

CITY COUNCIL
JANUARY 5, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on January 5, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Paul Belt, Jamie Crum, Mike Rawlings, Sue Jones, Ron Reavis, and Matt Malone. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Human Resource Director Marci Fugarino, Director of Electric Utility Bill Webster, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Mark Chesney, Don Osenbaugh, Dalton Patterson, Sonja Patterson, Kent Scholfield, Neal Whittlow, Tim Johnson, Mike Clifton, Kevin Cowan Dan Christmore, Carl Myers, Malissa Nesmith, and Troy Palmer.

Pledge of Allegiance

Prayer: Neal Whittlow, Crossroads Community Church, gave the invocation.

Jones made a motion to amend the agenda to shift business item #H1 to #H3 and to have first executive session before item #H3. Malone seconded the motion. Motion carried without opposition.

Minutes: Jones made a motion to approve the minutes from the December 15, 2014 Council meeting. Lowery seconded the motion. Motion carried without opposition.

Ordinance 12A: Reavis made a motion to approve Ordinance 12A in the amount of \$1,053,012.42. Belt seconded the motion. Motion carried without opposition.

Ordinance 12B: Malone made a motion to approve Ordinance 12B in the amount of \$573,265.51. Lowery seconded the motion. Motion carried without opposition.

Presentation:

Marci Fugarino, Human Resource Director, and Don Osenbaugh, representing Kansas Municipal Insurance Trust (KMIT), recognized the City's achievement of 10 consecutive years of Gold Star Awards, which provides a discount on the City's worker's compensation insurance.

Business:

2015 Special Alcohol Grant Applications: Jones made a motion to approve the 2015 Special Alcohol Grant applications for The Family Life Center Safehouse in the amount of \$5,000, Students Against Destructive Decisions (S.A.D.D.) in the amount of \$5,000, Tri-County CASA in the amount of \$5,000 and Youth Leadership Butler (YLB) in the amount of \$500, for a total of \$15,500. Lowery seconded the motion. Motion carried without opposition.

Municipal Court Costs: Lowery made a motion to table this agenda item until the next meeting. Rawlings seconded the motion. Motion carried without opposition.

Executive Session: At 7:22 p.m. S. Jones made a motion to go into executive session for 40 minutes under the attorney-client privilege exceptions to the Kansas Open Meetings Act. Jones asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, Bond Counsel Kevin Cowan, and City Attorney Austin Parker join the Council in the executive session. The governing body will reconvene in the Council Chambers at 8:02 p.m. Malone seconded the motion. Motion carried with Reavis voting in opposition.

At 8:02 p.m. Lowery made a motion to exit executive session with no action being taken. Jones seconded the motion. Motion carried without opposition.

At 8:02 p.m. S. Jones made a motion to go into executive session for 30 minutes under the attorney-client privilege exceptions to the Kansas Open Meetings Act. Jones asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, Bond Counsel Kevin Cowan, and City Attorney Austin Parker join the Council in the executive session. The governing body will reconvene in the Council Chambers at 8:32 p.m. Malone seconded the motion. Motion carried with Crum, Magruder, and Reavis voting in opposition.

At 8:32 p.m. Lowery made a motion to exit executive session with no action being taken. Malone seconded the motion. Motion carried without opposition.

Hotel Master Developer's Agreement and Hotel Community Improvement District (CID) Agreement: Jones made a motion to table both of these documents until the next meeting. Reavis seconded motion. Motion failed with Belt, Magruder, Lowery, Crum, and Rawlings voting in opposition.

Rawlings made a motion to approve the Master Developer's Agreement with Augusta Hotel, LLC. for the Comfort Inn & Suites hotel project. Magruder seconded the motion. The Council asked Shaw to read the notes and clarifications made in the executive session.

Shaw stated that in the "Definition" section of the agreement to include the definition of "State" to be the "State of Kansas", and to provide a definition for "Tenant". In Section 6 the word "substantially" needs removed. Section 21, the grass height provision should be changed to "... a height established by City Code or regulation. Shaw stated in the Attachment (Exhibit D of CID Agreement) under reimbursement schedule, change "should" to "shall". Jones stated she would still like to see the transfer and assignment language be the same in both documents. Lowery concurred. Parker asked if the change they were asking about was for Section 32 in the Master Developer's Agreement to be included as Section 14 in the CID Agreement. Cowan stated he is not sure it would work to take the wording from Section 32 and insert it into Section 14, but that it could be changed to reflect the understanding that the intent be that there not be assignability without governing body approval and that approval would not be withheld without certain findings. Cowan stated there may need to be a word or two different to make it work, which could take a few minutes to look at.

Rawlings made a motion to amend the first motion to include the changes as presented by staff. Magruder seconded the amendment. Reavis stated he still has concerns about language in the contract, but that he is not against the project. Both motions carry with Reavis, Jones, and Malone voting in opposition.

Jones stated the CID Agreement is the document that Section 32 of the Master Developer's Agreement needs to be transferred to Section 14. Shaw stated transferring the language from Section 32 may not reference things the right way without an adjustment. Cowan agreed and stated his understanding is that it needs to change from being transferrable without written consent needs to be changed to require prior written consent. Jones stated it says the developer can assign or pledge its rights to payments and that it only requires notice to be provided, not prior written consent of the City's governing body. Lowery stated his preference is to see the payments tied to the project. Parker stated there is a way to tie the CID payments to the project, but it may require a couple of extra sentences in the document. Cowan agreed. Parker stated it

will probably be drafted to say it stays with the tenant. Cowan stated with there will be a lease agreement with the tenant and these same provisions will need to be tied to that as well.

Rawlings made a motion to approve the Hotel Community Improvement District Agreement for the Comfort Inn & Suites hotel project with the amendment to the final exhibit to change from should to shall and to authorize staff, Parker, and Cowan to make the appropriate language changes to the transfer and assignment in Section 14. Lowery seconded the motion. Motion carried with Jones and Malone voting in opposition.

At 9:10 p.m. Lowery made a motion to recess for 5 minutes. Rawlings seconded the motion. Motion carried without opposition.

At 9:15 p.m. Childers call the meeting back to order.

Matters From/For Council:

Shaw: Shaw stated there are four medians that will be reconstructed as part of the geometric improvement around Walnut area extending just short of overpass. He stated there is an option to color or stamp the concrete in the medians. Shaw stated this is purely an aesthetic change and could add \$50,000 to project that would not be funded by grant. He stated it is in line with strategic plan to improve the aesthetic within the city. Council authorized staff to obtain an estimate for the color concrete only, not the stamping.

Shaw: Shaw provided an update on the airport drainage projects and AWOS grant funding. He stated there is approximately \$21,000 not covered by the KDOT grant. He stated there are funds available in Capital Improvements to pay for this.

Shaw provided an update on the city hall bathroom damage, insurance claim, and repairs/remodel.

Shaw reminded the Council of the Street Sales Tax Advisory Committee public hearings scheduled for 6 p.m. on January 8, 2015 and January 22, 2015 to take public input on proposed 2015 Street Sales Tax Projects.

Shaw reminded the Council of the Sanitation work session scheduled for 7 p.m. on January 12, 2015.

Informational Memorandum and Final Comments:

Magruder: Magruder thanked staff for being so responsive to him.

Childers: Childers gave his condolences to Reavis and his family.

Executive Session: At 9:32 Lowery made a motion to go into executive session for 40 minutes under the attorney-client privilege exceptions to the Kansas Open Meetings Act. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in the executive session. The governing body will reconvene in the Council Chambers at 10:12 p.m. Reavis seconded the motion. Motion carried without opposition.

At 10:12 p.m. Lowery made a motion to exit executive session with no action being taken. Reavis seconded the motion. Motion carried without opposition.

Adjourn: At 10:12 p.m. Malone made a motion to adjourn. Lowery seconded the motion. Motion carried with Lowery voting in opposition.

City Clerk

CITY COUNCIL
JANUARY 19, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on January 19, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Paul Belt, Jamie Crum, Mike Rawlings, Sue Jones, and Ron Reavis. Councilman Malone was absent. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Leah Ford, Julie Reams, Michelle Eastman, Jay Anglemyer, Steve Frank, Tom Leffler, and Larry Henry.

Pledge of Allegiance

Prayer: Councilman Magruder gave the invocation.

Minutes: Jones made a motion to approve the minutes from the January 5, 2015 Council meeting. Reavis seconded the motion. Motion carried without opposition.

Ordinance 12C: Lowery made a motion to approve Ordinance 12C in the amount of \$969,561.87. Reavis seconded the motion. Motion carried without opposition.

Visitors:

Councilwoman Jones, board member of the ARC of Butler County, discussed the services offered by the ARC.

Julie Reams and Michele Eastman, representing Rainbows United, were present to request permission to host a 5K/1 mile Glow Run/Walk on Saturday, April 18, 2015.

Business:

South Ohio Street Project: Rawlings made a motion to approve the realignment of Frisco Street as part of the South Ohio Street Project. Lowery seconded the motion. Motion carried without opposition.

Supplemental Engineering Services Agreement: Jones made a motion to approve a Supplemental Engineering Services Agreement in the amount of \$5,000 for additional construction administration services related to repairs to the Santa Fe Lake raw waterline crossing under the Whitewater River. Rawlings seconded the motion. Motion carried without opposition.

Municipal Court Fees: Lowery made a motion to approve Ordinance 2075 establishing court costs and fees and mileage for witnesses for the Municipal Court. Belt seconded motion. Roll Call: Reavis Yea, Jones Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, and Rawlings Yea. Motion carried without opposition.

Zoning Authority In Growth Area: Lowery made a motion to authorize the Mayor to sign a letter of support in favor of the City's Interlocal Agreement with Butler County, dated July 17, 2006 granting the City of Augusta zoning authority within the designated growth area outside the corporate limits of the City. Belt seconded the motion. Motion carried without opposition.

Cereal Malt Beverage License: Reavis made a motion to approve a Cereal Malt Beverage License for Beijing Chinese Restaurant located at 301 W 7th Avenue for Sale for Consumption on Premises. Jones seconded the motion. Motion carried with Rawlings and Magruder voting in opposition.

Informational Memorandum and Final Comments:

Jones: Jones asked if the Safety Department has the authority to ticket on private property. Parker stated it depends on the type of ticket. He stated they can issue tickets for fire lane violations and handicapped parking. Jones stated it would be better if the specific type of ticket issued was listed in the monthly report. Shaw stated he would ask the Chief to provide that info.

Jones stated that some time ago there was discussion about working on improving our code enforcement in blighted areas but it seems that discussion has gone away. Shaw said did not go away. He stated the first step was getting Sims on board. Shaw stated that code enforcement is the next big issue on the list after the sanitation issues. He stated it certainly is not off staff's radar and is a priority issue for Sims and the Inspection department. Shaw acknowledged code enforcement is a high order strategic priority for the council.

Jones asked if any council members were included on the interview panel for the architectural services for the Public Works building. Shaw said that Rawlings was on that panel. He stated the firms are preparing a scope of services with a fee schedule for the panel to review and then the information will be provided to the council for approval.

Jones stated under the City Manager activities it states Shaw met with a developer. Shaw said right now it is just a discussion, but if there is an action item he will bring it to council.

Jones stated she was appalled that fuel adjustment of more than 30% of my utility bill. She stated she spoke to another business and it was only 28% of their bill. Shaw explained that the EFA is a fixed rate that is multiplied by the usage and that the overall amount of the bill is not included in that calculation. Jones told E. Jones that she would visit with her about her utility bill further.

Magruder: Magruder asked for an update on Hotel Agreement signings. Shaw stated they have been presented but we do not have signed copies back yet. He stated he would check to see what the delay is.

Childers: Childers stated he visited St James Catholic School and presented a Proclamation on behalf of the City for National Catholic Schools week.

Lowery: Lowery stated there is a section in the 200 Block of E Broadway where work was done prior to Christmas and the bricks have not been replaced. Shaw stated he would check on that.

Crum: Crum stated that there is dead stuff hanging on a utility pole located at Santa Fe and 5th Avenue on NW corner and that it is gross. Shaw stated he was not aware of that, but would have it taken care of.

Adjourn: At 8:23 p.m. Rawlings made a motion to adjourn. Lowery seconded the motion. Motion carried with Lowery voting in opposition.

City Clerk

CITY COUNCIL
FEBRUARY 2, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on February 2, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Paul Belt, Jamie Crum, Mike Rawlings, Sue Jones, Matt Malone and Ron Reavis. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Tom Leffler, Malissa Nesmith, Justin Londagin, and Sarah Hoefgen.

Pledge of Allegiance

Prayer: Councilman Lowery gave the invocation.

Minutes: Jones made a motion to approve the minutes from the January 19, 2015 Council meeting. Lowery seconded the motion. Motion carried without opposition.

Ordinance 1: Reavis made a motion to approve Ordinance 1 in the amount of \$351,050.70. Jones seconded the motion. Motion carried without opposition.

Ordinance 1A: Reavis made a motion to approve Ordinance 1A in the amount of \$637,307.53. Malone seconded the motion. Motion carried without opposition.

Business:

Annual Review of Global Parts Property Tax Exemption: Malone made a motion to approve continuing the tax exemption as originally authorized by the City. Jones seconded the motion. Motion carried without opposition.

Emergency Water Supply Plan Update: Jones made a motion to approve the newest version of the Emergency Water Supply Plan as required by KDHE and K.A.R. 28-15-18 (c). Lowery seconded the motion. Motion carried without opposition.

Matters From/For Council:

Consideration of a Spay, Neuter, and Release Program: Jones passed out information pertaining to a spay, neuter, and release program to the council for their review over the next few weeks. Jones stated she would like Friends of Felines to speak at the next council meeting. Crum stated there are two sides to the story and would like to have a veterinarian and someone from Wildlife and Game to speak to us on this as well. Belt asked how this program would be funded. Jones said the veterinarians are willing to work with us, but don't know that they will be as inexpensive as the Kansas Humane Society. She stated that there are some people in town that are willing to donate to the program. Shaw stated staff will reach out to the agencies that were mentioned. Magruder suggested we also speak to our own Animal Control folks to get their opinion on this matter.

Sanitation Work Session: Reavis made a motion to schedule a work session for February 23, 2015 at 6:00 p.m. to continue discussions on the Sanitation Utility. Jones seconded the motion. Motion carried without opposition.

Informational Memorandum and Final Comments:

Reavis: Reavis stated his packet didn't include a page 4 of the Informational Memorandum. Reavis asked for an update on the hotel agreement. Shaw stated he spoke to developer by email and they expect to have it signed and returned to us this week. He stated they are working with the bank and property owner to complete the purchase.

Reavis stated he is getting a lot of calls about pothole and asked if as weather improves if they will be on the street departments radar. Shaw stated they are always on the radar and there are several that are on the list that are being repaired as weather allows. He stated he is not aware of major ones on the asphalt streets throughout town. Childers stated there is a pothole identification place on the city's website.

Reavis stated he has heard concern about the sensors on the stop light at Belmont and Ohio. He asked if they can be adjusted if not working properly. Shaw stated he would check with staff.

Reavis stated it was brought to his attention that there are several instances of city employees not wearing their seatbelts. Shaw stated it has been communicated to our staff that they are to be ticketed if seen not wearing their seatbelts.

Belt: Belt stated that one side of the clock at roundabout is off.

Magruder: Magruder asked for an update on the discussion at the County about our growth area. Shaw stated council signed a letter of support for our interlocal agreement for growth area at last meeting. Staff attended a work session at County the following Tuesday. He stated there is a lot more support than he expected for the County to take over zoning. Shaw stated Commissioners think the County should handle zoning, which would remove the City's jurisdiction. He stated there will be a follow up work session on February 17th. Shaw stated that staff will keep the council updated, but he does think there is a real potential that the partnership might be changed. Jones asked if they indicated why there is interest to change the agreement. Shaw stated they say it is coming from the residents stating that they do not have representation at the City level, but we have two members that live in the County on our Planning Commission.

Childers: Childers stated this morning there was a discussion on social media about the Mayor delaying the start of school due to inclement weather. He clarified that delaying school is under the purview of the Superintendent of Schools, not the Mayor.

Rawlings: Rawlings stated the Street Dept has been out patching some pot holes on Kelly.

Malone: Malone asked how far along we are in replacing the old signs and what is being done with the old ones. Shaw said he would check with staff.

Cody Sims: Sims stated he attended a session in Topeka about legislative updates. Sims stated there was a release issued today by KDOT that there is a possibility there will be a delay in rehabilitation projects and maintenance and preservation projects. He stated it was announced that mill and overlay projects for fiscal year 2015 and 2016 are being pushed to 2018 and 2019. Sims stated no new projects or economic development projects will be impacted yet. Sims stated that Secretary King stated there are over \$5M in KDOT Aviation requests on his desk, but due to the timing in the legislation session he is waiting to see how the discussion unfolds at the State House over the next couple of months before he makes any determination on those. Sims stated there is a huge hole in the budget due to revenue shortfalls. He stated that from KDOT alone from fiscal year 2015 we are looking at a \$158M transfer from KDOT to the State General Fund. In fiscal year

2016 we are looking at a \$114M transfer and \$115M transfer for fiscal year 2017. Sims stated for fiscal year 2015 the shortfall is being projected to be \$278.7M, and for fiscal year 2016 the shortfall was projected to be \$435.7M, but that amount has been revised to \$648.3M based on revenue projections released last Friday.

Sims stated that US 54/400 is recognized as one of the freight corridors of significance which is something we can market for economic development.

Shaw stated he is most concerned about the KLINK 2014/2015 project which is considered a preservation project. He stated he is also concerned about 7th Street Geometric project, but it is not considered a preservation project. Shaw stated he doesn't think South Ohio is at risk because it is a completely different type of funding. He stated it is a federal funding source, but that he is watching that very closely as well. Shaw stated he is very concerned about carrying the highway project out another 3 to 4 years because there are sections he doesn't think will last that long.

Childers: Childers stated the next council meeting will be on Tuesday the 17th due to the Presidents Day holiday.

Adjourn: At 7:42 p.m. Malone made a motion to adjourn. Lowery seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
FEBRUARY 17, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on February 17, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Paul Belt, Jamie Crum, Mike Rawlings, Sue Jones, and Matt Malone. Councilman Ron Reavis was absent. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Airport Manager Lloyd Partin, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, Brad Waller, Keith Ayotte, Larry Henry, Tom Leffler, Eric Birk, and Traevor MacPherson.

Pledge of Allegiance

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

Minutes: Jones made a motion to approve the minutes from the February 2, 2015 Council meeting. Lowery seconded the motion. Motion carried without opposition.

Ordinance 2: Lowery made a motion to approve Ordinance 2 in the amount of \$883,388.65. Belt seconded the motion. Motion carried without opposition.

Visitors:

Staff presented a request from Downtown Augusta Inc. for permission to host the annual April Fools Run around the City Lake on March 28, 2015. Jones made a motion to approve Downtown Augusta Inc.'s request to host the annual April Fools Run on March 28th, 2015 at the City Lake. Rawlings seconded the motion. Motion carried without opposition.

Business:

Supplemental Design Engineering Services Agreement for Frisco Street Realignment: Rawlings made a motion to approve a supplemental engineering services agreement with MKEC in the amount of \$14,994 for design engineering costs associated with the realignment of Frisco Street as part of the South Ohio Project. Lowery seconded the motion. Motion carried without opposition.

Santa Fe Lake Dam Safety Inspection: Malone made a motion to approve an engineering services agreement with MKEC in the amount of \$5,195 to perform a Dam Safety inspection as required by K.S.A. 82A-301 to 305A and K.A.R. 5-40-90. Lowery seconded the motion. Motion carried without opposition.

2015 Street Sales Tax Program Recommendations: Jones made a motion to approve the Sales Tax Advisory Committee's recommendations for the 2015 Street Sales Tax Program and authorize staff to proceed with drafting an engineering services agreement with MKEC for presentation at the March 2, 2015 meeting. Malone seconded the motion. Motion carried without opposition.

Annual Request to Exchange Federal Funds for South Ohio Project: Rawlings made a motion to approve the annual Request to Exchange Federal Funds for 2015 and authorize the Mayor to sign. Magruder seconded the motion. Motion carried without opposition.

Resolution 2015-01 Opposing the Kansas State Legislature's Proposed Municipal Election Changes: Jones made a motion to approve Resolution 2015-01 opposing the Kansas State Legislature's

consideration of making municipal elections partisan and moving to the fall of even numbered years. Lowery seconded the motion. Motion carried without opposition.

Matters From/For Council:

Sanitation Work Session: Staff reminded the Council of the work session scheduled for February 23, 2015 at 6:00 p.m. to continue discussions on the Sanitation Utility. Staff would also like to add a city financial update from Dustin Avey and Kevin Cowan as a discussion topic for the work session agenda.

Airport Drainage Projects: Shaw provided an update on airport drainage projects reimbursement from KDOT. Shaw stated that KDOT has denied the reimbursement request for funding for the t-hangar roof coating portion of the drainage projects at the Airport. He stated that action will result in \$47,000 in additional cost to the City that wasn't planned for. Shaw stated the KDOT staff that we worked with when selecting the projects is no longer with KDOT and that their new staff does not believe the roof coatings are eligible and will not reimburse the City. Shaw stated staff and the engineer have reached out to KDOT and that staff contacted our legislators but the decision to not reimburse stands.

