

July 19, 2021

The City Council of Scott City met in regular session on the above date at 7:30 p.m. in City Hall.

Present were Mayor Everett Green, Council members Craig Richards, Jeff Allen, Kelly Funk, Josh Gooden, Adam Winter, Armando Tarango, City Attorney Rebecca Faurot, City Administrator Brad Pendergast, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the July 6, 2021 regular council meeting were presented.

Motion by Craig Richards seconded by Jeff Allen to approve the minutes of the July 6, 2021 regular council meeting. Vote – 5, yes, 1 – abstain, Kelly Funk.

Appropriation Ordinance #982B was presented.

Motion by Armando Tarango seconded by Craig Richards to approve Appropriation Ordinance #982B. Vote – Unam.

Provided in the packet was *Event Notice Pursuant to SEC Rule 15c2-12(b)(5)(C) and Call for Redemption, City of Scott City, Kansas General Obligation Bonds Series 2013, Dated August 22, 2013*. City Administrator Brad Pendergast noted that once the documents are signed and returned, that an invoice would be presented for payoff prior to September 1, 2021. Mr. Pendergast informed the Council that more money will need to be expensed from the General Fund than had been anticipated, but that the money would be reimbursed from the Water Fund as the funds become available.

Motion by Armando Tarango seconded by Jeff Allen to authorize City Clerk Ruth Becker to sign *Call for Redemption, City of Scott City, Kansas General Obligation Bonds Series 2013, Dated August 22, 2013*, and to authorize the payoff the remaining \$2,400,806.25 balance of the Water Treatment Plant bond. Vote – Unam.

Included in the packet was *Resolution 2021-03*, a resolution regarding the governing body's intent to levy a property tax exceeding the Revenue Neutral Rate. City Administrator Brad Pendergast reminded the Council that, at the last regular Council meeting, the Council had voted to hold a public Revenue Neutral Rate (RNR) hearing just prior to the adoption of the 2022 Budget on September 7, 2021. Mr. Pendergast explained further that, per 2021 Kansas Senate Bill 13, it is required that the Scott County Clerk be informed of the City's intent to exceed the RNR no later than July 20, 2021. The resolution states that the RNR that was calculated by the Scott County Clerk at 71.092 mills will likely be exceeded with a proposed mill levy of 74.940. The purpose of this resolution is to provide notice of that intent to the Scott County Clerk. Mr. Pendergast noted that the mill levy is not being set by this resolution, that it is simply indicating the maximum rate which will be imposed.

Motion by Josh Gooden seconded by Adam Winter to authorize Mayor Everett Green to sign *Resolution 2021-03*, a resolution regarding the governing body's intent to levy a property tax exceeding the Revenue Neutral Rate and to authorize City Clerk to deliver said resolution to the Scott County Clerk no later than July 20, 2021. Vote – Unam.

A draft copy of *Resolution 2021-04*, a resolution to levy a property tax rate exceeding the Revenue Neutral Rate, was included in the packet. City Administrator Brad Pendergast pointed out that this draft is currently being presented for the Council members' review. He indicated that this resolution will be signed following the RNR hearing on September 7, 2021, if the Council votes to officially exceed the Scott County Clerk's calculated RNR of 71.092 mills. Immediately following the RNR hearing on September 7, 2021, the Council will open the 2022 Budget Hearing to adopt the proposed 2022 budget. Consensus of the Council was that Resolution 2021-04 appears to be ready for signatures following the RNR hearing on September 7, 2021.

Application for Federal Assistance SF-424 for FAA American Rescue Plan Act (ARPA) Funding for Scott City Municipal Airport (TQK) was presented in the packet. City Clerk Ruth Becker informed the Council members that another federal grant opportunity had become available to the Scott City Municipal Airport as a response to Covid-19. Mrs. Becker noted that she had been informed of the grant opportunity by EBH Engineer Darin Neufeld before the application for funding was received in the Clerk's office. The \$32,000 award for this grant can be used to cover costs for operating expenses, personnel, cleaning, sanitization, or janitorial services relating to the spread of pathogens at the airport. Mr. Neufeld had explained that the mowing contract at the airport could be covered with these funds, as well as several months of the Fixed Base Operator (FBO) agreement. Mrs. Becker assured the Council that acceptance of this APRA grant from the FAA would not affect the City's ability to receive future Airport Improvement Plan (AIP) grants.

