December 16, 2013, with Mayor Kristey Williams presiding. Council present were Jason Lowery, Matt Childers, Paul Belt, Sue Jones, Mike Rawlings, Ron Reavis, and Matt Malone. Council member Jamie Crum was absent. Also present: Interim City Attorney Cami Baker, City Manager Gabriel Gonzalez, Assistant City Manager Josh Shaw, and City Clerk Erica Jones. Visitors present were: Kent Bush, Linda Archer, Frank Dewitt, Angel Dewitt, John Black, Mark McCollom, Connie Thurman, Myrna Rogers, Gary Rogers, Holly Ross, and Brad Reynolds.

Prayer: Associate Pastor Brad Reynolds, Life Church, gave the invocation.

Minutes: S. Jones made a motion to approve the minutes from the December 2, 2013 meeting. Lowery seconded the motion. Motion carried without opposition.

Appropriations:

December (12): Rawlings made a motion to approve Ordinance 12 in the amount of \$466,500.80. Childers seconded the motion. Motion carried without opposition.

Oath of Office: E. Jones administered the Oath of Office to Paul Belt as Ward 2 Council member.

Presentations:

City Employee Retirements: Mayor Williams recognized Linda Archer for her retirement after 28 years of service with the City of Augusta and Frank Dewitt on his retirement after 33 years of service with the City of Augusta.

Old Business:

2014 Utility Abatements: Malone made a motion to approve 2014 Utility Abatements for Augusta Arts Council (Theatre) \$8,500; Augusta Arts Council (Gallery) \$1,500; Augusta Chamber of Commerce \$1,700; Augusta Community Caring Center \$3,400; Augusta Historical Society \$5,000; Augusta Public Library \$22,000; Augusta Senior Center \$3,500; Kansas Museum of Military History \$5,000; Mid-Kansas CAP \$8,000; Augusta Youth Soccer free service; and Augusta Girls Softball free service; for a total of \$58,600. Childers seconded the motion. Motion carried without opposition.

Downtown Augusta, Inc. 2014 Funding Request: S. Jones made a motion to table Downtown Augusta, Inc.'s 2014 funding request until the City has had an opportunity to develop a strategic plan for economic development. Malone seconded the motion. Motion failed with Belt, Childers, Lowery, and Rawlings voting in opposition.

Childers made a motion to approve Downtown Augusta, Inc.'s funding for the first quarter of 2014 while a strategic plan for economic development is developed. Lowery seconded the motion. Motion carried with S. Jones and Malone voting in opposition.

New Business:

2013 Budget Amendments: A Public Hearing was conducted to take input on proposed 2013 Budget Amendments. The public hearing was closed with no comments being made by the public.

Rawlings made a motion to approve the 2013 Budget Amendments. Malone seconded the motion. Motion carried without opposition.

Lease Purchase Agreement for Sewer/Vac Truck: Malone made a motion to approve a lease purchase agreement with Community Leasing Partners in the amount of \$194,884 for a combination vac/sewer truck for the Wastewater Collections department. Lowery seconded the motion. Motion carried without opposition.

2014 Special Alcohol Grant: Rawlings made a motion to approve 2014 Special Alcohol Grants for The Family Life Center Safehouse \$5,000; Students Against Destructive Decisions (S.A.D.D.) \$5,000; Tri-County CASA \$5,000; and Youth Leadership Butler \$500; for a total of \$15,500. Childers seconded the motion. Motion carried without opposition.

2014 Cereal Malt Beverage License Renewals: Childers made a motion to approve 2014 Cereal Malt Beverage License Renewals for Pizza Hut of SE KS, Inc., Zorros Tacos, Presto #1632, Dillons Store, Wal-Mart Store #346, Casey's General Store, and Jumpstart. Malone seconded the motion. Motion carried with Rawlings voting in opposition.

Other Business:

Municipal Leadership Seminars: Staff provided information about upcoming Municipal Leadership Seminars offered by Wichita State. Gonzalez stated that he and other staff members will be attending some of the seminars and if the governing body members were interested in attending any of the seminars to contact staff.

Other Comments:

S. Jones – Jones thanked the Street and Electric Departments for getting the Christmas lights up and going.

Ron Reavis arrived at 7:45 p.m.

Executive Session: At 7:45 p.m. Childers made a motion to go into executive session for 40 minutes under the attorney-client privilege exception to the Kansas Open Meetings Act for consultation with the Interim City Attorney related to a development contract. Childers asked that City Manager Gabriel Gonzalez, Assistant City Manager Josh Shaw, and Interim City Attorney Cami Baker join the Council in executive session. The governing body will reconvene in the Council Chambers at 8:25 p.m. Malone seconded the motion. Motion carried without opposition.

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

Adjourn: At 8:26 PM Malone made a motion to adjourn. Childers seconded the motion. Motion carried without opposition.

City Clerk