Informational Memorandum and Final Comments:

Jones: Jones stated in the Informational Memorandum indicated there were comments back from KDOT on the field check plans for the Depot Project. She asked how that meeting went and how was it resolved. Shaw stated staff met with KDOT for over three hours last Friday and are currently preparing the third - and what staff hopes to be final - field check plans. He stated there are some discrepancies in the amount of detail they expect. He stated there are a lot of comments about not sole sourcing vendors. Shaw stated we are getting really close to getting our final paperwork submitted and out to bid before the June deadline.

Jones stated staff has indicated that Raju Sheth is working with the bank and Patel to close on the hotel property, but asked if we have received the signed paperwork yet. Shaw stated he hasn't, but has had communication with Sheth that the project is going to happen.

Jones inquired about how the negotiation process for the planned acquisition north of the airport is going. Shaw stated he will provide a formal update to the Council at the second meeting in March.

Jones stated that a representative from Friends of Felines will be at the March 2nd meeting to discuss the feral cat program and potential funding sources.

Belt: Belt stated he was contacted about recycle bins at old Wal-Mart always being full. Childers stated a couple weekends ago with the warm weekend it was very full but that he saw them empty them on Saturday and it was full again on Sunday. Shaw stated he will reach out to staff to see what we can do to address the overflow on the weekend until the curbside piece is settled. Malone inquired about who the City has an agreement with to have those dumpsters there. Shaw stated it would have been with the property owners, not Wal-Mart but that he would check on that.

Belt stated the Wichita East weekly flyers are still being strewn about our streets and yards. He stated he would like to move forward with eliminating that issue in some way. Parker stated a few months back we discussed this and that he prepared an ordinance that would allow the city to regulate this and require them to register and allow for individuals to be on a "no-deliver" list.

He stated if they were caught delivering to those on the do not deliver list then they could be brought before municipal court. Shaw stated that since the ordinance is drafted, we don't necessarily have to wait for the code enforcement discussions if council is ready to move on this to take formal action. Jones stated she would prefer it to be considered in its totality with addressing blight. Malone agreed.

Magruder: Magruder stated he understands that the discussion on feral cats is an emotional issue. He stated he has received a lot of emotional comments about it from citizens, and the comments he has received from citizens in Ward 1 is that they are adamant that we move on in the discussion. Magruder stated they are not in favor of a trap and release program at all, and from his personal preference he would like to see us move on from the discussion too and not spend any council time or resources on this issue.

Adjourn: At 8:08 p.m. Malone made a motion to adjourn. Belt seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
MARCH 2, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on March 2, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Paul Belt, Jamie Crum, Mike Rawlings, Sue Jones, Ron Reavis and Matt Malone. Council member Jamie Crum arrived at 7:08 p.m. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Director of Public Safety Tyler Brewer, Street/Sanitation Superintendent Anthony Craft, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, Sarah Hoefgen, Cindy Hicks, Myra Rogers, Gary Rogers, Tom Leffler, John Black, Larry Henry, Eric Birk, Justin Londigan, Mike Huddleston, Karen Huddleston, Traevor McPherson, Ken Bratton, Sue Schamp, Cheryl Taskinen, Malibu Hands, Alisha Warner, Bill Slade, April Harter, Monica Guilliams, Iqbal Jehan, Pat Pilcher, and Lolita Zerbe.

Pledge of Allegiance

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

Minutes: Rawlings made a motion to approve the minutes from the February 17, 2015 Council meeting. Lowery seconded the motion. Motion carried without opposition.

Ordinance 2A: Reavis made a motion to approve Ordinance 2A in the amount of \$764,142.04. Jones seconded the motion. Motion carried without opposition.

Visitors:

Sarah Hoefgen, representing the Augusta Chamber of Commerce, presented the annual report for the Chamber.

Cindy Hicks, representing Downtown Augusta, Inc., presented the annual report for DAI.

Sue Schamp, representing Friends of Felines, presented the merits of trap-neuter-release (TNR) programs for feral cats. Jones stated she had a conversation with Mike Cocke at the Augusta Animal Clinic, who currently serves as the City's animal shelter, and he has agreed to spay/neuter eight cats a month and give them rabies shot under our current contract. She stated they would do this rather than trapping and killing for the same price as they are currently charging us per month. Jones stated he also suggested a three month trial period through the end of May, so her recommendation would be that we target a specific area.

Malone asked if we could do a trial program under our current ordinance or if there would have to be changes. Shaw stated that staff was awaiting direction from the Council on how to proceed with the matter prior to reviewing the ordinances and current contract with the Augusta Animal Clinic. He stated if the Council decides to move forward with a trial program or a full blown program, staff would put all that information together for you to make those decisions. Rawlings inquired about who would be responsible for the cats if they hurt a person. Parker stated it would depend on how the program is structured and what involvement the City has in the operation. Belt asked if we could conduct a trial program without having to change any ordinances. Parker stated there are several provisions related to this subject in the city code and that he would like an opportunity to look at it more in depth and see what other communities are doing.

Jones stated she has a colony of 12-15 cats behind her building that she would like to volunteer for a trial program to trap and sterilize and vaccinate over the next three months. Magruder stated his opinion has been well noted and that there are multiple studies that can be cited on both sides of the issue. He stated that all the comments he has received are to the negative and that all the comments from the citizens of his ward is that they do not want a feral cat colony in their back yards. Magruder stated he is skeptical that we can maintain interest in funding this program long term and he is not willing to accept any risk or liability for the City or citizens. He stated there needs to be a consensus from the Council to drop this issue and move forward.

Jones stated that the feral cats she has experience with downtown do not want to be approached or petted, so the notion that they will bite or scratch someone is not relevant. She stated feral cat colonies do not generally reside in residential areas. Magruder disagreed. Jones asked if the Council would be agreeable to try a trial run downtown before making a decision for the town as a whole. Parker stated there would be some amendments to ordinance, even on a temporary nature, in order to conduct a trial program.

Reavis asked what kind of message we would be sending to responsible cat owners in town, if we require them to license their cats, obtain annual rabies vaccinations, and be responsible for containing their cats. He stated we would be setting ourselves up for a double standard if we allow an organization to come in and not require the same thing. Reavis stated he wasn't aware there was a feral cat problem downtown until Jones started feeding them. He stated that is key to this issue...she has a colony behind her business because she is feeding them. Reavis asked why we would limit this to cats and not skunks or possums, where would you draw the line. Jones stated we are not asking for a double standard, but to address the overpopulation of the cats we have in Augusta. She stated that trapping and killing has not been successful. Jones stated the point is to try and develop a mechanism to control the cat population in the downtown area where there are restaurants, but no rats or mice as a result of the cats being there. She stated that she is astounded this has become such an emotional issue when it seems so simple to her, if you have a TNR program the population will start to decline over time. Jones responded that Reavis' comment that there was no feral cat issue until Jones began feeding them is not true. She stated they were there long before she started feeding them. She stated she is a compassionate person and if the worst thing she does is feed hungry kitties downtown without a home, so be it.

Jones stated that she is asking the Council to consider is to develop a very small targeted program to see how it works before we decide as an entire community that this is what we want to do. Jones stated Hays, Abilene, Topeka, and Sedgwick have all been very successful in developing a TNR program and she is having a difficult time understanding why this is so hard for this Council and community at large.

Crum stated there is a lady who has a feral cat colony on Osage and that the area by Garfield Elementary is inundated with cats, so it is moving into the residential areas. She stated that she has worked downtown in the same location for the last 16 years and the feral cat issue has only become a problem in the last three or so years. Crum stated there are three places downtown where we have feral cat colonies – behind Jones' business, north of Miller's Five, and by T&J Electric. She stated that at all of those places the cats are being fed. If the business owners or people at those locations quit feeding the cats would they go away? Crum stated they are going through the drainage system of the community and moving throughout the town. She stated there are now feral cats on Angelina near the lake, so we do have a feral cat problem and it is spreading to other parts of the community. Jones stated that is why you want to sterilize them to control the population.

Rawlings made a motion to table this discussion for two weeks allowing staff and legal counsel to gather info on legal issues and cost for a three month trial. Lowery seconded the motion. Jones stated she didn't believe there would be a cost because the animal clinic has already indicated they would do this under our current contract at no additional cost. Rawlings stated he would like to see that in writing. Reavis asked staff to find out what the current procedure with trapping downtown is and how many cats have been trapped or caught in downtown area recently. Motion carried with Magruder voting in opposition.

Business:

Dump Truck Bid: Reavis made a motion to approve the bid from Rusty Eck Ford in the amount of \$59,677.00 and the transfer of the current Chevy 3500 to Santa Fe Lake upon delivery of the F-550. Malone seconded the motion. Motion carried without opposition.

Engineering Agreement for 2015 Street Sales Tax Projects: Malone made a motion to approve an engineering services agreement with MKEC in the amount of \$29,400 for construction engineering services related to the 2015 Street Sales Tax maintenance projects. Lowery seconded the motion. Motion carried without opposition.

Councilwoman Crum exited the meeting at 8:08 p.m.

Dike Road Project Engineering Services: Magruder made a motion to approve the supplemental funding request in the amount of \$4,250 to MKEC for services completed beyond the scope of work identified in the original agreement for the Dike Road project. Lowery seconded the motion. Motion carried without opposition.

Paving of Cemetery Road: Council discussed a proposal to pave the unfinished gravel road located in Elmwood Cemetery to finish the connection to 12th Street and provided direction to staff on how to proceed. Reavis made a motion to include funds in the 2016 Budget to pave and realign the road. Lowery seconded the motion. Council consensus was to delay the project and include in the 2016 Budget. Reavis withdrew his motion.

General Obligation Bonds for Refuse Collection Equipment: Rawlings made a motion to approve Resolution 2015-02 authorizing the issuance of General Obligation Bonds of the City in an amount not to exceed \$1,030,000 for the purpose of paying all or a portion of the costs of certain refuse collection equipment. Reavis seconded the motion. Motion carried without opposition.

Transfer of Found Property: Jones made a motion to approve the transfer of found property to the Fire Division of the Department of Public Safety pursuant to City Code Section 7-507. Lowery seconded the motion. Motion carried without opposition.

Proposal for Community Garden: Lowery made a motion to approve the Park Board recommendation for the location of a proposed community garden at the current Parks Department facility at 1301 North Ohio. Malone seconded the motion. Motion carried without opposition.

Proposal for Disc Golf Course in Garvin Park: Lowery made a motion to approve the Park Board recommendation for the location and layout of a proposed nine-hole par-three disc golf course in Garvin Park and authorizing staff to work with volunteers to proceed with construction/installation. Jones seconded the motion. Motion carried without opposition.

Comprehensive Plan for 2017-2032: Jones made a motion to approve the Planning Commission recommendation to initiate a new Comprehensive Plan Process for 2017-2032. Rawlings seconded the motion. Motion carried without opposition.

Matters From/For Council:

GIS Mapping : Shaw provided an update on GIS Mapping activities and process improvements utilizing Google Earth Pro.

City Council/Mayor Candidate Forum: There is a City Council/Mayor Candidate Forum scheduled for March 24, 2015 at 7:00 p.m. in the Council Chambers.

Informational Memorandum and Final Comments:

Belt: Belt stated he received two complaints about vehicles speeding through park and exiting on the west side of the lake.

Rawlings: Rawlings stated it has come to his attention that some people believe he is a part or full owner of mobile home courts on Money Avenue. He stated that those belong to his cousin and he has no financial interest in them.

Malone: Malone stated there was a lot of damage done to the city lot behind City Hall during the snow removal.

Executive Session:

At 9:10 p.m. Lowery made a motion to go into executive session for 20 minutes under the attorney-client privilege exceptions to the Kansas Open Meetings Act. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in the executive session. The governing body will reconvene in the Council Chambers at 9:30 p.m. Malone seconded the motion. Motion carried without opposition.

At 9:30 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 9:31 p.m. Malone made a motion to adjourn. Lowery seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
MARCH 16, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on March 16, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Paul Belt, Jamie Crum, Sue Jones, Ron Reavis and Matt Malone. Councilman Mike Rawlings was absent. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Director of Electric Utility Bill Webster, Street/Sanitation Superintendent Anthony Craft, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Tom Leffler, Gary Rogers, Myrna Rogers, Rick Martindale, Troy Palmer, Eric Birk, Janet Ternes, Jeff Engle, Traevor McPherson, Sue Marczynski, Tammey Stubbs, Kevin Barnes, Sherlyn Moore, Andrea Koegel, David Slaughter, Sarah Coffman, Troy Palmer, and Eric Kurth.

Pledge of Allegiance

Prayer: Councilman Cale Magruder gave the invocation.

Minutes: Crum made a motion to approve the minutes from the March 2, 2015 Council meeting. Jones seconded the motion. Motion carried without opposition.

Ordinance 3: Malone made a motion to approve Ordinance 3 in the amount of \$694,959.73. Lowery seconded the motion. Motion carried without opposition.

Presentations/Reports:

Sanitation Cash Flow Analysis and Commercial Rate Strategies: Staff gave a presentation pertaining to the Sanitation Fund cash flow analysis within the context of the proposed General Obligation issuance for new sanitation equipment and vehicles.

Staff gave a brief presentation of commercial rate options for recouping revenues from proposed adjustments to billing structure for multi-unit dwellings.

Malone made a motion to schedule a work session for March 30th at 7p.m. at City Hall to discuss Commercial Sanitation Rates and the purchase of new Sanitation equipment and vehicles. Jones seconded. Motion carried without opposition.

Business:

Proposed Trap-Neuter-Return/Release Program for Feral Cats: Discussion continued regarding the proposal for a Trap-Neuter-Return/Release program for feral cats for the City of Augusta. Shaw stated at the last meeting the Council directed staff to look at cost and talk to the Augusta Animal Clinic about doing a trial run Trap-Neuter-Release (TNR) program. He stated staff spoke to them and they are willing to run a three month trial under the current contract but they are not interested in continuing the program beyond the trial and suggested partnering with the Humane Society or another non-profit organization to operate the program.

Shaw stated the other item the Council asked for clarification on was what ordinances would have to be amended or adjusted even for a trial program and the City Attorney reviewed those and has provided that information to the Council. Parker stated he reviewed a lot of case law and there weren't any Kansas cases that were directly on point, but he was able to find two cases outside of Kansas that were most directly relevant to our situation. He stated there was one case from Ohio

where the City of Akron had a program close to what we are considering and the court upheld the legalities of the removal program in the context of a TNR program. He stated there was another case out of the California Court of Appeals regarding potential liabilities, specifically a veterinarian that had released a cat that had not remained in his care long enough to determine if the cat was healthy enough to be released and they had an issue.

Jones provided an update to the Council on what has happened in the last week with the regard to the cats in the alley behind her business. She stated that all 11 cats were trapped, taken to Caring Hands Humane Society in Newton, were sterilized, vaccinated for rabies, ear clipped and relocated to a farm in Sedgwick County. Jones stated that of the 11 cats, 8 were pregnant females. She stated by using this program we have avoided 32 to 48 additional cats being born and the potential of 1,500 cats being born over the course of the life of those 11 cats. Jones stated there is a value to this program and it solves the problem of overpopulation of cats, which serial trapping and killing of cats has not done. She addressed concerns about people dumping cats in Augusta if we have a TNR program stating she has not found any City that has experienced that phenomenon. Jones stated that while driving around downtown today she noticed at least two other pregnant cats, so while she has taken care of the cats behind her building the issue isn't solved and if we continue to do what we do today we will continue to have cats.

Tammey Stubbs, Vice President of Friends of Felines, addressed the Governing Body. Stubbs stated the aim of Friends of Felines is to reduce the population of feral cats. She stated that they are there and will always be there, due to human irresponsibility. She asked the Council to deal humanely with the problem and stated that trap and kill hasn't been effective. Stubbs stated a TNR program is less burdensome on the tax payers, and that Friends of Felines is here and willing to help as volunteers as well as other organizations such as the Humane Society. Stubbs stated there is a lot of misinformation out there and they would be willing to address those questions the governing body might have. She stated there are a lot of organizations that endorse this method of TNR including ICMA which Augusta belongs to, the Humane Society of the United States, the ASPCA, Best Friends Animal Society, Humane Society of Veterinarian Medical Association, Association of Shelter Veterinarians, American Humane Association, Cat Fancier's Association, Pet Co. and Pet Smart Charities. She asked that the decision be tabled until the Governing Body looked at it fully and to not make a hasty decision. Stubbs stated that three months and two cats a week will make a difference, but not a big difference. She stated they recently finished up targeting a specific area in Wichita where they were able to get almost 50 cats over the weekend, and while they did return them to the area they will no longer be reproducing, saving the City money. She stated the issue isn't about whether you like cats or not, but how you plan to deal with them. She stated you can continue to ignore them and they won't go away, you can continue the ineffective, costly, unpopular and inhumane process of trapping and killing them, or Friends of Felines can help teach and institute a proven method to control the population. She encouraged the governing body to try this and give it a good three year run before changing their mind about its effectiveness.

Dr. Andrea Koegel, from Wichita, addressed the Governing Body. Dr. Koegel stated she has been a physician and surgeon for over 20 years and wanted to address the health issue because there has been a lot of misinformation. She stated she has taken an oath to do no harm and would not be supporting a TNR program if she thought feral cats posed a health risk in this community or other communities. Dr. Koegel stated she had a discussion with one of the State Epidemiologists not too long ago about the rabies issue in the State of Kansas and they sent her some very interesting information. She stated there were a total of 63 rabid animals in 2012, with the vast majority of those animals being skunks and bats. Dr. Koegel stated that of those there were only two rabid cats in the whole state of Kansas that had human contact. To give some

perspective, she stated there were three rabid cows and four rabid horses that had contact with humans in 2012. Dr. Koegel stated there are many governments that have looked at TNR and have tried it because they have come to the conclusion that doing the same thing over and over and expecting something different is insanity and killing the cats obviously was not working for them. She stated the telling fact is that most of those governing bodies have continued to do TNR because they found that it has worked for them. She stated it is something the governing body should seriously consider.

Malone stated he was surprised ICMA was on board with this, especially since we are a member of that organization. He stated it was surprising given all of the conflicting email accounts of what decision we have to make.

Reavis stated he thinks the concept of a TNR program is okay. He stated he is in support of the T and N portion of the program, but releasing them back into the same area where they were picked up in is wrong. He stated he also doesn't agree with feeding the colonies. He stated if they are truly feral cats that get a free dinner every night, over a period of time they will lose their desire to hunt which is a benefit to having them downtown. Reavis stated he is concerned that our local animal clinic is not willing to participate in this program. He stated if we could find a volunteer organization that would come in trap, neuter and release them somewhere else he would be in support of that. Reavis stated if he is a responsible cat owner and his neighbor calls Animal Control because his cat is in their yard, he has to go to the clinic to pick up his cat, pay a fee, make sure it is up to date on vaccinations and then take him home and control him. He stated if it is a stray cat we can trap him and release him into the same environment he came from. Reavis asked what incentive there is for citizens to take care of their cats in a responsible manner when we are going to release stray cats back in to the city.

Jones stated the animal clinic is not interested in doing this because it is not their business model. She stated there are other clinics in the Wichita area including the Kansas Humane Society and Newton Humane Society that have low cost spay and neutering, and would be appropriate to investigate when looking for another resource to do this program. Jones stated the reason the feral cats are returned to whence they came is because that is their home. She stated that is where they were born, where they live, and where they are comfortable. She stated it is a great risk to relocate cats. She stated the cats behind her business that were relocated will have to be secluded and locked up for at least four weeks until they are acclimated to their new surroundings or they will try to return to their home or become food for other predators. Jones stated the return also prevents the vacuum effect from taking over because over time there will be more cats that move into the alley where hers were removed. She stated they need shelter and a food source and whether she fed them or the guy down the street fed them didn't make a difference. Jones stated the idea that feeding a cat makes it a bad hunter isn't true. She stated a well fed cat is healthier and a better hunter and the fact is that we don't have mice and rats in downtown Augusta. She stated they will also continue to prevent other cats from moving into that area.

Kevin Barnes, residing in the Andover area, addressed the governing body. Barnes stated he is a former board member of the Valley Center Animal League and that he is one of the people that go out and do the TNR. Barnes stated the benefit of returning them to their area is that it keeps other cats from moving in to that area. He stated if you do this to an entire community, eventually the feral cats will stop having kittens and you will also eliminate fighting males, marking males, and then attrition starts to take effect and you will have fewer and fewer cats in your community. Barnes stated he has helped over 150 people get 850 cats fixed. He stated they are spayed/neutered and vaccinated and not contributing to the rabies problem. He stated he gets referrals from the Humane Society and he currently has four appointments two days a week. He

stated that between him and Friends of Felines they fixed over 750 cats on a voluntary basis without the cooperation of any city laws. Barnes stated if the City had an ordinance in town to support TNR the feral cat issue could disappear in a short period of time.