Motion by Josh Gooden seconded by Jeff Allen to authorize City Clerk Ruth Becker to prepare and submit the *Application for Federal Assistance SF-424* for FAA American Rescue Plan Act (ARPA). Vote – Unam.

Included in the packet were three agreements regarding the Maria DeGeer statue and the land on which it resides. It was pointed out that these agreements are basically the same documents as presented at the previous regular Council meeting, but after being reviewed by the other entities involved, a few additions had been made to the *Donation Agreement* which indicated that the statue of Maria DeGeer would be donated to the Scott County Historical Society if the City of Scott City can no longer provide the upkeep and maintenance on the statue or if DeGeer Corner is no longer able to be used as a historical park. The required maintenance on the statue was briefly discussed, noting that the periodic waxing of the statue would be a professional expense, not something performed by the City crew. It was noted by City Attorney Rebecca Faurot that Jerry Thomas, the artist who created the statue, wants to give the copyright for the statue to the City of Scott City, and that another agreement will be drawn up to accomplish this transaction. Mr. Thomas also informed City Attorney Rebecca Faurot that any monetary gains received because of the City holding the copyright to the statue should be held for scholarship purposes.

Motion by Kelly Funk seconded by Craig Richards to approve and authorize the Mayor's signature on the *Donation Agreement* for the Maria DeGeer Statue and Appurtenances between DeGeer Corner Statue Committee and the City of Scott City, Kansas. Vote – Unam.

Also included in the packet was *Memorandum of Understanding and Site Lease* of the Maria DeGeer Statue Land between First National Bank of Scott City and City of Scott City. This document outlines the responsibilities of the City of Scott City in using the property as a historic park to house the Maria DeGeer statue and appurtenances. This document includes a clause that

states if the City defaults on the agreement, the City will surrender the statue and appurtenances to the Scott County Historical Society.

Motion by Kelly Funk seconded by Jeff Allen to approve and authorize the Mayor's signature of *Memorandum of Understanding and Site Lease* of the Maria DeGeer Statue Land between First National Bank of Scott City and City of Scott City. Vote – Unam.

The purpose of the *Notice of Memorandum of Understanding and Site Lease* between First National Bank of Scott City and City of Scott City is to notify the public that the bank has leased a portion of its property to the City for the purpose of housing the historic park known as DeGeer Corner. The signed document will be recorded with the Scott County Register of Deeds.

Motion by Kelly Funk seconded by Jeff Allen to approve and authorize the Mayor's signature on *Notice of Memorandum of Understanding and Site Lease* to be recorded with the Scott County Register of Deeds. Vote – Unam.

Provided in the packet, was a final draft of *Agreement for Fire Protection Services* between the City of Scott City, Kansas and Scott County, Kansas. City Attorney Faurot indicated that the only addition to this draft of the document was to note that the City will, for taxing purposes, become part of the Scott County Rural Fire District and will share in the cost of fire protection services. City Attorney Rebecca Faurot noted that the attached exhibits are believed to be incomplete, that the County still has some inventory items to include, and that this list will be added to the agreement upon its completion.

Motion by Josh Gooden seconded by Kelly Funk to approve the *Agreement for Fire Protection Services* between the City of Scott City, Kansas and Scott County, Kansas, essentially turning over all fire protection services to Scott County effective January 1, 2022. Vote – 5-yes, 1-abstain, Jeff Allen.

Chamber of Commerce Director Lindsay Singley and Patton Park Restroom Committee (Committee) member Bill John were present for the opening of the Patton Park Restroom Project bids for both demolition of the current restrooms and the construction of the proposed restrooms. Mayor Green opened the following bid for the demolition of the restroom building at Patton Park: CJ Lee Construction provided an "estimate" for \$7,500 for demolition, which does not include the cost of fill dirt or leveling. Mayor Green questioned whether or not the City should accept an estimate in lieu of a bid. City Attorney Rebecca Faurot advised against accepting an estimate and indicated that a firm bid would be preferable. Mayor Green recommended that the lone demolition quote be approved contingent upon the amount quoted being a "bid" as opposed to an "estimate."

Motion by Josh Gooden seconded by Adam Winter to accept the bid from CJ Lee Construction for the demolition of the restroom building at Patton Park, not to exceed \$7,500, contingent upon the bid being resubmitted as a bid, not an estimate. Vote – Unam.

The next bid opened by Mayor Green was for the construction of the proposed Patton Park restroom building: CJ Lee provided another estimate with a base price of \$165,791.84 with two alternative additions: Alternate #1 would increase the estimate by \$4,250 and Alternate # 2 would increase the estimate by \$11,500. The bid does not include any electrical work, door closures, sidewalks, or fill dirt. Mayor Green inquired what the alternate options included, as it was not described in the bid. Chamber of Commerce Director Lindsay Singley noted that these alternates were "wings" that could be added later if money were an issue. Discussion brought to light the realization that the City has no financial obligation to the construction of the restrooms and that any contracts entered into for said construction would be between the Contractor and the Patton

Park Restroom Committee, not the City. Therefore, the Committee would not have to comply with the same bidding procedures that the City would be obligated to follow. Chamber of Commerce Director Lindsay Singley stated that once the Committee has a target project cost, she can reach out to the Scott Community Foundation and begin more aggressive fund-raising campaigns to fund the project. Consensus of the Council was to give the construction bids to Mrs. Singley and Mr. John for the Committee's consideration. Further discussion led the Council to the decision that the demolition bid needed to be readdressed.

Josh Gooden rescinded his motion to accept the bid from CJ Lee Construction for the demolition of the restroom building at Patton Park, not to exceed \$7,500, contingent upon the bid being resubmitted as a bid, not an estimate. Adam Winter rescinded his second. Vote was unanimous to rescind the acceptance of the demolition bid from CJ Lee as stated.

Committee member Bill John noted that he felt that having some type of demolition agreement in place would help in Scott Community Foundation's decision to front the money needed for construction of the restrooms during the final fundraising phase of the project.

Motion by Josh Gooden seconded by Jeff Allen to accept a firm bid from CJ Lee Construction for the demolition of the current Patton Park restrooms, not to exceed \$7,500 contingent upon the Committee's ability to secure funds from the Scott Community Foundation for the construction of the new restrooms prior to demolition. Vote – Unam.

Included in the packet was a petition signed by the developer and residents of the Prairie Meadows addition to remove the concrete median in the middle of Curtis Street and to relocate the stone Prairie Meadows sign to another location. Previous discussion regarding this median and signage revealed that these landmarks made it difficult for larger vehicles, such as emergency vehicles and delivery trucks, to navigate around the sign when turning onto Curtis Street. City Administrator Brad Pendergast noted that this signage is within the street easement so the City has the authority to move it. Council member Jeff Allen inquired if all Prairie Meadows residents signed this petition, to which Mayor Green indicated that, although he does not know if everyone signed, the petition was signed by most of the residents. Street Superintendent Terence Appel indicated that the City crew would be able to remedy this issue in half a day using a backhoe to safely relocate the sign and using a packer and asphalt to repair the street where the median would be removed.

Motion by Josh Gooden seconded by Jeff Allen to authorize the City Public Works department to move the sign, with the permanent location to be determined at a later date, and remove the concrete median at the entrance to Curtis Street. Vote – Unam.

Scott City Municipal Airport Fixed Base Operator, A+ Aviation, did not have a representative present.

Under the open agenda, Council member Kelly Funk inquired about a possible pay raise for the City Council. He indicated that he had been working with City Administrator Brad Pendergast on a proposal. He proposed an \$800 per month rate of pay for Council members, which would remove the current "special meeting" pay of \$200 per meeting. Mr. Pendergast indicated that he had obtained a recent (2018) Salary Survey published by the League of Kansas Municipalities. He indicated that the survey provided pay ranges for both mayors and council members. Mayor pay for cities with a population between 1,300 and 4,000 ranges from \$1,979 to \$2,419 per year. Council member pay for cities of the same population ranges from \$1,080 to \$1,320 per year. It