Reavis asked Barnes what they do with the cats that are released. Barnes stated they are returned to the caregiver and he follows up after six months to a year to see how the cats are doing and in most cases they don't have any new cats and two or three have disappeared or died. He said if you can do that street by street or neighborhood by neighborhood eventually the feral cat population will go down. He stated there are large communities that have TNR programs such as Denver, Minneapolis, St. Paul, Miami, Corpus Christi, Las Vegas, and Chicago that are largely supported by volunteers like him. He stated in a lot of cases, the caregivers or those reporting the feral cats pay for it out of their own pocket. Barnes stated if the City would look at how much they are paying people to set the traps and paying a veterinarian to euthanize them and keeping the cats for a period of time to see if someone claims them prior to euthanizing them, those costs are much higher than a TNR program.

Barnes stated that Pet Smart charities has provided information in a webinar saying there is roughly one feral or free-roaming cat per every six persons across the country. Barnes stated if the cats that Jones had relocated had been returned here he would anticipate that there would be very few new cats coming into the area. Barnes commended Jones for having them taken care of. He stated the incentive is that you have a low cost program and require people to have their cats spayed or neutered by ordinance. He stated if you have an effective program you will see fewer and fewer cats.

Magruder stated that Barnes said if you TNR cats attrition will eventually wipe out the population, but asked how that's different than trap and kill. Barnes stated trap and kill does not work, the cats never go away because of the vacuum effect. Magruder stated that basically what Barnes is stating that if you TNR there is no vacuum effect and no new cats will ever come in, but if we trap and euthanize then new cats will come in. Magruder stated he cannot see the difference. Barnes stated trap and kill has never worked because you are not preventing the cats from giving birth. He stated he works in the agriculture business and he sees this being done to try to prevent the use of pesticides through irradiating insects releasing them back out, but if they are unable to breed then you see fewer and fewer insects which reduces the amount of pesticides needed to be used. He stated these types of programs are being used for situations other than just cats.

Barnes stated he knows of a situation in El Dorado where they had over 100 cats in the park and a flood came through and killed cats, but a few years later they had another 100 cats there again, so killing them did not work. He stated if you fix all of the cats they will keep other cats from joining the community and the cats there cannot breed, he doesn't know where the new cats would come from. He stated it has been proven that the vacuum effect of killing does not work. Barnes stated they will continue to be good hunters of rodents. He stated if communities around the Wichita area show some of the smaller communities that a TNR works, you can show that they are more cost effective than trapping and killing.

Reavis stated he still has a concern that we cannot do this without a partnership with a volunteer organization or grant money. He stated he does not feel it is a good use of tax payer dollars to trap these cats, take them to Wichita, pick up two days later and return to the same area where we picked them up. He stated he does not believe this is a function we should be involved in. Reavis stated he has had four downtown business owners contact him saying they do not want the cats downtown.

Jones agreed with Reavis that this cannot be done by the City. She stated that most communities that have had this be an effective program have partnered with or turned it over to a volunteer group that has formed a 501c3 organization. She stated that Carthage, Missouri has a 501c3 organization called Spare a Cat Rescue and they have partnered with City and applied for grant money to get their program going. Jones stated she is not proposing that the City trap them, take them to Wichita, and pick them up and bring them back. She stated it is about having the opportunity to develop a program and allowing people like her to partner with or form a volunteer group to start developing the program in Augusta.

Reavis made a motion to leave the animal control policies as is and at a future time if some organization wants to negotiate a TNR program with us, then they can submit their proposal and the governing body will consider it at that time. Magruder seconded the motion.

Sue Marczynski, who lives south of Udall, addressed the governing body. She stated she has a colony of 15 cats and she knows that TNR does reduce the numbers. She stated she too has issues with the idea that attrition completely wipes out every cat, because you will still have the irresponsible person who will have abandoned his cat. But you are reducing the numbers. She stated you will not find a group of cats where there is not a food source. Marczynski stated there could be volunteers out there that would love to be caretakers for a colony that the City doesn't even know are out there. She stated the first generation of feral cats came from stray cats, and stray cats generate from irresponsible people who throw these living creatures out like they are trash. She said there are going to continue to be those kinds of people. She stated she prays that the governing body will try to address this as people who have compassion. She stated this was a problem created by people and asked that they don't take it out on the cats. She said there are probably more volunteers out there than you think.

Magruder thanked all the guests that came and spoke on the issue. He said there is a point/counter point to all these issues. He cited a June 10, 2014 article about Brush City, Colorado resident that was bitten by a feral cat that was being fed and cared for in a colony and an October 14, 2014 article about Perry Sound, Indiana who implemented a four year TNR program and they are now in a mess because their cat population has increased. Magruder stated according to the University of Georgia and National Geographic one in three well-fed domesticated cats kill twice a week. He said PETA has said "Having witnessed the gruesome things that can happen to feral cats and the animals they prey on, PETA cannot in good conscious oppose euthanasia as a humane alternative to dealing with over-population."

Magruder stated he wants to make it really clear that as a council member he is a very strong supporter of responsible pet owners who abide by the ordinances of the city and respect the rights of their neighbors. He stated a three month trial would service a maximum of 24 cats and would in no way constitute a scientific study with agreed upon measurable variables that would yield any credible data for us to base a decision on, so he would be opposed to that. Magruder stated he is not comfortable with the number of ordinances that would have to be changed as presented by the City Attorney to conduct such a study.

Magruder stated the notion that cats don't kill birds or other wildlife doesn't match the research that is there. He stated it doesn't match the anecdotal evidence we are receiving from our citizens, including a resident in Ward 1 on State Street a couple weeks ago who volunteered to show me the dead rabbits in their back yard that the cats had killed, and other people near our city building who have volunteered to show the birds and animals that had been killed by the cats. Magruder stated the citizens of Ward 1 have made it abundantly clear to him that they don't

support TNR, they don't want to live next to cat colonies, they don't want to live next door to the repercussions of cat colonies and when they show up they want them removed and not brought back. He stated we have a responsibility as a Council to protect the property rights and values of our citizens. He stated it is not unreasonable to conclude that a cat that is fed on a routine basis that comes to the call of "kitty, kitty" will not be attracted to a young child that is doing the same thing bringing the possibility of injury and liability on our city.

Magruder stated he does not agree with the notion that a TNR program will be cost neutral is reasonable and the notion that you could sustain volunteers that long is reasonable. He referenced Ignite Augusta as an example of people losing interest over time in both volunteering and funding as the initial rush is gone. He stated it will not be cost neutral, especially if you consider our own one Animal Control Officer would have to put the time and effort into taking these animals to other places to get fixed for these clinical trials and private funding cannot be relied on as a revenue source.

Magruder stated a February 20, 2015 article published by KSN.com indicated there was a rabid skunk found in Wichita and stated that the rabid skunk was involved in an encounter with owned pets. He stated if cases of rabies are found that close in a population of wild animals, and it is known to exist here in Augusta at times, it is not unreasonable to assume that feral cats that are not kept indoors and are not protected by responsible owners could in fact be infected with rabies. Magruder stated a TNR program does not propose to vaccinate the cats every year and we have been told in order for the vaccinations to be effective they need to be continued yearly. He stated our own Chief of Police Tyler Brewer who isn't here tonight gave me permission to say he does not support this program and his position was misrepresented at the February 2nd meeting.

Magruder stated he really believes with all his heart that it is the responsibility and right of every council member to present issues that they feel are important and will better our city, as Jones did on February 2nd. He stated we had two weeks to process that and to look at the information to consider the issue, do our own research, and to hear from our citizens. Magruder stated that at the February 17th meeting after doing research he came back and urged us not to spend any more time on the issue. He stated at the March 2nd meeting we heard from an outside source and decided to table it to this meeting. He stated we haven't heard from any citizens of Augusta from the podium to this point. He stated the comments have been at least four to one of those that do not favor the program as far as he can tell from the citizens, based on anecdotal data. He said here we are 43 days later still discussing the same issue, so he stated one more time for the record that we have spent enough time on the issue and he urged the Council to continue to vote on this motion and not waste any more time.

Malone called the question. Motion to leave the animal control policies as is until there is a proposal from a sponsoring agency to carry out a TNR program carried with Jones voting in opposition. Shaw asked if two or three weeks from now there is a proposal from an organization on his desk, how is staff to proceed with presenting it to the Council. Childers stated that based on the vote, if there is a 501c3 organization that comes to the table providing funding and a mechanism to implement a TNR program that would be amenable to Council, staff should present that to the Council to take under advisement at that point. The Council agreed.

Jones asked if we will keep killing cats and keep penalizing people who care for cats, and if that is how this Council going to proceed. Childers stated that the opportunity has been presented for Jones to continue executing the plan she has to bring an organization to us. Jones stated she will do just that.

Proposal to Purchase Bucket Truck through NJPA Contract: Malone made a motion to approve the bid under the NJPA contract for a new 68' bucket truck from Altec with a Freightliner chassis in the amount of \$229,866, plus \$19,308 sales tax, for a total purchase price not to exceed \$249,174. Belt seconded the motion. Motion carried without opposition.

2015 Insurance Renewal: Malone made a motion accept the bid proposal from Madrigal & Welch for the renewal of the City's 2015 Insurance policy in the amount of \$350,431. Lowery seconded the motion. Motion carried without opposition.

Zoning 530 N School: Reavis made a motion to approve Ordinance 2076 changing the zoning classification at 530 N. School Street within the City of Augusta from Assembly District "A" to the Residential District "R" Division 1 and Amending the Official Zoning Map of the City of Augusta, Kansas. Jones seconded the motion. Roll Call: Reavis Yea; Jones Yea; Belt Yea; Magruder Yea; Lowery Yea; Crum Yea; Malone Yea. Motion carried without opposition.

Kansas Municipal Energy Agency (KMEA) Appointment: Lowery made a motion to approve the reappointment of Electric Production Superintendent Jim Sutton to serve as Director #1 representing the City of Augusta on the KMEA Board of Directors. Belt seconded the motion. Motion carried without opposition.

Matters From/For Council:

City Council/Mayor Candidate Forum: Reminder of the City Council/Mayor Candidate Forum scheduled for March 24, 2015 at 7:00 p.m. in the Council Chambers.

Informational Memorandum and Final Comments:

Jones: Jones inquired about Shaw's meeting with PEC to discuss engineering services. Shaw stated it was a sales call.

Jones stated she received a complaint from a neighbor about the taste of the city water and they asked where to send the bills for reimbursement of the bottled water they had to purchase.

Jones stated there is very little water pressure in the 1800 block of Meadowlake.

Jones stated a there was a man across the street from her residence with two green warning tickets on his vehicle and he said it took three officers to put the tickets on the car and he wasn't aware of the problem. She was surprised no one tried to talk with him from code enforcement. Sims stated code enforcement deals with issues outside of the public right of way and that the Safety Department would handle issues in the public right of way. Reavis stated there was a medical call in the 1800 block of Meadowlake and that may be why there were three officers in the area.

Magruder: Magruder stated he received a call from someone about trash carts on the curb that have not been moved since implementation of the sanitation program. Shaw stated by ordinance the enforcement mechanism is through municipal court. He stated we have discussed including that in our code enforcement review, but that the Council hasn't considered a new ordinance yet. Magruder asked if she would need to issue a formal complaint. Shaw stated we can enforce code compliance without an official complaint.

Magruder stated it was also asked if we could explore some temporary fencing around current recycle bins to help contain the material if blowing away. Shaw stated that is not our property, so we could not erect fencing without contacting the property owner.

Magruder stated he would like to consider changing the oath of office for the governing body to be the same that the Safety Officers take, saying they will support all ordinances, proclamations, and resolutions of the City of Augusta Kansas. Parker stated the oath that is taken by the governing body and law enforcement is different in accordance with State Statute requirements. Parker stated the City could potentially include a separate affirmation in addition to the oath. Magruder stated he would like to see us move forward with a separate affirmation. Consensus was not given.

Malone: Malone asked if staff has been able to find where the property owner of the old Wal-Mart has given us permission to put the recycling bins on the property. E. Jones stated she has not. Malone stated we should probably wait until we locate that agreement before putting up fencing.

Malone asked Jones if she would be taking care of the Adopt-A-Pot program. Jones stated she would. Jones asked if she should continue to work with the Chamber or start working with DAI as discussed previously since they specifically serve the downtown. Malone stated that with the DAI executive director leaving he would recommend continuing to work with the Chamber.

Executive Session:

At 8:36 p.m. Lowery made a motion to go into executive session for 20 minutes under the personnel matters of non-elected personnel exception to the Kansas Open Meetings Act in order to conduct the City Manager's annual evaluation. The governing body will reconvene in the Council Chambers at 8:56 p.m. Malone seconded the motion. Motion carried without opposition.

At 8:57 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 8:57 p.m. Malone made a motion to adjourn. Lowery seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
APRIL 6, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on April 6, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Paul Belt, Jamie Crum, Sue Jones, Mike Rawlings, Ron Reavis and Matt Malone. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Street/Sanitation Superintendent Anthony Craft and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Kevin Cowan, Keith Ayotte, Steve Frank, Myrna Rogers, Gary Rogers, Tom Leffler, Traevor McPherson, Justin Londigan, Rick Martindale, Connie Thurman, Jamie Barton, Casey Socha, Michele Spainhower, and Robert Buckingham.

Pledge of Allegiance

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

Minutes: Malone made a motion to approve the minutes from the March 16, 2015 Council meeting. Lowery seconded the motion. Motion carried without opposition.

Ordinance 3A: Reavis made a motion to approve Ordinance 3A in the amount of \$823,977.99. Lowery seconded the motion. Motion carried without opposition.

Visitors:

Art Buckingham, Director of Augusta Youth Soccer, was present to thank the governing body for their continued support and annual utility abatement. He stated they had 432 players last year.

Michele Spainhower, representing the Augusta Arts Council, was present to request a street closure for the 500 Block of State Street for a "Back to the Future in Hill Valley" event on July 3, 2015. Lowery made a motion to approve the street closure and adopt a proclamation temporarily changing the name of the City to "Hill Valley" on the day of the event. Malone seconded the motion. Motion carried without opposition.

Business:

Easements for 7th Avenue Waterline: Rawlings made a motion to approve and accept temporary construction and permanent easements from various property owners for the 7th Avenue Waterline Project and authorize staff to execute all required documentation and make payments to the property owners for a total of \$8,041. Belt seconded the motion. Motion carried without opposition.

7th Avenue Waterline Project Bids: Jones made a motion to accept the revised City Engineer's estimate of \$566,125 for the 7th Avenue Waterline Project. Lowery seconded the motion. Motion carried without opposition.

Jones made a motion to approve the bid award to McCullough Excavating in the amount of \$564,550 for the 7th Avenue Waterline Project. Lowery seconded the motion. Motion carried without opposition.

Authorizing Sale of GO Bonds 2015-A and Refinancing 2013 Temp Notes and Financing Refuse Collection Equipment: Reavis made a motion to approve Resolution 2015-03 authorizing the

offering for sale of general obligation bonds, Series 2015-A, to permanently finance the costs of improvements to the public water supply system as originally authorized by Resolution 2013-06, and to finance improvements to the refuse collection equipment as authorized by Resolution 2015-02. Lowery seconded the motion. Motion carried without opposition.

Community Development Block Grant Survey Agreement: Rawlings made a motion to approve an agreement with Wichita State University Hugo Wall School to complete citizen surveys required for the Community Development Block Grant (CDBG) program. Reavis seconded the motion. Motion carried without opposition.

Annual Williams Petroleum Agreement: Jones made a motion to approve the agreement with Williams Petroleum for the City to provide mowing services for 2015 for designated tracts of property for a fee of \$13,000. Malone seconded the motion. Motion carried without opposition.

Park Board Recommendations for Sponsorship Banners on Outfield Fences at Garvin Park and the Allocation of Revenues Generated: Sims stated it was the Park Board's recommendation to approve the sale of sponsorship signs and to channel that funding back to the Augusta Little League Baseball. Sims stated that staff's recommendation at that time was to direct that funding through the Augusta Community Foundation as a way to make it easier for people to make that donation. He stated we could be looking at \$9,000 to \$12,000 in sponsorships annually. Sims stated that in further discussions with the City Attorney and City Auditor it was their recommendation not to use the Community Foundation and instead to channel that funding to a City project fund and from that point it would be up to the City Council as to how to allocate that money. He stated that staff fully supports their recommendation and therefore amends their original recommendation to use the Community Foundation. Reavis stated concerns about sponsorships raised by Augusta Little League coming to the City.

Lowery made a motion to table to the next meeting so the Council could hear more research on this. Rawlings seconded the motion. Motion failed with Lowery, Reavis voting in favor and Belt, Magruder, Crum, Rawlings and Malone voting in opposition.

Crum made a motion to allow Augusta Little League Baseball to go ahead with their fundraising, subject to city policy adopted at a later date. Belt seconded the motion. Motion carried without opposition.

Zoning Classification for 5668 SW 70th Street: Rawlings made a motion to approve Ordinance 2077 Changing the zoning classification from R-6C to R-6B for property commonly known as 5668 SW 70th Street located in the growth area of the City of Augusta. Malone seconded the motion. Roll Call: Reavis Yea, Jones Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, Rawlings Yea, Malone Yea. Motion carried without opposition.

Malone made a motion to approve Ordinance 2078 Changing the zoning classification from R-6A to R-6C for property located along the western boundary of 5668 SW 70th Street located in the growth area of the City of Augusta. Lowery seconded the motion. Roll Call: Reavis Yea, Jones Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, Rawlings Yea, Malone Yea. Motion carried without opposition.

Amending Commercial Dumpster Rates and Establishing Billing Procedures for Multi-Unit Dwellings: Malone made a motion to approve Ordinance 2079 amending the commercial dumpster rates and establishing billing procedures for multi-unit dwellings. Jones seconded the motion. Roll Call:

Reavis Yea, Jones Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, Rawlings Yea, Malone Yea. Motion carried without opposition.

Matters From/For Council:

City Manager and Assistant City Manager will be out of the office attending the KACM Spring Conference in Lawrence, KS on April 16-17th.

Informational Memorandum and Final Comments:

Reavis: Reavis stated that through conversations with Chief Brewer, he has reviewed the ordinance and feels the present ordinance of littering would apply to the Wichita Eagle East newspapers since it is unsolicited. Reavis stated Brewer has called the Wichita Eagle and spoke to one gentleman who said their editor would be in touch with him, but as of today had not called back. Reavis stated Brewer is prepared to advise his officers if they see anyone delivering the Wichita East newspaper they could be cited for littering under the present ordinance.

Rawlings stated he received a call from the Eagle wanting his permission to also deliver a paper on Saturday or Sunday but that he told them no. Childers asked if same directive was given to the officers for the Butler County Times Gazette shopper's guide. Reavis stated the ordinance says littering only applies to the streets, sidewalks and yards, so if it is placed on the porch then it is not littering. Malone stated what prompted this for him was when he pulled in to his cul de sac there was one to two papers in front of every house in the street, not the driveway, so that is when he called the Eagle and informed them of what I was going to try to pursue. He stated they had the carrier, who is contracted labor, contact him. Malone stated that it will be the carrier who is going to get the ticket, so they will just find another carrier. Magruder stated he saw an email on social media that you could send to in order to opt out of the delivery. Childers and Reavis stated they tried and that didn't work.

Parker stated that we are walking a fine line relating back to the first amendment. He stated an ordinance has been presented to the Council for review that deals with the commercial hand bills. Parker stated we could talk about that in the executive session if we have a little extra time and have a resolution yet this evening. Reavis stated the present ordinance is very specific on what is allowed and he shouldn't have to call someone to tell them not to deliver a paper in my yard. Parker stated there are certain things that create the potential for legal risk. Reavis stated he is willing to take the risk. Magruder stated this has come up over and over again and we need to direct staff to look into this. Reavis stated he thinks our ordinance covers this issue.

Jones: Jones stated she was pleased to see the memo from Sims about code compliance. She asked if we need to review the ordinances to make sure they say what we want them to say before we start enforcing them. Sims stated the City is currently governed by the International Property Maintenance Code (IPMC) Version 2003, but staff is currently reviewing IPMC Version 2012 and preparing to bring it to the governing body, which will bring our code up to more current time to help address various issues. Parker stated we are the authority under state statute to take certain action to address code violations like nuisances. He stated that state statute provides us much more protection.

Jones stated the one thing she wants to be careful of is that we make sure it is done in a fair, equitable and compassionate manner. Sims stated it is a holistic approach and that code compliance is never popular but what we are proposing to do is an education component to help folks understand where we are and where we are going, before severe implementation. Shaw

stated the audit portion is what is being proposed now and use that data for the grant program and how to move forward.

Reavis stated the Inspection Department is out there every day addressing these hazards but they don't have the legal teeth they need to get things done. Jones stated she isn't picking on the Inspection Department, but just saying that what is being laid out here is a much more comprehensive program than what we are currently experiencing and the fact that Sims has identified that you need to have workshops and education that is key to what we want to do. Sims stated the intent with the comprehensive code compliance audit is to get the big picture view of what we are facing in the community because it is his belief that everything can't resort to a condemnation. He stated we have to understand what tools of code compliance to use to get the maximum return on our efforts and it could identify areas where new funding mechanisms can help alleviate some of this.

Belt made a motion to take a five minute break prior to executive session. Reavis seconded. Motion carried without opposition.

Lowery: Lowery stated he was interested in hearing more about the ordinances Parker spoke of in executive session. Lowery stated he doesn't want to just penalize the contracted employee but the vendor.

At 8:29 meeting was adjourned for a five minute break.

At 8:34 meeting was reconvened.

Executive Session:

At 8:35 p.m. Lowery made a motion to go into executive session for 25 minutes under the personnel matters of non-elected personnel and matters deemed privileged in the attorney-client relationship exceptions to the Kansas Open Meetings Act. Lowery asked that City Manager Josh Shaw and Assistant City Manager Cody Sims join the Council in the executive session. The governing body will reconvene in the Council Chambers at 9:00 p.m. 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. Lowery seconded the motion. Motion carried without opposition.

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

City Clerk

CITY COUNCIL
APRIL 20, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on April 6, 2015, with Mayor Matt Childers presiding. Council present were Cale Magruder, Paul Belt, Jamie Crum, Sue Jones, Mike Rawlings, Ron Reavis and Matt Malone. Councilman Jason Lowery was absent. Also present: City Manager Josh Shaw, Assistant City Manager Cody Sims, Street/Sanitation Superintendent Anthony Craft and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Sarah Hoefgen, Michael McDermott, Tom Leffler, Patty Leffler, Ray Jones, Jeana McClure, Lisa Daniels, Ray Jones, Justin Londagin, Jennifer Londagin, Dianne Buggeln, Bill Buggeln, Traevor McPherson, Thelma Havice, Charley Havice, Joannie Dibly, and Vicki Atkinson.

Pledge of Allegiance

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

Minutes: Rawlings made a motion to approve the minutes from the April 6, 2015 Council meeting. Belt seconded the motion. Motion carried without opposition.

Ordinance 4: Malone made a motion to approve Ordinance 4 in the amount of \$412,976.96. Jones seconded the motion. Motion carried without opposition.

Mayor Childers recognized outgoing Ward 3 Council Member Sue Jones and outgoing Ward 4 Council Member Matt Malone.

Oath of Office:

E. Jones administered the Oaths of Office to Mayor Matt Childers and Council Members Cale Magruder, Paul Belt, Thomas Leffler and Justin Londagin.

President of the Council: Leffler made a motion to appoint Rawlings as President of the Council. Londagin seconded the motion. Motion carried without opposition.

Visitors:

Lisa Daniels, Executive Director for the Augusta Public Library, was present to request that the City donate municipal swimming pool passes to the Augusta Public Library to provide to kids for the summer reading program. Magruder made a motion to authorize 200 one day passes for the Library's summer ready program. Belt seconded the motion. Motion carried without opposition.

Jeana McClure was present to request that the City Council consider changing the city's ordinances to allow chickens within the city limits. McClure proposed a permit for maximum of 8 chickens, no roosters, housed in a clean and humane pen, and no slaughter in the city limits. Rawlings recommended the Council take the request under advisement at this time.

New Business:

Fire Division Commander Vehicle Bid: Rawlings made a motion to approve a bid award to Rusty Eck Ford in the amount of \$19,597 for a new truck for the Fire Division Commander. Crum seconded the motion. Motion carried without opposition.

Electric Utility Easement and Right of Way: Reavis made a motion to approve and accept a ten foot Electrical Utility Easement and Right of Way granted by Robert J. Scott, property owner of 476 E. Broadway Avenue to the City of Augusta. Leffler seconded the motion. Motion carried without opposition.

Schedule Public Hearing for Neighborhood Revitalization Plan: Reavis made a motion to approve Resolution 2015-04 scheduling a public hearing for 7:00 p.m. on May 4, 2015 to seek public input on the City's proposed Neighborhood Revitalization Plan. Rawlings seconded the motion. Motion carried without opposition.

Park Advisory Board Recommendations: Magruder made a motion to approve the Park Advisory Board's recommendations for 2015 parks projects. Rawlings seconded the motion. Motion carried without opposition.

Bill Reed Park Monument Signs: Rawlings made a motion to approve the Park Advisory Board's recommendation to approve two limestone monument signs at Bill Reed Park sponsored by the Augusta Lion's Club and to waive all sign permit fees. Crum seconded the motion. Motion carried without opposition.

Matters From/For Council:

Reavis made a motion to schedule a City Council Budget and Planning Retreat for May 9, 2015 from 11:30 to 2 p.m. at City Hall. Magruder seconded the motion. Motion carried without opposition.

Informational Memorandum and Final Comments:

Reavis: Reavis asked staff if they have had any more communications with the Augusta Little League Baseball about their banners. Sims stated the Parks Department Foreman has made contact with them. Sims stated the Little League has had some questions and that he has been working with the City Attorney to address them.

Reavis asked if staff taken a stance on letter received from The Wichita Eagle. Shaw stated the City Attorney was not available tonight to discuss the letter and he would like the City Attorney to advise the Council before any action is taken.

Childers: Childers asked Sarah Hoefgen, Executive Director of the Chamber of Commerce, to remind the public of the Adopt-A-Pot program. Hoefgen stated program has started and you can plant the beginning of May. She stated there are 53 pots and you can get an application at the Chamber office.

Londagin: Londagin stated he was contacted by citizens about the stop light at Kelly and Ohio. He stated that right turns are triggering the lights to change.

Executive Session:

At 7:55 p.m. Rawlings made a motion to go into executive session for 30 minutes under the preliminary discussion of acquisition of real property exception to the Kansas Open Meetings Act. Rawlings asked that City Manager Josh Shaw and Assistant City Manager Cody Sims join the Council in the executive session. The governing body will reconvene in the Council Chambers at 8:25 p.m. Londagin seconded the motion. Motion carried without opposition.

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

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

City Clerk

CITY COUNCIL
MAY 4, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on May 4, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Paul Belt, Jamie Crum, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Sanitation/Street Foreman Anthony Craft, Parks Foreman Brian Alfaro and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Dustin Avey, Sarah Hoefgen, Eric Birk, Traevor McPherson, Connie Thurman, Lisa Daniels, Mark McCollom, Eric Grooms, Kerry Newman, Kelly Stindt, and Kelly Modlin.

Pledge of Allegiance

Prayer: Councilman Rawlings gave the invocation.

Minutes: Crum made a motion to approve the minutes from the April 20, 2015 Council meeting. Lowery seconded the motion. Motion carried without opposition.

Ordinance 4A: Belt made a motion to approve Ordinance 4A in the amount of \$901,263.68. Leffler seconded the motion. Motion carried without opposition.

Visitors:

Traevor McPherson, 620 Osage, addressed the Council to state that his is opposed to allowing chickens in the city limits. He also requested time later to comment on NRP and Little League Baseball agenda items.

Lisa Daniels, Representing the Augusta Arts Council and the Augusta Public Library, was present to request use of the stage area in Garvin Park for presenting Ballet in the Park's performance of Snow White. Rawlings made a motion to approve use of the stage area in Garvin Park on June 13th from approximately 9:30 am to 1:30 pm for Ballet in the Park's performance of Snow White. Lowery seconded the motion. Motion carried without opposition.

New Business:

Architectural Services Agreement for Public Works Building: Reavis made a motion to approve an Architectural Services Agreement with SFS Architecture in the amount of \$25,500 in addition to not-to-exceed reimbursable expenses of \$8,550 to implement Phase 1 Concept Design for the new Public Works Facility. Leffler seconded the motion. Motion carried without opposition.

Series 2015-A Bond Issuance: Reavis made a motion to approve and accept the bid from Robert W. Baird & Co., Inc. for \$7,065,000 General Obligation Bonds, Series 2015-A, with a lowest net interest cost of \$4,177,548.88. Lowery seconded the motion. Motion carried without opposition.

Reavis made a motion to approve Ordinance 2080 authorizing the issuance of the bonds and levying annual tax for the repayment of the bonds. Leffler seconded the motion. Roll Call: Reavis Yea, Leffler Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, Rawlings Yea, Londagin Yea. Motion carried without opposition.

Reavis made a motion to approve Resolution 2015-05 authorizing the issuance and sale of the bonds. Leffler seconded the motion. Motion carried without opposition.

Neighborhood Revitalization Plan Public Hearing: Public Hearing was opened. Traevor McPherson addressed the governing body and stated NRP is important to the City. He inquired about the section carved out

the plan. Shaw stated it is the Industrial Park and they have been carved out since the beginning because a number of facilities have received IRBs or other abatements when built. He stated that the intent of NRP program is redevelopment of blighted area.

Eric Grooms, 2500 Lakepoint Ct., addressed the governing body. Grooms stated he has been a strong proponent of NRP since its inception. He spoke in support of the adoption and continuance of the program. Grooms asked the Council to consider again including the area north of Belmont and to include new development to spur new housing development.

Mayor Childers closed the Public Hearing.

Mark McCollom addressed the Council stating the \$200,000 residential cap would not help him with building multi-unit housing on several properties he owns.

Magruder made a motion to approve a Neighborhood Revitalization Plan with a cap of \$200,000 for residential, \$400,000 for multi-family residential, and \$500,000 for commercial/industrial. Lowery seconded the motion. Motion carried

Magruder made a motion to approve Ordinance 2081 adopting the newest version of the Neighborhood Revitalization Plan and designating the area south of Belmont as a Neighborhood Revitalization Area. Lowery seconded the motion. Roll Call: Reavis Yea, Leffler Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, Rawlings Yea, Londagin Yea. Motion carried without opposition.

Reavis made a motion to approve Resolution 2015-06 authorizing the Mayor to execute interlocal agreements with Butler County, Butler Community College, and USD 402. Londagin seconded the motion. Motion carried without opposition.

Crack Filling and Sealing Equipment Bids: Magruder made a motion to approve the bid award to PMSI for their total low bid in the amount of \$63,423.25 for a melter/applicator, router, and crack cleaner for the Street Department. Lowery seconded the motion. Motion carried without opposition.

Garvin Park Baseball Fields Sponsorship Policy: Rawlings made a motion to approve the City of Augusta Garvin Park Baseball Fields Sponsorship Policy amended to remove the fee from the policy and allow Augusta Little League to adjust the fee on the form, and remove the statement that Little League Baseball is not responsible for damage sustained by a banner. Reavis seconded the motion. Motion carried with Magruder voting in opposition.

Elmwood Cemetery Administrative Waiver: Rawlings made a motion to approve an administrative waiver to authorize staff to not enforce the removal of the decorations at Elmwood Cemetery per Section 12-545 of City Code and allow them to remain for thirteen days after Memorial Day. Lowery seconded the motion. Motion carried without opposition.

Matters From/For Council:

Reminder of City Council Budget and Planning Retreat on May 9, 2015 starting at 11:30 a.m. at City Hall.

Shaw stated County Commission is looking for feedback from staff about the speed limit for 6th Avenue and Thunder Road. Craft stated he was contacted by the County and staff supports the County's recommendation to drop the speed limit to 40 MPH prior to intersection of Thunder Road and Lulu and the City will post it at 30 MPH at the city limits. Craft stated this issue is being addressed at tomorrow's County Commission meeting. Rawlings made a motion of support of the recommendation. Lowery seconded. Motion carried without opposition.

Alfaro recommended a Three on Three Basketball tournament on June 6th at the swimming pool and for teams to overflow to Bill Reed Park if necessary. Crum made a motion to approve the Three on Three Basketball tournament on June 6th pending insurance recommendations. Belt seconded the motion. Motion carried without opposition.

Informational Memorandum and Final Comments:

Reavis: Reavis asked if anything is in the works for an organized fireworks display this year. Shaw stated he has reached out to the people who did the display last year. Shaw stated funding has historically come from private donations, but during the budget discussion last year the Council chose to appropriate funds for the display if we are not able to obtain private donations. Childers stated \$7,500 has been budgeted for the display and that he has reached out to several entities with the hopes of having a \$10,000 show this year.

Reavis stated he was contacted by a member of the adult softball league that plays at Moyle with concerns about other groups using Moyle field. He stated they drag the diamonds and prepare the fields for their games and then other teams come up and tear up the field. Reavis stated that one coach refused to leave so they could prepare for their games. Reavis stated there are signs posted at Moyle field that state there is to be adult use at certain times only and asked what agreement we have with the adult league, who has the rights at Moyle field, and how all of that is designated. Shaw stated there is no written agreement but that there has been an understanding over the years. He stated it is a public field though, and if exclusive use by a certain group is wanted then we need to have a formal agreement with that entity. Parker agreed that a formal agreement would be needed that designates specific times for sole use by a certain entity. Rawlings stated Mr. Moyle could have specified that at some point. Reavis stated they are getting ready to start their season and what happens if they show up to play and there is a Little League traveling team there that refuses to clear the field. Shaw stated Reavis is making a very strong case for a recreation commission. Parker stated it could be handled with a policy designation or an agreement with specific organizations.

Rawlings: Rawlings stated the no fishing signs around lake are in disrepair and stated he saw people fishing but they were apprehended.

Londagin: Londagin thanked Downtown Augusta, Inc. for the sidewalk chalk event.

Belt made a motion for a 5 minute recess. Londagin seconded. Motion carried without opposition.

Executive Session:

At 9:01 p.m. Magruder made a motion to go into executive session for 40 minutes under the personnel matters of non-elected personnel and matters deemed privileged in the attorney-client relationship exceptions to the Kansas Open Meetings Act. Magruder asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 9:41 p.m. Leffler seconded the motion. Motion carried without opposition.

At 9:41p.m. Reavis made a motion to exit executive session with no action being taken. Lowery seconded the motion. Motion carried without opposition.

Adjourn: At 9:42 p.m. Reavis made a motion to adjourn. Leffler seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
MAY 18, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on May 18, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Jamie Crum, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Councilman Paul Belt was absent. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Tony Madrigal, Lisa Jeter, Bill Morris, and Sarah Hoefgen.

Pledge of Allegiance

Prayer: Councilman Lowery gave the invocation.

Minutes: Leffler made a motion to approve the minutes from the May 4, 2015 Council meeting. Lowery seconded the motion. Motion carried without opposition.

Ordinance 5: Londagin made a motion to approve Ordinance 5 in the amount of \$400,888.09. Rawlings seconded the motion. Motion carried without opposition.

Visitors:

Bill Morris introduced Lisa Jeter, the new Executive Director for Downtown Augusta Inc. Jeter requested street closures for the Brick Street Festival on June 18-20, 2015. Crum made a motion to approve the street closure request for the Brick Street Festival on June 18-20, 2015. Lowery seconded the motion. Motion carried without opposition.

Tony Madrigal, representing Madrigal & Welch, presented the City with a dividend check in the amount of \$38,476.42.

New Business:

Replacement Vehicle for Meter Readers: Crum made a motion to move forward with obtaining bids for the meter reader vehicle replacement. Rawlings seconded the motion. Motion carried without opposition.

Board Appointments: Magruder made a motion to approve the appointment of Kristi Goodmanson, Jane Forkner, and Ron Nibbelink to the Library Board and Dorothy Ware to the Augusta Housing Authority Board. Lowery seconded the motion. Motion carried without opposition.

Fee Schedule Resolution: Lowery made a motion to approve Fee Schedule Resolution 2015-07. Rawlings seconded the motion. Motion carried without opposition.

Fireworks Production Contract: Reavis made a motion to approve the fireworks production contract in the amount of \$7,500 with Rainbow Fireworks for the annual 4th of July fireworks show at Augusta City Lake. Leffler seconded the motion. Motion carried without opposition.

Matters From/For Council:

Staff presented a field usage request from Legacy Sports for summer church and coed softball leagues from April 1, 2015 to November 20, 2015. Rawlings made a motion to authorize the City Manager to draft a policy for Legacy Sports' use of Moyle Field for summer church and coed

softball leagues from April 1, 2015 to November 20, 2015 and to authorize city staff to erect signs with the applicable language and prohibiting use of metal cleats. Crum seconded the motion. Motion carried without opposition.

Informational Memorandum and Final Comments:

Magruder: Magruder asked Shaw to discuss the privacy of the information being gathered with the survey. Shaw stated the information gathered from the survey will be used for submitting for community block grants. He stated the first big project will be sanitary sewer repairs in this specific area. Shaw stated that the City will only be receiving a summary of the income data gathered by WSU from the survey and no specific identifying information from individuals.

Executive Session:

At 7:43 p.m. Lowery made a motion to go into executive session for 40 minutes under the attorney-client relationship exception to the Kansas Open Meetings Act. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 8:23 p.m. Reavis seconded the motion. Motion carried without opposition.

At 8:23p.m. Lowery made a motion to exit executive session with no action being taken. Leffler seconded the motion. Motion carried without opposition.

At 8:25 p. m. Lowery made a motion to go into executive session for 10 minutes under the attorney-client relationship exception to the Kansas Open Meetings Act. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 8:35 p.m. Leffler seconded the motion. Motion carried without opposition.

At 8:35 p.m. Lowery made a motion to exit executive session with no action being taken. Londagin seconded the motion. Motion carried without opposition.

Adjourn: At 8:36 p.m. Leffler made a motion to adjourn. Londagin seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
JUNE 1, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on June 1, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Jamie Crum, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Councilmen Cale Magruder and Paul Belt were absent. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Street/Sanitation Foreman Anthony Craft and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Eric Birk, Keith Ayotte, Jeremy Lawson, Father Michael Schemm, Lisa Jeter, and Chad Russell.

Pledge of Allegiance

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

Minutes: Rawlings made a motion to approve the minutes from the May 18, 2015 Council meeting. Lowery seconded the motion. Motion carried without opposition.

Ordinance 5A: Londagin made a motion to approve Ordinance 5A in the amount of \$775,417.34. Leffler seconded the motion. Motion carried without opposition.

Visitors:

Jeremy Lawson, representing WFO Guys Car Club, was present to request use of the downtown area for their 21st Annual Car Show on August 1, 2015. Crum made a motion to approve the request from WFO Guys Car Club to use the downtown area for their 21st Annual Car Show on August 1, 2015. Lowery seconded the motion. Motion carried without opposition.

New Business:

2015 Street Sales Tax Projects: Reavis made a motion to approve a bid award to Kansas Paving in the amount of \$215,445 for the 2015 Street Sales Tax Projects. Leffler seconded the motion. Motion carried without opposition.

Request from Leadership Butler for Signs: Rawlings made a motion to approve a request from Leadership Butler Class of 2014 to donate 90 surplus U-channel sign posts for use and installation in the rural areas throughout Butler County for the “When Flooded Turn Around Don’t Drown” class project. Lowery seconded the motion. Motion carried without opposition.

Sanitation Purchases: Reavis made a motion to approve the purchase of one automated side loading refuse truck and two rear loading refuse trucks from Elliott Equipment/New Way through the NJPA in the total amount of \$628,798 and for recycling carts and trash carts from Toter in the amount of \$179,838.78 through NIPA. Lowery seconded the motion. Motion carried without opposition.

CTB Grant for April Fools Run: Rawlings made a motion to approve the Convention and Tourism Committee’s recommendation in favor of a \$500 grant to Downtown Augusta, Inc. (DAI) for the April Fools Run and authorize the City Manager to reimburse DAI for the event. Lowery seconded the motion. Motion carried without opposition.

Mayoral Appointments: Londagin made a motion to approve the Mayor's recommendations for appointments and reappointments to the City's various boards and committees. Lowery seconded the motion. Motion carried without opposition.

Matters From/For Council:

Discussion of the City of Augusta's membership in the Regional Economic Area Partnership (REAP). Shaw recommended the City forego membership in REAP this year since staff has been unable to participate in any of the events and recommended the governing body re-evaluate membership for 2016. Rawlings asked if Sedgwick County is a member. Childers stated they are not, but a couple of their commission members paid for their own membership. Shaw stated Butler County isn't a member. Shaw stated the membership is \$2,500. Lowery made a motion to discontinue membership to REAP for 2015 and re-evaluate membership for 2016. Reavis seconded the motion. Motion carried without opposition.

Reavis made a motion to schedule a budget work session for June 8, 2015 at 6 p.m. at City Hall to meet with Department Heads and to discuss a Recreation Commission. Lowery seconded the motion. Motion carried without opposition.

Informational Memorandum and Final Comments:

Reavis: Reavis congratulated all the spring student athletics for their hard work and determination, especially the AHS Girls Softball team on becoming State champions.

Crum: Crum inquired about the work session on code enforcement. Shaw stated it would be tough to schedule one in June and July because we usually schedule the budget work sessions on the free Mondays; Shaw stated it would be better to schedule one in late July or August. Crum said September would work. Shaw stated staff has continued to work on code enforcement and recommendations to bring to the Council.

Executive Session:

At 7:28 p.m. Lowery made a motion to go into executive session for 60 minutes under the attorney-client relationship and preliminary discussion for the acquisition of real property exceptions to the Kansas Open Meetings Act. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, City Engineer Keith Ayotte, and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 8:28 p.m. Reavis seconded the motion. Motion carried without opposition.

At 8:28 p.m. Lowery made a motion to exit executive session with no action being taken. Leffler seconded the motion. Motion carried without opposition.

Lowery made a motion to authorize staff to tender a final offer for relocation of a sewer line across PDH Properties within the City of Augusta, Kansas and authorize the City Attorney to pursue all necessary actions for the City's easement for sewer line across the same in the Butler County District Court. Leffler seconded the motion. Motion carried with Reavis voting in opposition.