was noted that in recent months, a higher demand on the time of council members has been realized, but it was also noted by Mayor Green that since the arrival of City Administrator Brad Pendergast, his time demands have decreased significantly. Council member Jeff Allen inquired of Mr. Pendergast if he could share the Mayor/Council pay scale for the City of Oakley. Mr. Pendergast replied that mayor pay in Oakley is \$150 per month and council pay is \$100 per month. Mayor Green indicated that, in visiting with council members from other communities, he always held the impression that City of Scott City Mayor and Council members are at the high end of the pay scale. City Administrator Brad Pendergast agreed that this has been his impression as well. Mr. Pendergast noted that if the Council were to approve this pay increase, it would increase the salary budget by approximately \$38,000 which is also the approximate amount expected to be left in the General Fund when the Fire Department no longer exists in the City of Scott City's budget. Consensus of the Council was to not pursue a pay increase at this time.

Council member Jeff Allen informed the Council of a Scott City resident on Church Street who is having an issue with feral cats. He indicated that she has an estimated 40-60 cats. Mayor Green indicated that he had been talking with Scott County Undersheriff Jeff Pounds, and both of them agreed that this issue should be addressed to the City Council. Jeff Allen noted that the resident has been working with Suzy Patty with the Scott City Animal Rescue to relocate the cats to farms in need of cats. She has also been given access to animal traps by Police Sergeant Colton Schmitt. It is to be noted that the City holds no responsibility in the relocation of these cats.

Council member Jeff Allen raised the topic of the streets at the intersections along the walking trail now under construction. Now that the work has begun to dismantle the railroad track, people are questioning how the trail will affect the surface of the streets along the walking trail. Mayor Green asked Street Superintendent Terence Appel his thoughts on the maintenance and the surface material to be used on the streets. He replied that there is some concern with using concrete on the streets' surfaces because the snowplow and other large equipment would damage the streets by catching on areas that may buckle. He also noted that you cannot chip seal over concrete. However, City Administrator Brad Pendergast indicated that, as part of the grant received to cover the cost of this walking trail, the entire trail must be constructed in a manner to make the trail ADA compliant, which involves creating a seamless trail with no "ledges" between varying surface material, so the consensus of all involved in the construction of the trail is that there would be no compliance issues if the entire trail, from 1st Street to Alice Avenue, were constructed with concrete – including the streets. He noted that, in the future, when the streets need to be repaired, after all the requirements have been met, and the terms of the grant have ceased to be an issue, the streets could once again be surfaced with asphalt and be chip sealed just like the rest of the streets. The creation of the new walking trail is also expected to aid in drainage issues that currently exist at the area of 9th Street and Glenn Street and other areas along the trail.

Pool Manager Marci Patton directed the Council members' attention to the *Food Establishment Inspection Report* that was included in the packet. She reported that she was pleased that all inspection criteria were either in compliance, not observed, or not applicable.

Mrs. Patton also mentioned the monthly pool report which was also found in the packet. She noted that, when comparing numbers from this year to last, the pool is basically sitting in the same place as the pool's entire last season in terms of operating expenses and revenues. Mrs. Patton stated that she is pleased with the way the pool is operating and joked that the concession stand has been very popular this season.

Red Cross swim lessons are also reportedly going well. The first session of lessons served over 40 kids, and the second session which began early today is expected to serve between 50-60 kids. Private lessons have also been very popular this season, with 65 kids participating over the course of the season. Pool Manager Marci Patton informed the Council that it has been common practice of the City to require lifeguards teaching swim lessons to pay the \$2.00 daily pool admission fee for their students if they do not have a pool pass. Mrs. Patton asked the Council if they would consider abandoning this policy because the swimming lessons are educational and not recreational and charging students extra for lessons to cover the cost of admissions, which are in turn paid by the lifeguards could discourage people from taking these lessons, or lifeguards from providing them. After a brief consultation with City Attorney Rebecca Faurot, it was determined that this was simply a pool policy and that no Council action was required to make this change. Consensus of the Council was to allow lifeguards to teach swimming lessons without paying their students' admission fees.

Pool Manager Marci Patton reminded the Council of the upcoming Moonlight Swim event to be held on July 24th with a "Christmas in July" theme. The pool staff is looking forward to the event.

Mrs. Patton's last item was to encourage everyone in attendance to watch the uploaded video of Officer Michael McEachern's bellyflop. This stunt was a huge hit with all who were at the pool and those who have viewed the video online. Mrs. Patton reported to the Council that the Police Department has been very active in their outreach with the kids at the pool this season, and that this stunt was very well received, noting that the video has in the neighborhood of 17,000 views.