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

City Clerk

CITY COUNCIL
JUNE 15, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on June 15, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Jamie Crum, Paul Belt, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Jeremy Lawson, Keith Ayotte, Chad Russell, Michael McDermott, Linda McDermott, Sarah Hoefgen, Erik Birk, Kelly Modlin, Connie Thurman, Morgan Moore, Kimberly Andrews, Dalton Patterson, Father Michael Schemm, Patrick Hughes, Pat Herian, Diane Herian, Troy Waltemath, Lisa Jeter, Mark Sudduth, Dianna Sudduth, Ken Bohon, Michele Spainhower, Mike Clifton, and Randy Johnson.

Pledge of Allegiance

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

Minutes: Leffler made a motion to approve the minutes from the June 1, 2015 Council meeting. Lowery seconded the motion. Reavis asked that committee appointments be listed in the minutes going forward. Motion carried without opposition.

Ordinance 6: Rawlings made a motion to approve Ordinance 6 in the amount of \$507,794.14. Lowery seconded the motion. Motion carried without opposition.

Visitors:

Patrick Hughes, 1110 SW 140th Leon, an attorney with the Adam & Jones Law Firm, addressed the governing body on behalf of the Herian's who own Augusta Ace Home Center. Hughes stated he was here to bring some things to the Council's attention regarding the sewer line so they can make better informed decisions about how to address the problem. After being notified by the Mayor that he exceeded the five minute time limit for visitors, Hughes requested additional time and was granted an additional five minutes.

City Attorney Austin Parker provided a summary of the situation with the sewer line and responded to some of the comments made by Hughes.

Linda McDermott presented a request for the Children's 4th of July Parade to be held downtown July 4th. Magruder made a motion to approve the request to use the downtown on July 4th for the Children's 4th of July Parade. Lowery seconded the motion. Motion carried without opposition.

Morgan Moore and Kimberly Andrews, representing the Pregnancy and Family Resources Center, presented a request use of Shryock Park, Garvin Park and Lake Road to hold a 5K family run/walk on Labor Day morning, September 7, 2015. Lowery made a motion to approve the request from Pregnancy and Family Resources Center to use Shryock Park, Garvin Park and Lake Road for a 5K family run/walk on the morning of September 7, 2015. Belt seconded the motion. Motion carried without opposition.

Pat Herian, 8241 SW Turkey Creek Rd. and owner of Augusta Ace Home Center addressed the governing body regarding the sewer line easement. Herian asked the governing body to review the two

letters his attorney has provided to them before making a decision. He stated he doesn't want to pay for a mistake that was made prior to his birth.

Proclamations:

Lowery made a motion to approve a proclamation temporarily changing the name of the City of Augusta to "Hill Valley" on July 3, 2015 for the "Back to the Future in Hill Valley" 35th anniversary event hosted by the Augusta Arts Council at the Augusta Historic Theatre. Londagin seconded the motion. Motion carried without opposition.

New Business:

Cancellation of Commercial Airport Lease with ARTDG, LLC: Reavis made a motion to approve a request from Ty Masterson of ARTDG, LLC to cancel the commercial airport lease for the facilities commonly referred to as the "Guernsey Hangar" and the "Quonset Hut" effective June 30, 2015. Leffler seconded the motion. Motion carried without opposition.

Final Plat for Modlin Addition: Leffler made a motion to approve the Planning Commission's recommendation to approve the Modlin Addition Final Plat and authorize the plat to be filed with the Butler County Register of Deeds. Lowery seconded the motion. Motion carried without opposition.

Matters From/For Council:

Reminder of the Brick Street Festival scheduled for June 19th – 21st.

Leffler made a motion to schedule a budget work session for June 29th, 2015 at 6 P.M. at City Hall. Belt seconded the motion. Motion carried without opposition.

Consider request from Councilman Londagin to direct staff to study adjustment of speed limits on Custer Lane. After a brief discussion the consensus was given for Londagin to bring this discussion back to the Council's attention in September when school is back in session for a study to be conducted.

Sims provided an update regarding State of Kansas changes to the administrative regulations for the City's revolving loan fund program through the Kansas Department of Commerce funded by the CDBG program. Sims stated there was a lot of frustration from those that attended the session because it seems to take a lot of local control away from communities. He stated that some communities are considering giving their loan money back to the State. Sims states it warrants reviewing the program to make sure it is still in the best interest of the City. He stated our program has been in place since 1988 and there is currently \$438,419 in the program fund. Sims stated this program provides start up funds to businesses or money for expansion and is not meant to compete with banks, but to be a different funding mechanism. He stated there is typically more risk with these types of loans. He stated our last loan was for \$30,000 in July of 2013. Sims feels this program has value because it puts another tool in our tool box to help businesses. He stated that the State said they are not going to allow loan program funds to go on unused, that it either needs to be used or turned over to the State. Sims stated we need to see if there is a place we can use it here locally for our businesses.

Informational Memorandum and Final Comments:

Belt: Belt encouraged people to cooperate with the survey that has been mailed to them or going around door to door. Shaw stated WSU is moving on with their door to door survey. He encouraged folks in that area to support this effort because the money we get from those grant programs will improve the infrastructure that services them. He stated that the information being gathered is

being kept confidential by WSU and the City is only receiving the aggregate data. Sims stated they would be going door to door tomorrow and Friday and will be wearing WSU ID tags. Childers asked that this information be shared on social media.

Reavis: Reavis stated there are a couple of investors from the Hotel at tonight's meeting. He asked if the site plan and utility information staff has been asking for been received. Sims stated it has not. He stated that before the City can issue building permits he needs a set of construction plans and utility information for easements, and an updated site plan from the Architect. He stated he heard from civil engineering firm that they are working on the finalized master drainage plans and that they received an updated site plan but we have not. Reavis thinks we are at the point where we need to put a deadline on the project. He stated it is time for that group to either step forward or step back. Sims said a lot of time has been spent recently with KDOT trying to work out access management. He stated he is working towards an August groundbreaking but needs engineering and architectural information.

Lowery: Lowery stated he appreciates the information he was given tonight regarding ACE Hardware. He stated a lot of folks are going to have questions and told them to feel free to ask them. He stated the Council may not have all the answers but they will do their best. Lowery stated he appreciated Mr. Herian's comment about his love for the community because he does too. He stated that he hopes everyone trusts that we will come to a conclusion in the near future that is best for the City and everyone involved.

Crum: Crum stated there are giant pot holes in Garvin Park between the baseball diamonds and asked if we maintain those roads. Shaw stated staff would look in to it. Belt stated there is a big pothole at the entrance to the High School along Augusta Ave. Childers stated there is an opportunity to report pot holes on the City's website.

Executive Session:

At 8:09 p.m. Lowery made a motion to go into executive session for 45 minutes under the attorney-client relationship exceptions to the Kansas Open Meetings Act. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 8:54 p.m. Londagin seconded the motion. Motion carried without opposition.

At 8:55 p.m. Lowery made a motion to exit executive session with no action being taken. Leffler seconded the motion. Motion carried without opposition.

Adjourn: At 8:55 p.m. Lowery made a motion to adjourn. Belt seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
JULY 6, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on July 6, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Jamie Crum, Paul Belt, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Public Works Director Jaime Goering, and City Clerk Erica Jones. Visitors present were: Myrna Rogers, Gary Rogers, Traevor McPherson, David Pate, Gerald Snyder, Priscilla All, Reta Orisdahl, John Black, David Crum, Robert Griffith, Larry Wilson, John Stewart, Dale Lee, Jason Filbeck, Chaydon Carter, and Cristina Janney.

Pledge of Allegiance

Prayer: Councilman Magruder gave the invocation.

Minutes: Leffler made a motion to approve the minutes from the June 15, 2015 Council meeting. Lowery seconded the motion. Motion carried without opposition.

Ordinance 6A and 7: Lowery made a motion to approve Ordinance 6A in the amount of \$1,024,345.23 and Ordinance 7 in the amount of \$576,754.38. Belt seconded the motion. Motion carried without opposition.

Proclamations:

Mayor Childers read a proclamation declaring July 25, 2015 as “Kansas All-Star Football Shrine Bowl Day” and recognizing Augustan Chaydon Carter for being chosen to represent Augusta in the 42nd Annual Shrine Bowl Football Game.

New Business:

Maximum Property Tax For the Library Funds: Council reviewed, discussed and provided direction to staff regarding a proposed ordinance establishing the maximum property tax dollar amount for the Library fund pursuant to K.S.A. 12-1220, and establishing a maximum property tax dollar amount for the Library Employee Benefit Fund in accordance with the provisions of K.S.A. 12-16, 102(d).

Gerald Snyder, 134 Main, addressed the governing body regarding the Library. He stated he would leave the decision up to the Council because he knows they will do the right thing.

Lisa Daniels, Executive Director of the Library, stated the Library Board of Directors feel the cap should be tied to the mill levy not the tax dollar amount because if valuations go down the amount they receive will go down but they would share in the benefits if the valuation goes up. Daniels stated Shaw also wants to turn over the maintenance of the building to the Library which has never been their responsibility before. Daniels stated they appreciate the utility abatement, snow removal and mowing that City has agreed to continue.

Childers stated the Council will take the information and comments provided under advisement and will discuss it further during the work session next week.

Meter Reader Vehicle: Reavis made a motion to approve the quote for a 2014 Toyota Tacoma from National Auto Fleet Group through the National Joint Powers Alliance (NJPA) in the amount of

\$22,121.19 including sales tax. Rawlings seconded the motion. Motion carried without opposition.

Cereal Malt Beverage License: Leffler made a motion to approve the application from Pegasus 200, LLC DBA Taco Tico located at 205 W 7th Avenue for a Cereal Malt Beverage (CMB) License for Sale for Consumption on Premises. Reavis seconded the motion. Londagin inquired about the new BYOB legislation recently passed. Parker stated he would like an opportunity to review the new legislation more in depth and report back in a few weeks. Londagin said it would be good to post that information online so citizens know what they can do. Motion carried with Rawlings and Magruder voting in opposition.

Matters From/For Council:

Rawlings made a motion to schedule a budget work session for July 13, 2015 at 6 P.M. at City Hall. Leffler seconded the motion. Lowery stated he will not be able to attend. Motion carried without opposition.

Review Council appointments to the Street Sales Tax Committee for upcoming hearings in the fall. Shaw stated the committee meets 3-4 times and we would like to start the meetings in August or September for 2-3 meetings. Londagin asked when staff needed to know. Shaw said by next meeting.

Informational Memorandum and Final Comments:

Reavis: Reavis stated he would like to start a discussion about the Rails to Trails initiative. He stated he thinks it is important that the Council as a group decide our involvement and financial commitment to this project so the group knows how to proceed. Childers stated this has been identified as a project through our Capital Improvement Plan. Reavis stated a discussion during a council meeting would work for him as opposed to a work session. Shaw asked if the Council meeting would like staff to prepare a presentation and then it will move to a discussion item. Childers asked that it wait until our budget is complete.

Magruder: Magruder asked Shaw for an update on his meeting with Aqua Tech. Shaw stated as a result of the discussion with Aqua Tech, we have started looking at intake screens for both lakes due to sedimentation. He stated we have reached our vested number for Santa Fe Lake already, but because of the sediment we are unable to increase our rights any further now. Shaw stated that the City is still in conversations with KDOT regarding using the highway right of way for the line. He stated there will be a lot of easements that will need to be acquired.

Magruder stated he would like Little League to present their interest in purchasing a metal building for a concessions facility for Garvin Park to the Park Board so the Council could get their input before making a decision. Shaw stated the Little League board members want to wait until they get through this year to see where they are with funding.

Childers: Childers thanked the Arts Council for the Back to the Future trilogy event. He stated he interacted with several citizens very concerned about re-naming of our community. He stated it was just for 24 hours, no tax dollars were spent, and no signs were changed. Childers stated it was a great event and was very well attended.

Lowery: Lowery stated Gregg Street has been patched and asked if it will be overlaid. Shaw said yes.

Rawlings: Rawlings stated he has had a couple encounters with people curious if we could put a date on the cemetery signs stating when the cemetery was established. Rawlings stated he has also been asked by some people about the Mayor writing articles for the Gazette.

Londagin: Londagin thanked the Public Safety Department for keeping the community safe this past July 4th weekend.

Executive Session:

At 7:52 p.m. Lowery made a motion to go into executive session for 40 minutes under the attorney-client relationship exceptions to the Kansas Open Meetings Act. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, Public Works Director Jaime Goering and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 8:32 p.m. Magruder seconded the motion. Motion carried without opposition.

At 8:32 p.m. Lowery made a motion to exit executive session with no action being taken. Leffler seconded the motion. Motion carried without opposition.

Adjourn: At 8:33 p.m. Londagin made a motion to adjourn. Rawlings seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
JULY 20, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on July 20, 2015, with Mayor Matt Childers presiding. Council present were Cale Magruder, Paul Belt, Jamie Crum, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Councilmember Jason Lowery was absent. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Public Works Director Jaime Goering, Public Works Superintendent Anthony Craft, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Gary Rogers, Myrna Rogers, Sarah Hoefgen, Suzie Thein, Lisa Daniels, Lisa Jeter, and Traevor McPherson.

Pledge of Allegiance

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

Minutes: Rawlings made a motion to approve the minutes from the July 6, 2015 Council meeting. Belt seconded the motion. Motion carried without opposition.

Ordinance 7A: Londagin made a motion to approve Ordinance 7A in the amount of \$1,333,352.08. Rawlings seconded the motion. Motion carried without opposition.

Visitors:

Traevor McPherson addressed the governing body. McPherson stated that the budget work session was a very interesting and informative session. He requested the work sessions be made available to be watched on cable and on the website.

Suzie Thein, Executive Director of Sunlight Children's Advocacy and Rights Foundation (SCARF), was present to discuss services provided by SCARF and to request funding assistance from the City of Augusta.

Councilwoman Crum arrived at 7:13 p.m.

Shaw stated that \$1,500 in funding for SCARF has been provided for in the proposed 2016 Budget in the Special Alcohol Fund.

Myrna Roger presented Thein with three hand crocheted blankets for the Children's Home.

Reavis made a motion to provide funding to SCARF in the amount of \$1,500 for 2015 contingent on funding being available and keep the \$1,500 in funding in the 2016 Budget. Leffler seconded. Motion carried without opposition.

New Business:

Maximum Property Tax For the Library Funds: Rawlings made a motion to approve Ordinance 2082 establishing the maximum property tax dollars amounts for the Library Fund in accordance with provisions of K.S.A. 12-1220 and Library Employee Benefit Fund in accordance with the provisions of K.S.A. 12-16,102(d). Belt seconded the motion. Roll Call: Reavis Yea, Leffler Yea, Belt Yea, Magruder Yea, Crum Yea, Rawlings Yea, and Londagin Yea. Motion carried.

Dumpster Buy Back Program: Reavis made a motion to approve Resolution 2015-08 establishing a program to purchase privately owned containers from customers doing business with the City of Augusta, Kansas Public Works Department, Solid Waste Division. Magruder seconded the motion. Motion carried without opposition.

Contract Franchise with Zayo Group, LLC for Telecommunications Services Utilizing Public Right-of-Way: Crum made a motion to approve Ordinance 2083 establishing a contract franchise with Zayo Group, LLC for the telecommunications services utilizing public right-of-way. Londagin seconded the motion. Roll Call: Reavis Yea, Leffler Yea, Belt Yea, Magruder Yea, Crum Yea, Rawlings Yea, and Londagin Yea. Motion carried.

Park Board Term Limits, Removal of Appointed Board Members, and Filling of Vacancies: Reavis made a motion to approve Ordinance 2084 setting term limits for the Park Board and establishing a process for removal of appointed board members and filling of vacancies and amended to read "All members shall serve a maximum of two consecutive terms and... under section (c) TERMS. Leffler seconded the motion. Roll Call: Reavis Yea, Leffler Yea, Belt Yea, Magruder Yea, Crum Yea, Rawlings Yea, and Londagin Yea. Motion carried.

Schedule Public Hearing to Take Input and Comment on the Proposed 2016 Budget: Rawlings made a motion to schedule a public hearing on Monday, August 10th at 7:00 p.m. at City Hall to take input and comment on the Proposed 2016 Budget and authorize staff to publish notice. Londagin seconded the motion. Motion carried without opposition.

Matters From/For Council:

Rawlings made a motion to update to the City's change order policy increasing City Manager authorization for approval from \$5,000 to \$10,000. Reavis seconded the motion. Motion carried without opposition.

Informational Memorandum and Final Comments:

Magruder: Magruder stated for the public that the full council packets are online and available to the public and that they include a council agenda report prepared by staff. He stated that the South Ohio project bid letting is set for October and the Council and staff will plan on having a town hall meeting with all those impacted soon. Magruder stated the plan is to open fishing on the City Lake in 2016.

Londagin: Londagin stated Kickball registration ends this Friday at 5 p.m. Childers stated the registration forms are available in the Inspection office. Londagin stated they are also available on the City website.

At 8:00 p.m. Belt made a motion to take a 5 minute break. Londagin seconded the motion. Motion carried without opposition.

Executive Session:

At 8:07 p.m. Crum made a motion to go into executive session for 75 minutes under the attorney-client relationship exception to the Kansas Open Meetings Act. Crum asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, Public Works Director Jaime Goering, and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 9:22 p.m. Londagin seconded the motion. Motion carried without opposition.

At 9:22 p.m. Crum made a motion to exit executive session with no action being taken. Rawlings seconded the motion. Motion carried without opposition.

Rawlings made a motion to authorize the City Attorney to file a declaratory judgment action in Butler County District Court confirming the City's right under relative Kansas Statute to potentially, if determined necessary, raise the City of Mulvane's City of Augusta water rate in accordance with Kansas Statute. Londagin seconded the motion. Motion carried without opposition.

Adjourn: At 9:25 p.m. Reavis made a motion to adjourn. Londagin seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
AUGUST 3, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on August 3, 2015, with Mayor Matt Childers presiding. Council present were Cale Magruder, Jason Lowery, Paul Belt, Jamie Crum, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Also present: City Attorney Austin Parker, Assistant City Manager Cody Sims, Public Works Director Jaime Goering, Director of Electric Utility Bill Webster, Public Works Superintendent Anthony Craft, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Myrna Rogers, Gary Rogers, Traevor McPherson, Sarah Hoefgen, Mark McCollom, Connie Thurman, Lisa Jeter, Eric Birk, Sue Hoefgen, Sue Jones, and Ray Jones.

Pledge of Allegiance

Prayer: Councilman Magruder gave the invocation.

Minutes: Magruder made a motion to approve the minutes from the July 20, 2015 Council meeting. Belt seconded the motion. Motion carried without opposition.

Ordinance 7B: Rawlings made a motion to approve Ordinance 7B in the amount of \$651,370.91. Londagin seconded the motion. Motion carried without opposition.

Visitors:

Traevor McPherson addressed the governing body with questions about recent City Expenditures, specifically weekly charges from Lehr's Motel and \$500 to Hot Wild Pit BBQ. Sims stated the charges from Lehr's are for a citizen that has been displaced due to the sewer line rupture. Jones stated the purchase from Hot Wild Pit BBQ was for the recent Fly-In and that will be reimbursed by the company that hosted the Fly-In. McPherson inquired about his previous suggestion during the candidate's forum about providing three month utility abatement to new businesses. He stated he would like to discuss that at next council meeting.

Don Durflinger, Assuming Command of American Legion Leonard Whitehill Post, addressed the governing body to let them know what they are doing and why they are here. He stated they are the largest veteran's organization representing veterans of the United States. Durflinger stated they try to work with vets in the community to meet any needs they may have under the guidelines of the program. He stated they also try to do things for the community to beautify the city or help the citizens. They work with students in the community, including Boys State and Girls State and host a Local County Government Day which is coming up soon. Durflinger stated he hopes to be able to work with each and everyone in the community to make sure American Legion is an active participant in the community. Lowery asked how often they meet. Durflinger stated they meet the second Thursday of each month at Dunsford's Funeral Home at 7 p.m. and that veterans and the general public are welcome to attend. Lowery asked how many members they have and Durflinger stated they have 63 members.

Adopt-A-Pot Winners: Mayor Childers and Sarah Hoefgen, Executive Director of the Chamber of Commerce presented awards and checks to the First through Third place winners of the Adopt-A-Pot program. White Eagle Credit Union was presented with First Place, Dana Rogers with Second Place, and Lisa Jeter with Third Place.

Mark McCollom and Connie Thurman, representing the Augusta Arts Council, thanked the council for their support of the recent Hill Valley event held at the Theatre.

New Business:

Solid Waste Presentation: Anthony Craft of the City's Solid Waste Division gave a presentation outlining the rollout of the single-stream curbside recycling program.

Electric Utility Easements: Reavis made a motion to accept electric utility easements needed to support infrastructure enhancements on Ohio Street for 412 E. Main Street, 438 E. Clark Street, 465 E. Broadway Avenue, 469 E. Broadway Avenue, and 714 N. Ohio Street. Lowery seconded the motion. Motion carried without opposition.

Waiver of Fixed Asset Accounting GAAP Requirements: Reavis made a motion to approve Resolution 2015-09 requesting the State Director of Accounts and Reports waive the requirements of K.S.A. 75-1120a(a) with regard to the City's 2015 financial statements and reports. Londagin seconded the motion. Motion carried without opposition.

Schedule Public Hearing for 418 East 15th Street: Londagin made a motion to approve Resolution 2015-10 scheduling a public hearing for the condemnation of property located at 418 East 15th Street for September 21, 2015 at 7:00 p.m. at Augusta City Hall. Lowery seconded the motion. Motion carried without opposition.