Mayor Green told Mrs. Patton that they are all doing a great job at the pool. The Council nodded their agreement.

City Building Inspector Lloyd Foster had nothing to report.

Interim Fire Chief Jeff Mayer informed the Council that the hose truck has been listed on "Purple Wave," an online auction site typically for large equipment, and that the current high bid is at \$6,000. The auction will not end until August 10, 2021. Fire Chief Mayer expressed his surprise at the amount, noting that he wasn't sure it would sell at all.

Fire Chief Mayer also informed the Council that the Fire Department has purchased a training facility to be shipped from Olathe to be paid for with donations from the Colter Berry Memorial Fund. The facility takes the form of storage containers stacked in such a manner that the firefighters can take a more active roll in their training. Delivery of the training facility is expected in 4-5 weeks, and prior to its arrival, the Fire Department will need to construct, or have constructed, a 24' x 56' concrete pad on which to place the facility. The proposed location for this facility is the lot directly to the north of the Law Enforcement Center, where impounded vehicles have been housed in recent months. The location will be more precise after the next meeting of the Scott County Commissioners. There was discussion on whether to put the concrete project out for bids, or whether the firefighters would build the frames and pour the concrete themselves to save labor. Consensus of the Council was to allow Fire Chief Mayer the opportunity to discuss this option with his crew, and to request the letting of bids at a later meeting if the fire department does not want to do the work.

Fire Chief Mayer's final item was to request to seek bids for a new rescue truck.

Motion by Kelly Funk seconded by Josh Gooden to authorize Fire Chief Mayer to seek bids for a new rescue truck. Vote – 5-yes, 1-abstain, Jeff Allen.

Police Chief David Post was not in attendance. City Administrator Brad Pendergast spoke on Police Chief Post's behalf. Mr. Pendergast informed the Council that the discussion regarding the repairs to the dog pound will be put on hold until the next regular Council meeting.

City Administrator Brad Pendergast informed the Council of a quote from Gilmore Solutions for a server to be utilized by both the City and the County law enforcement agencies. The initial quote for the server was \$41,000, but was reduced to \$33,338.09 after the labor hours quoted were reduced. With the City and the County evenly sharing the cost for this server, the Police Department's share is \$16,694.04. The County has already approved their half of the expenditure. Mr. Pendergast noted that the server comes with a five-year warranty but can be supported by Gilmore Solutions for 7-8 years. City Administrator Pendergast noted that, with the purchase of this new server, the Police Department would be over budget, but due to the unexpected nature of the need for a new server, the funds to pay for the server could be expensed out of Special City Projects. He also noted that Police Chief Post is hesitant to make this purchase if it causes his department to go over budget. Mr. Pendergast noted that Police Chief Post is very aware of his budget and works diligently to work within his budget, but this project was unforeseen and was not included in his budget. An inquiry was made about the need for this server at this time. Mr. Pendergast indicated that this server is critical to the operations of the Police Department because the current server can no longer be supported past 2021. The server would continue to function, but the software updates that provide the security will no longer exist, leaving the server vulnerable to cyber-attacks. Mayor Green reminded the Council that supply issues exist in the industry and that the County has already approved their share. He advised the Council to move forward with this decision noting that this purchase of equipment and support will not affect the overall agreements moving forward with Gilmore Solutions.

Motion by Kelly Funk seconded by Armando Tarango to authorize the expenditure of a server, to be split evenly with the County, with the City's cost share of \$16,694.04 to be paid out of Special City Projects. Vote – Unam.

On behalf of Police Chief David Post, City Administrator Brad Pendergast requested that a Tier II credit card be issued to new hire Officer Luke Hayes for travel and training expenses.

Motion by Kelly Funk seconded by Jeff Allen to authorize the issue of a Tier II credit card to Officer Luke Hayes. Vote – Unam.

Parks Superintendent Terence Appel had nothing to report.

Street, Water, & Sewer Superintendent Terence Appel reiterated his concerns with the new walking trail and addressed the drainage issues that are expected to improve as a result of the construction of the walking trail.