Schedule Public Hearing for 118 East Main Street: Belt made a motion to approve Resolution 2015-11 scheduling a public hearing for the condemnation of property located at 118 East Main Street for September 21, 2015 at 7:00 p.m. at Augusta City Hall. Lowery seconded the motion. Motion carried without opposition.

Zoning District Reclassifications: Reavis made a motion to approve Ordinance 2085 changing the zoning district classification from R-6B to R-6A for a new tract of land located adjacent to 5322 SW 60th Street. Leffler seconded the motion. Roll Call: Reavis Yea, Leffler Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, Rawlings Yea, and Londagin Yea. Motion carried.

Magruder made a motion to approve Ordinance 2086 changing the zoning district classification from R-6B to R-6A for property commonly known as 5322 SW 60th Street. Reavis seconded the motion. Roll Call: Reavis Yea, Leffler Yea, Belt Yea, Magruder Yea, Lowery Yea, Crum Yea, Rawlings Yea, and Londagin Yea. Motion carried.

Appointments to the Parks Advisory Board: Myrna Rogers, 1135 Euclid, thanked the Council for appointing her to serve on the Park Board. Rogers stated it was great to work with a great team of volunteers on the beautification of the City of Augusta. She stated she received a letter at 3:34 p.m. today signed by the Mayor thanking her for her service and notifying her that the Council has selected a nominee to finish her term on the Park Board. Rogers stated she is disappointed and asked each council member to contact her at some point to let her know why she was removed without being allowed to serve out her term. Childers stated the letter was mailed out on Friday afternoon.

Ray Jones, 1817 Meadowlake Dr. stated he was shocked to find out Friday afternoon that he and Rogers were being removed from the board before the completion of their term. He stated they have received information from the Mayor and other members of the governing body that accuses them of being disruptive and uncooperative and that several park board members including the current chairman that if we were not removed they would resign. He stated that no one on the

park board, governing body or city staff has ever indicated there has been a problem with how we conduct ourselves during meetings. Jones stated this information, proffered by the Mayor, is without basis in fact or justification. He stated they are proud of the work we have done as part of the Park Board. Without Myrna's extensive efforts to secure a grant we would not have the new playground in Garvin Park. Jones stated it has been said that my references to Home Owner's and Recreation Association in Colorado have not been received well by members of the board and were seen as disruptive. He stated his intent was to simply share the practices and successes of those organizations that provided exceptional recreational opportunities for their citizens. Jones stated it has been customary to respect the terms of current committee members of incoming Mayors and Councils and to remove dedicated members of a board without notice or counseling, without regard to their qualifications, and based on hearsay is unbecoming of public officials. He stated that based on the timing and wording in the letter, we can only assume that these decisions have been made outside of regular council meetings. He stated to remove us this way and without specified reasons is an unprofessional way to treat citizens and can only be viewed as a discredit to entire governing body. Jones asked to reconsider. He strongly recommended that term limits be respected as has been customary with prior Mayors and councils and that those serving be able to complete their term.

Reavis inquired about Resolution passed at the last meeting stating that the Board will consist of five Augusta Residents. He stated that the chairman of Park Board is not an Augusta resident. Reavis spoke to Rogers and Jones and stated that appointments are at the will of the Board and as people change so do ideas and goals. He stated it is a shame to have people willing and dedicated to serve and not be able to do that, but we also have other people willing and dedicated to serve. Parker stated the residency requirement was placed in the ordinance by the governing body. Childers stated that this governing body needs to determine if we are going to extend to our growth area or only in city limits.

Lowery stated today's action is the appointment of the new park board members. Londagin shared Reavis' concern about someone on the board that lives outside of the city limits. He stated that the right thing to do would be to have someone new take that position as well.

Belt made a motion to appoint Eric Birk, Betty Roy, and Robert Chandler to the City of Augusta Park Advisory Board replacing board members Kevin Visor, Ray Jones, and Myrna Rogers. Reavis seconded the motion. Motion carried without opposition. Childers asked that an agenda item be included for the next meeting to discuss residency requirements for this board.

Childers read a quote from President Harry S. Truman, "It is amazing what you can accomplish when you don't care who gets the credit." Childers stated that over a year ago the City Manager began the task of building his executive team, following that he and his staff worked tirelessly to put the right people in the right places, matching unknown or undiscovered skill sets with needs in our community. He stated the Council is doing much the same with how they conduct themselves and how they expect their boards to conduct themselves. Childers stated that shortly after he took office he received a list of the City's boards and committees and advised that he was to make appointments to these boards. He stated he has been quite deliberate in this process and intentionally met with staff to see how each of these boards perform and how we could improve. He stated he has also met with several members of each board, council members, and dozens of citizens willing to serve Augusta. Childers stated the Council is looking for people willing to serve, with fresh ideas, who love Augusta, people who can disagree without being disagreeable, the next generation of leaders for Augusta, Augustans with a positive outlook, don't desire credit, and simply want to make Augusta better. He stated anyone would like to serve on a committee or board to visit the City's website and apply for City boards and committees.

Matters From/For Council:

Sims provided an update on the Frisco Depot Restoration Project. KDOT is reviewing the bids and hope to have something on the August 17th agenda.

Lowery made a motion a motion to schedule a recycling work session for Monday, August 24, 2015 at 6 p.m. Belt seconded the motion. Motion carried without opposition.

The Council was reminded of the public budget hearing scheduled for 7 p.m. on Monday, August 10, 2015 at City Hall.

Goering gave a reminder of the free chlorine burn in the water distribution system to begin on Monday, August 3, 2015 and last approximately one month. She stated we will be reducing the amount of ammonia through the water plant to remove corrosion in our pipelines. She stated there will be a chlorine odor in the water but it is safe to drink, bathe in and wash clothes. Goering stated that anyone with questions should contact her directly at 425-4547. Reavis asked if part of this process is flushing the hydrants. Goering stated that is correct and that she has coordinated with Department of Public Safety.

Staff reminded the governing body of 2015 League of Kansas Municipalities Conference in Topeka, KS at the Capitol Plaza Hotel & Kansas Expocenter October 10-12.

Informational Memorandum and Final Comments:

Reavis: Reavis stated the sidewalk in the 300 Block of Main closed for some time. Craft stated it part of the AT&T phone line coming through town and that they are doing some boring to cross Ohio to get things ready for the widening of Ohio. He stated he would contact them.

Reavis expressed his appreciation to the citizens of Augusta for their support of the WFO Guys car show, the organizations that came out for the kid zone, City Staff and City of Augusta for all assistance provided to us. He stated he heard nothing but positive comments. He stated there were 335 cars were registered, but that he heard there were actually 405 cars there. Reavis stated that only 61 of the registered cars were from Augusta rest came from out of town. He thanked everyone involved. Childers thanked Reavis for all he did for the show. Reavis stated it was the 21st year.

Belt: Belt stated that someone asked if we were going to put the welcome to Augusta sign back on the dike. Sims stated that money was budgeted for a new sign but that it will not be put on the dike. He stated we are trying to determine the best location for the new sign.

Belt said a citizen asked about the street curbing at 5th and Walnut, and stated that isn't our project. Sims stated it is DJ Engineering's project, and that he is waiting on a site plan which shows it as a single unit development site and shows the easements, drainage plan, and landscaping plan. Parker stated once the plans are submitted they will install the improvements.

Magruder: Magruder thanked the Community Development Department for being responsive to concerns from the citizens. Magruder asked the citizens to take a look at the budget and contact us with any concerns or questions.

Childers: Childers asked staff for an update on the disc golf course. Sims stated we are looking for a Labor Day timeframe for it to be finished. He stated that Bill Slade is working on this project. Sims showed pictures of the equipment and stated that the Parks Department is preparing the

landscaping at the park and will be working with Public Works on any infrastructure that runs through that area of the park.

Lowery: Lowery received a comment about trees overgrowing the sidewalk on Custer Lane north of Kelly.

Crum: Crum stated that there is a hole that has caved in on the sidewalk between Hilgers and the old Wal-Mart.

Londagin: Londagin stated there is a section of sidewalk that was taken out in front of the High School a couple months ago that has not been replaced.

Executive Session:

At 8:16 p.m. Lowery made a motion to go into executive session for 30 minutes under the attorney-client relationship exception to the Kansas Open Meetings Act. Lowery asked that Assistant City Manager Cody Sims and City Attorney Austin Parker join the Council in executive session. Lowery also asked that City Manager Josh Shaw join the Council in executive session via telephone. The governing body will reconvene in the Council Chambers at 8:46 p.m. Magruder seconded the motion. Motion carried without opposition.

At 8:46 p.m. Lowery made a motion to exit executive session with no action being taken. Magruder seconded the motion. Motion carried without opposition.

Lowery made a motion to authorize the City Attorney to prepare an agreement for the settlement a claim regarding the City's existing sewer line repair north of 7th Avenue and authorize staff to execute the same along with the supporting easement therefore. Londagin seconded the motion. Motion carried without opposition.

Adjourn: At 8:50 p.m. Reavis made a motion to adjourn. Leffler seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
SPECIAL MEETING
AUGUST 10, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in special session on August 10, 2015, with Mayor Matt Childers presiding. Council present were Cale Magruder, Jason Lowery, Paul Belt, Jamie Crum, Mike Rawlings, Ron Reavis and Justin Londagin. Councilman Tom Leffler was absent. Also present: Assistant City Manager Cody Sims and City Clerk Erica Jones. Visitors present were: Traevor McPherson and Eric Birk.

Business:

Staff Report: City Manager Josh Shaw gave a presentation about the proposed 2016 Budget.

Public Hearing: The Mayor opened the public hearing at 7:18 p.m. Traevor McPherson addressed the governing body stating that he was very pleased with the budget document. He urged the public to view the document on the City's website. McPherson stated he enjoyed the transparency on the budget document and encouraged more of that. The Mayor closed the public hearing at 7:20 p.m. after no further public comments.

Discussion: Staff explained the need to adopt a Resolution to increase taxes beyond the amount that was levied in 2015 based on the computation used by the State budget forms which does not include the Debt Service levy. Staff explained that with the Debt Service levy excluded the property tax dollars from 2015 to 2016 is an increase, but with the Debt Service levy included the property tax dollars will actually be reduced. Staff also explained that the computation used by the State budget forms requires a notice of the vote to be published in the newspaper.

Reavis made a motion to approve Resolution 2015-12 expressing the property taxation policy of the Augusta City Council of the City of Augusta, Kansas with respect to financing the annual budget for 2016. Lowery seconded the motion. Motion carried without opposition.

2016 Budget: Londagin made a motion to approve the 2016 Budget as proposed. Lowery seconded the motion. Motion carried without opposition.

Adjourn: At 7:29 p.m. Londagin made a motion to adjourn. Lowery seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
AUGUST 17, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on August 20, 2015, with Mayor Matt Childers presiding. Council present were Cale Magruder, Jason Lowery, Paul Belt, Jamie Crum, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Public Works Director Jaime Goering, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, William Morris, Clint Headley, Erik Birk, Sarah Hoefgen, Angie Johnston, Frank Walker, Kelli Malm, and Kelly Modlin.

Pledge of Allegiance

Prayer: Councilman Cale Magruder gave the invocation.

Minutes: Leffler made a motion to approve the minutes from the August 3, 2015 Council meeting and August 10, 2015 Special Council meeting. Belt seconded the motion. Motion carried without opposition.

Ordinance 8: Rawlings made a motion to approve Ordinance 8 in the amount of \$529,904.75. Lowery seconded the motion. Motion carried without opposition.

Visitors:

Angie Johnston, representing Augusta High School Booster Club, was present to request approval for a bonfire at the front of the City Lake Peninsula on September 2, 2015 for a pep rally. Crum made a motion to approve the request for a bonfire at the front of City Lake Peninsula on September 2, 2015 for a pep rally. Lowery seconded. Motion carried without opposition.

Clint Headley was present to request approval to landscape in the city right of way. The Council did not approve the request but Childers stated if he has other ideas in the future to bring them back to the Council.

Kelly Modlin was present to request approval for the 2nd Annual “Steaks on the Bricks” to be held downtown on October 23, 2015. Reavis made a motion to approve the request for the Steak on the Bricks event. Leffler seconded the motion. Motion carried without opposition. Lowery made a motion to approve Resolution 2015-13 approving the sale and consumption of alcohol at a special event pursuant to Kansas Statute. Belt seconded the motion. Motion carried with Magruder voting in opposition.

Kent Algrim, owner of the RV business across from the Municipal Airport, addressed the governing body regarding the FAA’s requirement that his building be moved or relocated. Algrim stated he received a permit to build his building there and doesn’t see any purpose or any gain in addressing this from an adversarial point. Parker stated the permit is in the form of a letter and doesn’t speak to future requirements. He stated the city had no interest in doing anything until the FAA told us we had to. Parker stated the airport runs under FAA regulations and they have the authority to change those regulations.

New Business:

Water Distribution Backhoe Bids: Reavis made a motion to table this agenda item. Lowery seconded the motion. Motion carried without opposition.

Frisco Depot Restoration Project: Council discussed the Frisco Depot Restoration project and the options discussed with KDOT to proceed with the bid process. Shaw stated there are two options, accept the low bid which would result in an estimated additional cost to the City of \$26,000 - \$30,000 or reject all bids and rebid which would add another 30-45 days to the process before an award is made. Staff thinks there may be better cost benefit to the City to reject the bids and rebid. Magruder made a motion to reject all bids and rebid. Belt second the motion. Motion carried without opposition.

Fireworks Refund Policy: Staff stated they received a request from the Augusta High School Band for the City to refund a portion of their fireworks stand permit under the fireworks refund policy to assist with their band trip. Shaw stated the current policy states that up to \$2,500 of the permit fee may be refunded if it is to be used for improvements to a city facility. He stated that last year the Council did a waiver to allow Lion's club to use the funds for police ballistic vests. Lowery made a motion to waive policy requirements in support of the AHS Band. Motion died from lack of a second. Reavis made a motion to deny the request. Magruder seconded the motion. Magruder suggested revisiting the policy next year and consider lowering the permit fee for non-profits. Motion carried with Lowery voting in opposition.

Federal Aid Construction Engineering Inspection Agreement with KDOT and WMA Architects: Londagin made a motion to table this agenda item until the next meeting. Lowery seconded the motion. Motion carried without opposition.

Electric Utility Easements in Support of Infrastructure Enhancements on Ohio Street: Leffler made a motion to accept an electric utility easement at 463 East Broadway Avenue needed to support infrastructure enhancements on Ohio Street. Reavis seconded the motion. Motion carried without opposition.

Schedule Public Hearing to Consider a Waiver of Distance Limitation for a Drinking Establishment at 430 State Street: Reavis made a motion to schedule a public hearing on Tuesday, September 8th at 7:00 p.m. at City Hall to take input and comment on a Waiver of Distance Limitation for Sugar Shane's Café located at 430 State Street. Leffler seconded the motion. Magruder asked staff to notify the church of the public hearing. Motion carried without opposition.

2015 Community Christmas Tree Purchase: Rawlings made a motion to approve the purchase of a 20 foot pre-lit Oregon Cascade Fir Christmas Tree from Chrystal Valley Decorating in the amount of \$13,441.40. Lowery seconded the motion. Motion carried without opposition.

Matters From/For Council:

Reminder of the 2015 League of Kansas Municipalities Conference in Topeka, KS at the Capitol Plaza Hotel & Kansas Expocenter October 10-12.

Informational Memorandum and Final Comments:

Reavis: Reavis inquired about the City's options to increase court fees collection. Jones stated a collection agency is being used now. Reavis asked if there is any council or staff support allowing for fishing at the city lake again. He stated there are some pretty big fish in the lake now and suggested allowing fishing by Augusta residents, catch and release only. Belt stated the Park Board is following the Kansas Department of Wildlife and Parks recommendation which would open it back up for fishing next spring. He stated the Park Board was presented this option and it was voted down. Reavis stated he spoke to a couple fishermen about catch and release and they said it isn't a good thing and it would add another enforcement issue. Crum stated when the

guy from Wildlife and Parks came to speak to the Council he said things were moving forward quicker than anticipated. Shaw stated that we are only six months away from opening it up. Londagin asked to bring it back to the Park Board to see how they vote. Reavis asked if the city could ask a fish biologist for his opinion.

Belt: Belt stated he was asked by a citizen if the City would allow people within the City's growth area to put a boat on the lake. Shaw stated that sounds like an issue for the Park Board to revisit.

Magruder: Magruder made a motion for a 10 minute break after the Final Comments and before the Executive Session. Belt seconded. Motion carried with Crum voting in opposition.

Childers: Childers asked if the floor plans for Depot could be put online. Shaw stated he could put basic floor plan on the website.

Londagin: Londagin asked if there is an ordinance or regulations about blowing grass to the street. Shaw stated it is a violation. Londagin asked if we are doing anything with regard to this. Shaw stated it is prevalent. He stated we need to inform them that it is a violation because many may not know that it is, but there have been bigger code enforcement issues taking priority.

Council recessed at 8:44 p.m. Council returned at 8:54 p.m.

Executive Session:

At 8:54 p.m. Lowery made a dual motion to go into executive session for 60 minutes under the attorney-client relationship exception to the Kansas Open Meetings Act and to discuss personnel matters of non-elected personnel. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 9:54 p.m. Londagin seconded the motion. Motion carried without opposition.

At 9:54 p.m. Lowery made a motion to exit executive session with no action being taken. Londagin seconded the motion. Motion carried without opposition.

Leffler made a motion not to accept the NITU for the City's portion of the Rails to Trails initiative past the west side of the Whitewater River. Belt seconded the motion. Motion carried with Magruder voting in opposition,

Adjourn: At 9:56 p.m. Lowery made a motion to adjourn. Leffler seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
SEPTEMBER 8, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on September 8, 2015, with Mayor Matt Childers presiding. Council present were Cale Magruder, Jason Lowery, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Councilmembers Jamie Crum and Paul Belt were absent. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Public Works Director Jaime Goering, Public Works Superintendent Anthony Craft, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Jeremy Drake, Shane Scott, Bobby Smith, Deb Engelbrecht, Sarah Hoefgen, Melody Kuhlmann, Chris Kuhlmann, Blair Scott, Michelle Eastman, Susan Harsh, Blair Miller, Cindy Davis, Connor Davis, Travis Clinesmith, Pastor Keith Cross, Kathy Cross, David Fernz, and Adam Fernz.

Pledge of Allegiance

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

Minutes: Magruder made a motion to approve the minutes from the August 17, 2015 Council meeting. Rawlings seconded the motion. Motion carried without opposition.

Ordinance 8A: Leffler made a motion to approve Ordinance 8A in the amount of \$3,034,805.15. Lowery seconded the motion. Motion carried without opposition.

Visitors:

Matt Childers, representing the Augusta Community Foundation, was present to formally request use of Garvin Park for a Cajun Event and outdoor movie on September 19, 2015. Childers stepped down to present while President Rawlings presided over meeting for this item. Leffler made a motion to approve the use of Garvin Park for a Cajun Event and outdoor movie on September 19, 2015. Lowery seconded the motion. Motion carried without opposition.

Bobby Smith, representing "Big Ring Hondo" was present to request the use of Garvin Park for an all-day event on September 26, 2015 for a bicycle race that will start and finish in Garvin Park. Reavis made a motion to approve the use of Garvin Park for an all-day event on September 26, 2015 for a bicycle race that will start and finish in Garvin Park. Leffler seconded the motion. Motion carried without opposition.

Deb Engelbrecht, a representative from the First United Methodist Church, was present to request use of the stage area at Garvin Park for a singing event "Praise in the Park" on September 27, 2015. Londagin made a motion to approve the use of the stage area at Garvin Park for a singing event "Praise in the Park" on September 27, 2015. Lowery seconded the motion. Motion carried without opposition.

Sarah Hoefgen, representing the Chamber of Commerce, was present to request permission for an Augusta High School Homecoming Parade to be held October 9, 2015 in downtown Augusta. Rawlings made a motion to approve the Augusta High School Homecoming Parade to be held October 9, 2015 in downtown Augusta. Lowery seconded the motion. Motion carried without opposition.

Melody Kuhlmann, representing the Augusta Historical Museum, was present to request approval for their 4th Annual AHM Elmwood Cemetery Tour to be held October 17, 2015. Reavis made a motion to

approve the 4th Annual AHM Elmwood Cemetery Tour on October 17, 2015. Leffler seconded the motion. Motion carried without opposition.

Blair Miller, Susan Harsh, and Michelle Eastman representing Rainbows United, were present to request approval of street closures for April 16, 2016 for the third annual GLOW Run/Walk event to be hosted in Augusta at Lincoln Elementary. Leffler made a motion to approve street closures for April 16, 2016 for the third annual GLOW Run/Walk. Lowery seconded the motion. Motion carried without opposition.

New Business:

Waiver of Distance Limitation Public Hearing: Shane Scott, owner of Sugar Shane's addressed the governing body and explained his plans for the restaurant. The Mayor closed the public hearing.

Reavis made a motion to approve a Waiver of Distance Limitation for Sugar Shane's Café located at 430 State Street contingent on the re-instatement of the discontinued conditional use permit by the Board of Zoning Appeals and with the finding that the proximity of the establishment is not adverse to the public welfare or safety. Leffler seconded the motion. Motion carried with Magruder voting in opposition.