Superintendent Appel informed the Council that the Fair Board, the Rec Commission, and the Golf Course had borrowed the barn sprayer for the spraying of mosquitos. Regarding the City's spraying of mosquitos, Mr. Appel mention that he had switched to using malathion, which is approximately ¼ of the cost of using permethrin. He has been pleased with the results.

Council member Jeff Allen inquired about long-term plans for fixing the potholes along Main Street, specifically mentioning the area in front of Dollar General. Street Superintendent Appel indicated that for now, all the City crew is able to do is routine patching. The City has made application, and has been denied, for the KDOT Klinks project for the last five years. At the advice of EBH Engineer Darin Neufeld, the City did not make application for 2021 in the hope that starting again fresh next year might result in an award to assist in repairing the highways within

the City. Mr. Appel also noted some areas in which the crosswalks appear to be sinking. Mr. Appel indicated that he would like to use brick to repair the crosswalks.

City Clerk Ruth Becker pointed out the flyer in the packet for *The League Annual Conference* hosted by the League of Kansas Municipalities (LKM). The conference will be held in Topeka on October 9 – October 11, 2021. Mrs. Becker informed the Council that registration is open and that the early registration rate of \$225 per City official would be available through the end of the week. City Clerk Becker offered to register participants and reserve hotel rooms for anyone wishing to attend.

City Administrator Brad Pendergast inquired of the Council if they were wanting him to hire bond counsel for the Crescent Street Extension project (formerly known as the Viola Street Extension project).

Motion by Kelly Funk seconded by Armando Tarango to authorize City Administrator to hire bond counsel for the Crescent Street Extension project. Vote – Unam.

Mr. Pendergast noted that the City is waiting on the official, revised, cost estimate from the engineers to move forward with a petition for the property owners affected.

City Administrator Brad Pendergast informed the Council that there has been some interest expressed in the railroad ties that have been dismantled from the track that will become the location of the walking trail. He has told interested individuals to take what they desire at their expense and with their labor. The City will store these ties on a lot northwest of the City Shop, at the corner of 2nd Street and Jackson St. A notice will be placed on the *City Hall – Scott City, KS* Facebook page and will be shared on multiple other pages as well.

City Attorney Rebecca Faurot presented the option for a Covid leave extension. She reminded the Council that in 2020, it was mandatory that employers offer their employees 80 hours of Covid leave if he/she came down with Covid, was asked to quarantine due to potential exposure to Covid, needed to care for a family member with Covid, or needed to provide care for a school-aged child who had no access to childcare otherwise. As of January 1, 2020, it was no longer mandatory to offer the 80 hours, but government employers had the option to extend the Covid leave through March 31, 2021. At that time, the City Council voted to extend the 80 hours of Covid leave to individuals who had not used their full 80 hours. Those individuals who used some, but not all their Covid leave could continue to benefit from Covid leave for the reasons given above, not to exceed the initial 80 hours. As of April 1, 2021 the Covid leave extension was again made available. From April 1, 2021 forward, the following are additional allowable reasons for individuals to be allowed the use of Covid leave: individuals experiencing a negative reaction to a Covid immunization, or individuals suffering from a Covid-related disability. The City of Scott City again has individuals that could benefit from another Covid leave extension. The extension could be retroactive to April 1, 2021 continuing through December 31, 2021. City Attorney Faurot reminded the Council that the initial intent of providing Covid leave was to encourage individuals who are sick with Covid to stay home and recover, and not to come to work sick and infect others. Mrs. Faurot recommended that, if the Council were to approve another Covid leave extension, that the Council continue to extend the 80 hours to those individuals who have not already used them. The 80 hours do not need to start over.

Motion by Jeff Allen seconded by Armando Tarango to extend the Covid leave benefits for Covid-related incidents to individuals who have not already expended their allotted 80 hours from April 1, 2021 through December 31, 2021. Vote – Unam.

City Attorney Rebecca Faurot indicated that she had nothing to add to the Crescent Street Extension projects.

The financial & investment reports were presented.

Mayor Green had no additional comments.

The Council took a short break.

Mayor Green called the meeting back to order.

Motion by Adam Winter seconded by Armando Tarango to adjourn at 9:16 p.m. Vote – Unam

Everett M. Green
Mayor

Ruth Becker
City Clerk