Water Distribution Backhoe: Leffler made a motion to approve the bid for the 2015 John Deere 310SL Backhoe Loader in the amount of \$115,000 and authorize staff to negotiate lease financing and maintenance agreements. Magruder second the motion. Motion carried without opposition.

Purchase of Roll-Off Grapple Truck and Roll-Off Containers Through NJPA: Leffler made a motion to approve the quote for Roll-off/Grapple Truck from Peterson Industries in the amount of \$209,721.74 and approval of the quote for ten roll-off containers from Wastequip in the amount of \$41,701 to be purchased through the National Joint Powers Alliance. Rawlings seconded the motion. Motion carried without opposition.

Single Stream Recyclables Agreement with Stutzman Refuse Disposal, Inc.: Reavis made a motion to approve the Single Stream recyclables Agreement between the City of Augusta and Stutzman Refuse Disposal, Inc. Leffler seconded the motion. Motion carried without opposition.

Electric Utility Easements in Support of Infrastructure Enhancements on Ohio Street: Rawlings made a motion to accept an electric utility easement at 425 East Clark Street needed to support infrastructure enhancements on Ohio Street. Londagin seconded the motion. Motion carried without opposition.

Final Plat and Final Master Drainage Plan for the Augusta Hotel Addition: Rawlings made a motion to approve the final plat and final master drainage plan for the Augusta Hotel Addition. Londagin seconded the motion. Motion carried without opposition.

Cereal Malt Beverage License: Reavis made a motion to approve the application from Circle K Store located at 610 W 7th Avenue for a Cereal Malt Beverage License for Sale and Not for Consumption on Premises. Leffler seconded the motion. Motion carried with Magruder voting in opposition.

League of Kansas Municipalities Voting Delegates: Reavis made a motion to designate Matt Childers, Josh Shaw and Marci Fugarino as voting delegates. Rawlings seconded the motion. Motion carried without opposition. Londagin made a motion to appoint Ron Reavis, Cody Sims and Jaime Goering as alternates and to authorize staff to submit the voting delegate registration forms. Leffler seconded the motion. Motion carried without opposition.

Matters From/For Council:

Council had a discussion on weddings and other private events in public parks. Council gave the direction that they were interested in staff looking into establishing a policy to allow weddings and private events at specific locations as long as an event form is completed and the party is informed that there are no water or restroom facilities and that the City will not provide any services for the event.

Reminder that the City Manager and Assistant City Manager will be attending ICMA conference in Seattle and will be out of the office September 26th through October 2nd.

Reminder of the 2015 League of Kansas Municipalities Conference in Topeka, KS at the Capitol Plaza Hotel & Kansas Expocenter October 10-12.

Shaw discussed staff's plans to move some of the City's key employees to Google email and Council members if they are interested. He stated there will be a \$60 fee annually per person. Childers stated he would like to see that change and Magruder and Leffler agreed. Londagin stated he has had no problems sending and receiving emails from his phone and \$60 per person adds up quick.

Informational Memorandum and Final Comments:

Childers: Childers recognized two citizens from Boy Scout Troop 212 that were at the meeting but had to leave.

Rawlings: Rawlings asked where we were with regard to allowing fishing at the City Lake earlier than planned. Shaw stated the next step is scheduling a Park Board Meeting. Sims stated the State fish biologist will be here in the next week to check on the status of the fish.

Londagin: Londagin inquired about the status of the three sidewalk issues with AT&T that were brought up at a previous meeting. Goering stated she spoke with AT&T and they said that as soon as they are done with their repairs they will repair those areas. She said they told her at that time it would be within the next 30 days.

Executive Session:

At 8:25 p.m. Lowery made a motion to go into executive session for 10 minutes under the attorney-client relationship exception to the Kansas Open Meetings Act. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 8:35 p.m. Leffler seconded the motion. Motion carried without opposition.

At 8:35 p.m. Lowery made a motion to exit executive session with no action being taken. Rawlings seconded the motion. Motion carried without opposition.

Adjourn: At 8:36 p.m. Londagin made a motion to adjourn. Rawlings seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
SEPTEMBER 21, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on September 21, 2015, with Mayor Matt Childers presiding. Council present were Cale Magruder, Jason Lowery, Jamie Crum, Paul Belt, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Public Works Director Jaime Goering, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Bill Morris, Sarah Hoefgen, Eric Meyer, Mike Timberlake, Zack Timberlake, Dalton Patterson, Raju Sheth, Keith Cross, Kathy Cross, Kristie Thackery, Judd Thornburn, Kevin Cowan, Jeremy Heckman, Rachel Heckman, Colby Killian, Melody Kuhlmann, James Osborn, Bob Gass, Elmer Simon, Christian Arnn, Leilah Arnn, Jackie Brandenburg, Lo Fernz, and Pamela Smith.

Pledge of Allegiance

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

Minutes: Lowery made a motion to approve the minutes from the September 8, 2015 Council meeting. Londagin seconded the motion. Motion carried without opposition.

Ordinance 9: Londagin made a motion to approve Ordinance 9 in the amount of \$475,940.23. Crum seconded the motion. Motion carried without opposition.

Visitors:

Colby Killian, from the Parks & Recreation Division, was present to recognize several Municipal Swimming Pool lifeguards including Lauren Ferns, Cortlan Williams, Braiden Allen, Jackie Brandenburg, Kylie Westbrooks, Logan Allen, Wright Bosley, Sean Brandenburg, Tristin Finch, Sydni Deason, and Hayden Steiner for their rescue efforts in assisting pool patrons in the 2015 pool season.

Kristie Thackery, representing Ewalt Elementary School, was present to request permission to hold a Run for Recess 5K/10K on October 17, 2015 for a fundraiser for Project Jai-Play. Magruder made a motion to approve a Run for Recess 5K/10K on October 17, 2015. Lowery seconded the motion. Motion carried without opposition.

Judd Thornburn, representing Bicycles at the Ballfield, was present to request permission to hold a Vintage/Antique/Custom Bicycle Show and Swap Meet on October 24, 2015 in the Garvin Park stage area for a fundraiser for the Augusta High School Band. Reavis made a motion to approve use of the Garvin Park stage on October 24, 2015 for a Vintage/Antique/Custom Bicycle Show for a fundraiser for the Augusta High School Band and to not waive the rental fee. Leffler seconded the motion. Motion carried with Londagin and Lowery voting in opposition.

Bill Morris, representing Downtown Augusta, Inc., was present to request use of downtown State Street for the Red Brick Harvest on October 31, 2015. Rawlings made a motion to approve the request to use downtown State Street for the Red Brick Harvest on October 31, 2015. Londagin seconded the motion. Motion carried without opposition.

Jehramy Heckman was present to request the use of the disc golf course at Garvin Park for Duck's Flying Discs Glow Doubles tournament on September 26, 2015. Crum made a motion to approve use of

the disc golf course at Garvin Park for Duck's Flying Discs Glow Doubles tournament on September 26, 2015. Londagin seconded the motion. Motion carried without opposition.

Mike Timberlake, representing Boy Scouts of America, was present to request permission to hold a Boy Scout Heritage Day on October 3, 2015 at the Augusta Historical Museum. Crum made a motion to approve the request to hold a Boy Scout Heritage Day on October 3, 2015 at the Augusta Historical Museum. Lowery seconded the motion. Motion carried without opposition.

Business:

Conduct Public Hearing for Condemnation of Property Located at 418 East 15th Street: A public hearing was conducted regarding the condemnation of property located at 418 East 15th Street pursuant to procedures outlined in K.S.A. 12-1750 et seq. Pamela Smith, owner of the property, addressed the governing body. Smith stated she felt the structure was worth saving. She stated she isn't renting the property out and hopes to get it cleaned up and re-rent it. Smith stated she would like an opportunity to address the roof and exterior windows. City Attorney Parker explained K.S.A. 12-1750 and that its intent is to provide a mechanism for compliance to bring structures into compliance with City code, not to board it up. He stated that it sets a time frame for the repairs to be made and if repairs are not made the City a mechanism to move forward to clean it up. Smith stated she doesn't know how the structural engineer could determine it is uninhabitable if he didn't enter the structure. The Mayor closed the public hearing.

Magruder made a motion to approve Resolution 2015-12 Condemning 418 East 15th Street. Leffler seconded the motion. Motion carried without opposition.

Conduct Public Hearing for Condemnation of Property Located at 118 East Main Street: A public hearing was conducted regarding the condemnation of property located at 118 East Main Street pursuant to procedures outlined in K.S.A. 12-1750 et seq. Robert Gass, owner of the property, addressed the governing body. He stated he would have the structure destroyed in the next month or two. The Mayor closed the public hearing.

Reavis made a motion to approve Resolution 2015-13 Condemning 118 East Main Street. Leffler seconded the motion. Motion carried without opposition.

Industrial Revenue Bonds for the Augusta Hotel Project: Reavis made a motion to approve Ordinance 2087 authorizing the issuance of \$2,300,000 Taxable Industrial Revenue Bonds Series 2015A and \$1,900,000 Taxable industrial Revenue Bonds Series 2015B for the Augusta Hotel Project for the purpose of the acquisition, construction, furnishing and equipping of a hotel facility; and authorizing certain other documents and actions in connection therewith. Magruder seconded the motion. Roll Call: Reavis Yes, Leffler Yes, Belt Yes, Magruder Yes, Lowery Yes, Crum Yes, Rawlings Yes, and Londagin Yes. Motion carried.

2014 Audited Financials: Eric Meyer with George, Bowerman, and Noel presented the City's 2014 Audited Financial Report. Londagin made a motion to accept the City's 2014 Audited Financials. Lowery seconded the motion. Motion carried without opposition.

Amending City Code Related to Solid Waste.: Londagin referred to section 15-503 and stated he would like a provision that would allow for damage to private property in the course of picking up their trash. Parker stated we could include wording that the City would comply with the Kansas Tort Claims Act. Lowery made a motion to approve Ordinance 2088 amending Article 5 of Chapter 15 of the code of the City of Augusta 2010 and repealing all other conflicting ordinances and/or parts thereof subject to review for legal compliance. Londagin seconded the motion. Roll Call: Reavis

Yes, Leffler Yes, Belt Yes, Magruder Yes Lowery Yes, Crum Yes, Rawlings Yes, and Londagin Yes. Motion carried.

Schedule a Public Hearing: Lowery made a motion to schedule a public hearing for Monday, October 5, 2015 at 7:00 p.m. to consider the advisability of issuing Industrial Revenue Bonds for the Global Parts expansion at the Augusta Municipal Airport. Belt seconded the motion. Motion carried with Reavis voting in opposition.

Matters From/For Council:

Staff provided a list of upcoming events.

Staff reminded the Council that the City Manager and Assistant City Manager will be attending ICMA conference in Seattle and will be out of the office September 26th through October 2nd.

Staff reminded the Council of the 2015 League of Kansas Municipalities Conference in Topeka, KS at the Capitol Plaza Hotel & Kansas Expocenter October 10th through October 12th.

Informational Memorandum and Final Comments:

Leffler: Leffler reminded residents on the north end of town that they can set out recycling bins on this Friday with their regular trash.

Belt: Belt stated he has been contacted by citizens complaining about trash carts that are not being set behind the property set back.

Magruder: Magruder reminded the citizens of the Praise in the Park event scheduled at Garvin Park this Sunday from 4 p.m. to 6 p.m. and that they will be recognizing local public safety officers.

Crum: Crum stated there is a duplex on the south end of Ohio Street with a couch and other debris in the front yard.

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

City Clerk

CITY COUNCIL
OCTOBER 5, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on October 5, 2015, with Mayor Matt Childers presiding. Council present were Cale Magruder, Jason Lowery, Jamie Crum, Paul Belt, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Shanna Payne, Rusty Moore, Ashley Peiffer, Jonathan Spivey, Ashley Spivey, Lizzie Payne, Ian Windsor, Nicole Fisher, Lisa Daniels, Charlie Walker, Lynn Smith, Katrina Wolf, Calvin Wolf, Kevin Ratchford, and Will Dempsey.

Pledge of Allegiance

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

Minutes: Londagin made a motion to approve the minutes from the September 21, 2015 Council meeting. Crum seconded the motion. Motion carried without opposition.

Ordinance 9A: Londagin made a motion to approve Ordinance 9A in the amount of \$1,623,866.24. Lowery seconded the motion. Motion carried without opposition.

Visitors:

Shanna Payne was present to request permission to hold a Bike/Run/Walk around the City Lake on November 1, 2015. Crum made a motion to approve a Bike/Run/Walk around the City Lake on November 1, 2015. Belt seconded the motion. Motion carried without opposition.

Rusty Moore, 433 State Street, was present to ask the Council to consider amending the dog breed ban as the City of El Dorado has.

Ashley Peiffer, who runs a mostly pit bull rescue called Beauty and Beasts, addressed the Council regarding the dog breed ban and provided some statistics regarding different breeds.

Business:

Conduct Public Hearing Regarding the Issuance of Industrial Revenue Bonds (IRBs) for Global Parts Inc.: Shaw and the City's Bond Counsel Kevin Cowan provided report of these proceedings and the purpose of issuing IRBs.

A public hearing was conducted regarding the issuance of IRBs for Global Parts, Inc. in the amount of \$950,000, and in regard to an exemption from the ad valorem taxation of property constructed or purchased with the proceeds of such bonds. The Mayor closed the public hearing after no one stepped forward to address the Council.

Rawlings made a motion directing staff to prepare a resolution of intent to issue IRBs to Global Parts, Inc. Magruder seconded the motion. Motion carried without opposition.

Ordinance Amending Ordinance 2073 that Created a Community Improvement District (CID) : Magruder made a motion to approve Ordinance 2089 amending Ordinance No. 2073 that created a Community Improvement District in the City of Augusta, Kansas. Rawlings seconded the

motion. Roll Call: Reavis Yes, Leffler Yes, Belt Yes, Magruder Yes, Lowery Yes, Crum Yes, Rawlings Yes, and Londagin Yes. Motion carried.

Appointment to the Augusta Public Library Board: Rawlings made a motion to approve the Augusta Library Board's recommendation to appoint Jill Bostwick as Trustee to fill the unexpired term of Sara Bird for July 2014 to May 2016. Lowery seconded the motion. Motion carried without opposition.

Final Comments:

Lowery: Lowery stated he received an email about parking lines being painted on State Street and that he forwarded it to Assistant City Manager Sims for his review.

Crum: Crum stated there are two couches on the porches or yard in the 1100 block of State.

Executive Session:

At 7:50 p.m. Lowery made a motion to go into executive session for 20 minutes under the attorney-client relationship exception to the Kansas Open Meetings Act. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 8:10 p.m. Londagin seconded the motion. Motion carried without opposition.

At 8:10 p.m. Lowery made a motion to exit executive session with no action being taken. Rawlings seconded the motion. Motion carried without opposition.

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

City Clerk

CITY COUNCIL
OCTOBER 19, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on October 19, 2015, with Mayor Matt Childers presiding. Council present were Cale Magruder, Jason Lowery, Jamie Crum, Paul Belt, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Sandy Dewitt, Jackie Jackson, Gabrielle Mitchell, Christina Stebens, Eric Taft, Rusty Moore, Ian Windsor, Ashley Spivey, Scott Toom, Nin George, and Kevin Cowan.

Pledge of Allegiance

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

Minutes: Londagin made a motion to approve the minutes from the October 5, 2015 Council meeting. Lowery seconded the motion. Motion carried without opposition.

Ordinance 10: Reavis made a motion to approve Ordinance 10 in the amount of \$415,836.71. Belt seconded the motion. Motion carried without opposition.

Visitors:

Sandy Dewitt, Executive Director of Journey to Recovery, addressed the governing body. She stated that Journey to Recovery is a peer support center for those with mental health issues and currently serve about fifty people at this time. Dewitt stated they are located at 1402 Ohio and have been in Augusta for three years.

Business:

Bid Award for Middle School Sanitary Sewer Main Repair: Reavis made a motion to approve the bid award to Mies Construction in the amount of \$26,155 for replacement of the sanitary sewer main from manhole c-142 to manhole c-143 south of the Augusta Middle School. Leffler seconded the motion. Motion carried without opposition.

Proposal for Easement and Right of Way Acquisition Services – Ohio Street Improvements: Crum made a motion to approve the proposal submitted by Right of Way Acquisition from Dennis Keegan in the amount of \$33,325 to obtain the necessary permanent easements, temporary easements, and right of way for the Ohio Street Improvements project. Lowery seconded the motion. Motion carried without opposition.

Resolution of Intent Determining Advisability of Industrial Revenue Bonds for Global Parts: Reavis made a motion to approve Resolution 2015-14 amended to include an annual Payment in Lieu of Taxes in the amount of \$18,000. Motion died from lack of a second. Magruder made a motion to approve Resolution 2015-14 as presented. Londagin seconded the motion. Motion carried with Reavis voting in opposition.

Discussion Regarding Park Board Appointment Eligibility Requirements: Crum made a motion to approve Ordinance 2090 amending Park Advisory Board appointment eligibility requirements. Belt seconded the motion. Lowery made a motion to call the vote. Roll Call: Reavis Yes,

Leffler Yes, Belt Yes, Magruder Yes, Lowery Yes, Crum Yes, Rawlings Yes, and Londagin Yes. Motion carried.

Londagin made a motion to amend the call of vote procedure to be consistent with prior procedure as identified in the Code of Procedure for Kansas Cities as adopted by the City of Augusta. Lowery seconded the motion. Motion carried without opposition.

Informational Memorandum and Final Comments:

Belt: Belt reminded everyone of the Steaks on the Bricks event this Friday and said the event will raise funds for a splash park in Augusta.

Magruder: Magruder inquired about the status of the construction at 5th Avenue & Walnut. Sims stated that the project is moving along quite well. He is reviewing final plat tomorrow and it will go to the Planning Commission on November 9th, then will be presented to the governing body November 16th for final approval.

Rawlings: Rawlings asked if the new recycle truck was broke, down. Goering stated it was one of the older trucks but that it was back up and running that evening; the new truck was not on route yet.

Londagin: Londagin asked if we received direction from Wildlife and Parks about opening the lake to fishing this year. Sims stated they shocked the lake and provided information to staff. He stated that is one of the items to be discussed at the upcoming Park Board meeting.

Executive Session:

At 7:47 p.m. Lowery made a motion to go into executive session for 20 minutes under the personnel matters of non-elected personnel and attorney-client relationship exceptions to the Kansas Open Meetings Act to discuss matters deemed privileged in the attorney-client relationship and to discuss matters of non-elected personnel. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 8:07 p.m. Magruder seconded the motion. Motion carried without opposition.

At 8:07 p.m. Lowery made a motion to exit executive session with no action being taken. Rawlings seconded the motion. Motion carried without opposition.

Rawlings made a motion to authorize the City Attorney to work with city staff, the airport engineer, and FAA representatives to initiate the condemnation process in accordance with state and federal law for the Wichita RV property located north of Augusta Municipal Airport. Londagin seconded the motion. Motion carried with Reavis voting in opposition.

Adjourn: At 8:08 p.m. Lowery made a motion to adjourn. Londagin seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
NOVEMBER 2, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on October 19, 2015, with Mayor Matt Childers presiding. Council present were Cale Magruder, Jason Lowery, Jamie Crum, Paul Belt, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Also present: City Attorney Austin Parker, City Manager Josh Shaw, Assistant City Manager Cody Sims, Public Works Director Jaime Goering, Airport Manager Lloyd Partin and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Sarah Hoefgen, Lynn Smith, Rusty Moore, and Michael Snow.

Pledge of Allegiance

Prayer: Councilman Lowery gave the invocation.

Minutes: Londagin made a motion to approve the minutes from the October 19, 2015 Council meeting. Lowery seconded the motion. Motion carried without opposition.

Ordinance 10A: Londagin made a motion to approve Ordinance 10A in the amount of \$1,401,870.39. Belt seconded the motion. Motion carried without opposition.

Presentations:

City Clerk/Finance Director Erica Jones gave a presentation regarding new full page utility bills implemented in November 2015.

Business:

Dangerous Dog Ordinance: Council discussed the City of Augusta's dangerous dog ordinance, specifically Chapter 2, Article 1, Section 2-114 of the City Code of Ordinances 2010 prohibiting dangerous dogs within the city limits. Magruder made a motion to uphold the current ordinance and to permanently table discussion of overturning the breed ban until brought up for consideration by the majority of the City Council. Londagin seconded the motion. Motion carried without opposition.

Bid Award for Frisco Depot Restoration Project: Rawlings abstained from the discussion and vote due to possible conflict of interest. Lowery made a motion to approve a bid award to Sutherland Builders, Inc. in the amount of \$746,900 for the restoration of the Historic Frisco Depot contingent on review and approval of the bids by the Kansas Department of Transportation. Magruder seconded the motion. Motion carried without opposition.

Federal Aid Construction Engineering Inspection Agreement with KDOT and William Morris Associates (WMA) Architects: Magruder made a motion to approve a Federal Aid Construction Engineering Inspection Agreement with KDOT and WMA Architects with an upper limit of compensation of \$10,228.60 for the Frisco Depot Restoration Project. Leffler seconded the motion. Motion carried without opposition.

Update on Condemnations for 118 East Main Street and 418 East 15th Street: Sims updated that as of today 118 East Main was demolished via private contractor. He stated that the utilities for 418th East 15th have been disconnected and he was contacted by a private contractor that has a contract to demolish the property. Sims stated he notified the contractor that he has until November 16, 2015 to demolish the property. Rawlings made a motion to approve staff recommendation to take

necessary action to remove condemned structures at 118 East Main and 418 East 15th Street if no action is taken by the property owner before November 16, 2015. Leffler seconded the motion. Motion carried.

Augusta Municipal Airport Board Mayoral Appointments: Leffler made a motion to approve the mayoral reappointments of Willie Sinsel and Rob Kuhns to the Augusta Municipal Airport Advisory Board for terms ending April 2017. Lowery seconded the motion. Motion carried without opposition.

Resolution 2015-15 Declaring the Necessity of Condemning Certain Real Property; Authorizing a Survey of Said Real Property; and Providing for Publication in the Official City Newspaper: Leffler made a motion to approve Resolution 2015-15 declaring the necessity of condemning certain real property owned by Wichita RV and located at 12828 Southwest Highway 54; and authorizing a survey of said real property; and providing for publication in the official city newspaper. Rawlings seconded the motion. Motion carried without opposition.

Matters From/For Council:

Shaw initiated a discussion of the Code of Procedure for Kansas Cities and clarification of the process regarding motions to call the previous question. Shaw stated the Code of Procedure aligns with the Council's recommendation of requiring a vote for the question to be called and to terminate discussion.

Update on Park Board meeting discussion related to reopening fishing activities at Augusta City Lake. Sims stated that the Park Board met on October 28th and one of the discussion points was reopening fishing activities at Augusta City Lake. The Park Advisory Board recommendation was to revisit fishing activities in February 2016 to give the fish more time to grow. He stated that the lake was shocked by a fish biologist in September and there was not a high population of larger fish, so that was another reason for allowing the fish more time to grow.

Informational Memorandum and Final Comments:

Reavis: Reavis inquired about a policy on adjustment of water bills for leaks. Jones stated the current policy is that we do not refund any portion of a bill for leaks, but that we will work with people to allow more time for that bill to be paid. Reavis stated would like to see assistance for citizens for when it is not their fault. The Council provided consensus to direct staff to see what other communities are doing, but that they do not want the other citizens pick up the cost.

Reavis thanked DAI and everyone else involved in Trick or Treat Street. He said the event was really good for Augusta. Reavis also thanked all of those who brought their kids down town to trick or treat and to try the chili. Childers thanked Reavis for his donated DJ services for the event.

Crum: Crum inquired as to what was going on with the water tonight around the Euclid area. Goering stated there was a valve that was found to be leaking during the 2015 Street Maintenance project and that the repair work was to begin at 8 p.m. tonight and hopefully take 2-3 hours.

Executive Session:

At 7:54 p.m. Lowery made a motion to go into executive session for 60 minutes under the personnel matters of non-elected personnel exception to the Kansas Open Meetings Act to discuss the City Manager's annual performance evaluation. Lowery asked that City Manager Josh Shaw join the Council in executive session. The governing body will reconvene in the Council Chambers at 8:54 p.m. Leffler seconded the motion. Motion carried without opposition.

At 8:54 p.m. Lowery made a motion to exit executive session with no action being taken. Rawlings seconded the motion. Motion carried without opposition.

Adjourn: At 8:55 p.m. Londagin made a motion to adjourn. Lowery seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
NOVEMBER 16, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on November 16, 2015, with Mayor Matt Childers presiding. Council present were Cale Magruder, Jason Lowery, Paul Belt, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Council member Jamie Crum was absent. Also present: City Manager Josh Shaw, Assistant City Manager Cody Sims, Public Works Director Jaime Goering, Parks Foreman Brian Alfaro and City Clerk Erica Jones. Visitors present were: Belinda Larsen, Sarah Hoefgen, Pastor Steve Spencer, Aaron Wells, Traevor McPherson, Eric Birk, Holly Evans, Monica Guilliams, Stan Lawrence, Allan Milbradt, and April Harter.

Pledge of Allegiance

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

Minutes: Leffler made a motion to approve the minutes from the November 2, 2015 Council meeting. Rawlings seconded the motion. Motion carried without opposition.

Ordinance 11: Londagin made a motion to approve Ordinance 11 in the amount of \$351,316.66. Lowery seconded the motion. Motion carried without opposition.

Visitors:

Sarah Hoefgen, Executive Director of the Augusta Chamber of Commerce, was present to request street closures for the annual Christmas parade scheduled for November 28, 2015. Reavis made a motion to approve the request for street closures for the annual Christmas parade on November 28, 2015. Lowery seconded the motion. Motion carried without opposition.

Traevor McPherson, 620 Osage, addressed the governing body. McPherson stated that the sound quality of the meetings has been difficult to hear, maybe due to older technology. He stated he would like to see the microphones used for the work sessions so they can be recorded and posted on the city's website.

McPherson stated that in the beginning he was not sure about the City spending money on the disc golf course, but that he has seen many people at Wal-Mart buying the discs including people from out of town. He stated that now that he has seen a lot of interest from those visiting he is more appreciative of the council providing the funds for the disc golf course.

Presentations:

City Manager Josh Shaw and Aaron Wells with USI Midwest, LLC. gave a presentation regarding the 2016 health insurance program for city employees. Rawlings made a motion to approve the bid from Meritain for a partially self funded insurance plan for 2016. Belt seconded the motion. Motion carried without opposition.

Business:

Change Order for Middle School Sanitary Sewer Main: Reavis made a motion to approve Change Order 1 to Mies Construction in the amount of \$16,258.75 for additional excavation and protective fill associated with the replacement of the sanitary sewer main from manhole C-142 to manhole C-143 south of the Augusta Middle School. Leffler seconded the motion. Motion carried without opposition.

Final Plat for D-J Engineering's Site Located at 219 West 6th Avenue: Magruder made a motion to approve the Planning Commission's recommendation to approve the Final Plat prepared by Schwab-Eaton for D-J Engineering's site located at 219 West 6th Avenue. Lowery seconded the motion. Motion carried without opposition.

Approval of the Community Garden Layout: Lowery made a motion to approve the layout of the Community Garden located in the green space north of the Parks Division facility at 1301 N. Ohio. Londagin seconded the motion. Motion carried without opposition.

Transfer of Funds Designated for Garvin Park Restroom Renovation: Lowery made a motion to authorize staff to transfer \$20,000 designated for remodeling the Garvin Park Restroom facility to a project fund to be used on a concession stand/restroom project in 2016. Londagin seconded the motion. Motion carried without opposition.

Scheduling Public Hearing for 2015 Budget Amendments: Reavis made a motion to schedule a public hearing for 7:00 p.m. on December 7, 2015 at City Hall to take input on 2015 Budget Amendments. Lowery seconded the motion. Motion carried without opposition.

Mayoral Appointment to Insurance Committee: Rawlings made a motion to approve the mayor's recommended appointment of Justin Londagin to fill the vacant seat on the Insurance Committee previously held by Matt Malone. Lowery seconded the motion. Motion carried without opposition.

At 8:48 Rawlings made a motion to recess for 10 minutes. Belt seconded the motion. Motion carried without opposition.

Ordinance No. 2091 Providing for the Condemnation of Certain Real Property and Providing for Publication in the Official City Newspaper: Rawlings made a motion to approve Ordinance 2091 providing for the condemnation of certain real property owned by Wichita RV, located at 12828 Southwest Highway 54, to acquire land for the FAA-mandated runway approach and safety area north of the existing runway for Augusta Municipal Airport. Leffler seconded the motion. Roll Call: Reavis No, Leffler Yes, Belt Yes, Magruder Yes, Lowery Yes, Rawlings Yes, Londagin Yes. Motion carried.

Matters From/For Council:

The next meeting of the Street Sales Tax Advisory Committee is scheduled for November 19, 2015 at 7:00 p.m. at City Hall.

Informational Memorandum and Final Comments:

Belt: Belt asked if the City has a Green River Ordinance. Belt stated he received complaint that there were multiple people going door to door at various times trying to sell him stuff. Jones stated that Chapter 2 of the City's Code of Ordinances allows for door to door sales. She stated that there is no limit to the number of businesses that can be in town going door to door and that there have been occasions when there are two groups in town selling the same products for two different companies.

Belt reminded everyone of the fourth annual Community Thanksgiving Dinner and stated that if anyone would like to be involved to contact Dana at McCollom Construction or Kelly Modlin at Augusta Rental.

Magruder: Magruder stated he has received complaints from a couple citizens about truck traffic on Ohio, and stated that if you see a truck that doesn't belong on Ohio to get specific information about the vehicle and let us know. Magruder also stated that if people are experiencing specific issues with sound of the meetings let us know.

Childers: Childers reminded everyone of the Augusta Historical Society's annual chili dinner and pie auction at the Senior Center on November 19th.

Lowery: Lowery stated there have been a few home owners that have suffered a fire recently. He commended the Augusta Department of Public Safety, Andover Fire Department, and volunteers that came out to help. Belt agreed and stated how quickly the city's Electric Department got there to get their power back on.

Rawlings: Rawlings stated he has received calls about where to take recycling now that dumpsters have been moved from Wal-Mart. He stated the website still shows that the recycle dumpsters are at Wal-Mart.

Executive Session:

At 9:16 p.m. Lowery made a motion to go into executive session for 60 minutes under the personnel matters of non-elected personnel exception to the Kansas Open Meetings Act to discuss personnel matters of non-elected personnel and discuss the City Manager's annual performance evaluation. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, City Clerk Erica Jones, and Public Works Director Jaime Goering join the Council in executive session. The governing body will reconvene in the Council Chambers at 10:16 p.m. Magruder seconded the motion. Motion carried without opposition.

At 10:17 p.m. Lowery made a motion to exit executive session with no action being taken. Rawlings seconded the motion. Motion carried without opposition.

Adjourn: At 10:17 p.m. Londagin made a motion to adjourn. Rawlings seconded the motion. Motion carried without opposition.

City Clerk

CITY COUNCIL
DECEMBER 7, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on December 7, 2015, with Mayor Matt Childers presiding. Council present were Cale Magruder, Jamie Crum, Paul Belt, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Also present: City Manager Josh Shaw, Assistant City Manager Cody Sims, Public Works Director Jaime Goering, Director of Electric Utility Bill Webster, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, John Black, Sarah Hoefgen, Jim Sutton, Brian Alfaro, Mat Meckel, Anthony Craft, Chris Schueber, Lisa Daniels, and Paul Andrews.

Pledge of Allegiance

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

Minutes: Magruder made a motion to approve the minutes from the November 16, 2015 Council meeting. Belt seconded the motion. Motion carried without opposition.

Ordinance 11A and 12: Londagin made a motion to approve Ordinance 11A in the amount of \$1,142,303.80 and Ordinance 12 in the amount of \$362,683.71. Rawlings seconded the motion. Motion carried without opposition.

Visitors:

Mayor Childers recognized Jim Sutton, Electric Production Superintendent for 25 years of service to the City of Augusta, Brian Alfaro for 10 years of service, and Mat Meckel for 10 years of service.

Mayor Childers recognized Brian Alfaro, Parks Foreman, and Anthony Craft, Public Works Superintendent, as Leadership Butler Class of 2014 graduates.

Business:

Public Hearing for 2015 Budget Amendments: The Mayor closed the public hearing with no one coming forward to provide public comment.

Reavis made a motion to approve the proposed amendments to the 2015 Budget for the Special Parks Fund, Emergency Communications Fund, and Wastewater Treatment Plant Fund. Leffler seconded the motion. Motion carried without opposition.

Year Ending December 31, 2015 Audit: Rawlings made a motion to award the audit of the City's financial statement for the year ending December 31, 2015 to George, Bowerman & Noel, P.A. Lowery seconded the motion. Motion carried without opposition.

Water Plant Backup Generator: Reavis made a motion to award the bid to Cummins Central for a new 2,000 kilowatt backup generator for the water treatment plant and electric plant in the amount of \$535,850 subject to legal review and any necessary bonding requirements. Lowery seconded the motion. Motion carried without opposition.

Londagin made a motion to approve the scope of services proposal with Mid-States Energy Works Inc. in the amount of \$198,940 and authorize staff to draft and execute a design-build contract to install the new generator and perform electrical engineering services subject to legal

review and any necessary bonding requirements. Lowery seconded the motion. Motion carried without opposition.

Reavis made a motion to approve a quote from NovaTech in an amount up to \$61,545 for a new SCADA system for the electric plant that will also integrate with the new generator subject to legal review and any necessary bonding requirements. Belt seconded the motion. Motion carried without opposition.

2015 Utility Write Offs and Collections: Magruder made a motion to approve the write off of 37 utility accounts in the amount of \$9,456.47. Lowery seconded the motion. Motion carried without opposition.

2016 Utility Abatements: Lowery made a motion to approve an abatement for the Augusta Arts Council (Theatre) in the amount of \$8,000; Augusta Arts Council (Gallery) in the amount of \$2,000; Augusta Chamber of Commerce in the amount of \$2,000; Augusta Community Caring Center in the amount of \$3,300; Augusta Historical Society in the amount of \$6,500; Augusta Public Library in the amount of \$24,000; Augusta Senior Center in the amount of \$4,500; Kansas Museum of Military History in the amount of \$4,000; Mid-Kansas CAP in the amount of \$8,000; and to continue to provide free service to Augusta Youth Soccer and Augusta Girls Softball. Crum seconded the motion. Motion carried without opposition.

Water Leak Adjustment Policy: Council directed staff to leave the matter as is.

Mini Soccer Goals: Londagin motion to place the mini soccer goals at Shryock Park East of the volleyball court. Crum seconded the motion. Motion carried without opposition.

Matters From/For Council:

Magruder made a motion to schedule a work session for December 14, 2015 at 7:00 p.m. to discuss proposed amendments to Kansas Power Pool (KPP) Governance Agreements. Leffler seconded the motion. Motion carried without opposition.

Reminder that the Street Sales Tax Advisory Committee Public Hearing #1 is scheduled for December 17, 2015 at 6:00 p.m. at City Hall.

Informational Memorandum and Final Comments:

Reavis: Reavis stated it has been a while since the Council had an update on El Dorado waterline. Shaw stated staff would provide an update at the next council meeting.

Reavis asked if there was a way to explain in simple terms where we stand with regard to the 7th Street projects. Shaw stated there are two different projects. He stated the bid letting has been pushed off, but both are set for construction in 2016. Shaw stated that he has not received word from KDOT that they are not funding these projects. Childers stated we have limited control on when they are let and if they are done simultaneously it could get difficult to maneuver around town.

Magruder: Magruder asked if there is any leeway in the amounts set for the employee service award. Shaw said we can look to see if it was set by council policy.

Magruder stated that citizens should contact the main City Hall phone number of 775-4510 for emergencies, and if after hours it will automatically transfer them to the Department of Public Safety.

Childers: Childers thanked the local schools for inviting him and staff to speak to the students. He stated he appreciates that kind of outreach.

Lowery: Lowery stated a citizen contacted him about traffic concerns on 12th Street between Ohio and State, specifically with regard to signage and uncontrolled intersections. Shaw stated that staff will investigate to determine what will be appropriate.

Executive Session:

At 8:17 p.m. Lowery made a motion to go into executive session for 30 minutes under the attorney client privilege exception to the Kansas Open Meetings Act to discuss matters deemed privileged in the attorney-client relationship. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 8:47 p.m. Magruder seconded the motion. Motion carried without opposition.

At 8:47 p.m. Lowery made a motion to exit executive session with no action being taken. Londagin seconded the motion. Motion carried without opposition.

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

City Clerk

CITY COUNCIL
WORK SESSION
DECEMBER 14, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met for a work session on December 14, 2015 at 7 p.m., to discuss proposed amendments to Kansas Power Pool (KPP) Governance Agreements.

The meeting adjourned at 9:15 p.m.

City Clerk

CITY COUNCIL
DECEMBER 21, 2015
7:00 P.M.

The Council of the City of Augusta, Kansas met in regular session on December 21, 2015, with Mayor Matt Childers presiding. Council present were Jason Lowery, Cale Magruder, Paul Belt, Tom Leffler, Mike Rawlings, Ron Reavis and Justin Londagin. Councilwoman Crum was absent. Also present: City Manager Josh Shaw, Assistant City Manager Cody Sims, Public Works Director Jaime Goering, and City Clerk Erica Jones. Visitors present were: Belinda Larsen, Melody Kuhlman, Jane Mathis, Rick Blue, Priscilla Temple, Diane Briggs, Karen Laubhan, and Nancy Chavez.

Pledge of Allegiance

Prayer: Councilman Lowery gave the invocation.

Minutes: Leffler made a motion to approve the minutes from the December 7, 2015 Council meeting and December 14, 2015 work session. Lowery seconded the motion. Motion carried without opposition.

Ordinance 12A: Rawlings made a motion to approve Ordinance 12A in the amount of \$766,767.72. Lowery seconded the motion. Motion carried without opposition.

Business:

Final Plat of the Cottonwood Professional Park 2nd Addition: Rawlings made a motion to approve the Planning Commission's recommendation to approve the Final Plat prepared by Goedecke Surveying, LLC of the Cottonwood Professional Park 2nd Addition located at the southeast corner of David Avenue and Ohio Street. Leffler seconded the motion. Reavis abstained due to a conflict of interest. Motion carried without opposition.

2016 Special Alcohol Grant Applications: Diane Briggs with Addition Recovery Counseling Services located at 120 East 5th Avenue addressed the governing body stating that she was disappointed they were not awarded any of the grant money. Londagin asked if they could provide a 2016 Budget and Briggs stated they could. Magruder made a motion to accept the Insurance Committee's recommendations and approve the 2016 Special Alcohol Grant Applications for Family Life Center for \$5,000; Tri-County CASA for \$5,000; Students Against Destructive Decisions for \$5,000; Youth Leadership Butler for \$700; conditionally approve The Addiction Recovery Counseling Services for \$5,000 contingent on a 2016 Budget being provided; and conditionally approve Journey to Recovery for \$3,000 contingent on them becoming in good standing with the Kansas Secretary of State's Office totaling \$23,700. Lowery seconded the motion. Motion carried without opposition.

2016 Cereal Malt Beverage License Renewals: Leffler made a motion to approve the applications for 2016 Cereal Malt Beverage License Renewals. Reavis seconded the motion. Motion carried with Rawlings and Magruder voting in opposition.

Designate the Butler County Times-Gazette as the Official City Newspaper: Magruder made a motion to approve Resolution 2015-16 designating The Butler County Times-Gazette as the official city newspaper. Belt seconded the motion. Motion carried without opposition.

Establish a Job Classification and Salary Schedule and Policies for Implementation and Management: Reavis made a motion to approve Resolution 2015-17 Establishing a Job Classification and Salary Schedule and Policies for its implementation and Management. Lowery seconded the motion. Motion carried without opposition.

Matters From/For Council:

Augusta Historical Museum Utility Donation Request: Melody Kuhlman and Jane Mathis addressed the governing body. Council gave staff direction to provide research related to what other municipalities in Kansas have implemented and report back to the governing body during the first meeting in February.

Reavis made a motion to schedule a work session for January 11, 2016 at 7:00 p.m. to discuss code enforcement in Augusta. Leffler seconded the motion. Motion carried without opposition.

Jaime Goering provided a progress report on the El Dorado Waterline/Walnut River Diversion Projects. Goering stated the El Dorado Waterline plans and specifications are 80% complete and will be sent to the City for review mid February or early March. She stated design for the Walnut River Diversion is approximately 90% complete and will be sent to the City for review around the same time as the El Dorado Waterline plans and specifications.

Informational Memorandum and Final Comments:

Belt: Belt stated there is a lot of trash around where the Frye building was removed. Sims stated he and his staff are already working with the property owner on that.

Magruder: Magruder stated the last League of Kansas Municipalities journal had an article stating that the City of Lawrence Parks & Recreation Division is working to ban tobacco use on their property. He stated there has been a lot of smoking on the disc golf course. Magruder stated it would be a difficult policy to enforce but would be a good statement from the City. Childers stated it could run parallel to the School District policy on the use of tobacco on the school's properties. Childers asked Magruder to bring this back to the council in a few months.

Childers: Childers stated that the City was privileged on Friday to welcome Rod Stevenson and the Kansas Cannon's baseball team to Augusta. He stated that they will be playing at Rodney Wheeler Stadium at the Augusta Senior High School. Sim's stated he was contacted by Stevenson about wanting to relocate their team to Augusta. Sims stated the School Board has approved their use of the field. He stated it will be a fun and exciting partnership.

Executive Session:

At 7:48 p.m. Lowery made a motion to go into executive session for 30 minutes under the attorney client relationship exception to the Kansas Open Meetings Act to discuss matters deemed privileged in the attorney-client relationship. Lowery asked that City Manager Josh Shaw, Assistant City Manager Cody Sims, and City Attorney Austin Parker join the Council in executive session. The governing body will reconvene in the Council Chambers at 8:18 p.m. Londagin seconded the motion. Motion carried without opposition.

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

Adjourn: At 8:19 p.m. Londagin made a motion to adjourn. Rawlings seconded the motion. Motion carried without opposition.

City Clerk