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, Bo Parkinson, Barb Wilkinson, Adam Winter, 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 August 2, 2021, regular council meeting were presented.

Motion by Adam Winter seconded by Jeff Allen to approve the minutes of the August 2, 2021, regular council meeting. Vote – 6-yes, 1-abstain, Josh Gooden.

Appropriation Ordinance #983B was presented.

Motion by Josh Gooden seconded by Barb Wilkinson to approve Appropriation Ordinance #983B. Vote – Unam.

Provided in the packet was Loan Agreement between the Kansas Department of Health and Environment Acting on Behalf of the State of Kansas and the City of Scott City, Kansas, KPWSLF Project No. 2982, Effective as of July 26, 2021 and accompanying Ordinance #1217, an ordinance authorizing the execution of a loan agreement between the City of Scott City, Kansas and the State of Kansas, acting by and through the Kansas Department of Health and Environment for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund (KPWSLF) for the purpose of financing a public water supply project; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the loan agreement. Mayor Everett Green inquired if City Administrator Brad Pendergast or City Attorney Faurot had any comments regarding the details of the ordinance. Each replied that neither had any concerns as it is a standard ordinance for a loan execution agreement. GMS, Inc. engineer David Frisch, who was in attendance via Zoom, also expressed no concern with the approval of the ordinance as written.

Motion by Adam Winter seconded by Josh Gooden to authorize the Mayor to sign *Ordinance* # 1217, authorizing the execution of a loan agreement between the City of Scott City, Kansas and the State of Kansas, acting by and through the Kansas Department of Health and Environment for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund (KPWSLF) in the amount of \$6,100,000 plus fees and interest over a period of 20 years. Vote – Unam.

Included in the packet was Legal Forum – 2021 Changes to the Standard Traffic Ordinance (STO) and Uniform Public Offense Code (UPOC) outlining changes to previous versions of the publications made during the 2021 legislative session, and accompanying Ordinance # 1218, an ordinance amending Title 6, Chapter 1, Section 6-1-1 (A) of the municipal code of the City of Scott City incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2021, and amending Title 5, Chapter 2, Section 5-2-1 of the municipal code of the City of Scott City incorporating by reference the Uniform Public Offense Code for Kansas Cities, Edition of 2021. Mayor Green indicated that this agenda item is an annual occurrence and asked the Council

members if there needed to be any discussion regarding the changes to the current publication. There was no further discussion.

Motion by Josh Gooden seconded by Kelly Funk to authorize the Mayor's signature on Ordinance # 1218, an ordinance amending Title 6, Chapter 1, Section 6-1-1 (A) of the municipal code of the City of Scott City incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2021, and amending Title 5, Chapter 2, Section 5-2-1 of the municipal code of the City of Scott City incorporating by reference the Uniform Public Offense Code for Kansas Cities, Edition of 2021. Vote – Unam.

On behalf of Wheatland Electric, City Administrator Brad Pendergast requested to allow Wheatland Electric to use one of the hangars at Scott City Municipal Airport on Saturday, October 30, 2021, from 11:00 a.m. to 3:00 p.m., for their annual "Cram the Van" food drive event. Mr. Pendergast indicated that he had visited with airport management and that they were agreeable.

Motion by Jeff Allen seconded by Barb Wilkinson to allow Wheatland Electric to use a hangar at Scott City Municipal Airport on Saturday, October 30, 2021, for their annual "Cram the Van" food drive event. Vote – Unam.

City Clerk Ruth Becker requested, on behalf of Scott City resident Allyssa Kough, for Mrs. Kough to be allowed to place lime green can lights at the intersection of K-96 and US-83 overnight on September 7, 2021, Duchenne Awareness Day, in honor of her son Brody who battles the disease. She was unable to make her request in person as she needed to take her son to an appointment in Kansas City. Mrs. Kough wanted to let Council members know that the lights would likely be only about 2" in size and would run on either battery or solar power. No flame will be present. She would like to place these lights along the north side of the intersection both on the sidewalk and in windows or on ledges where available. Mrs. Becker also stated that Mrs. Kough had not yet purchased any materials and is awaiting Council's approval before doing so. At that time, she also intends to raise awareness of the lime green lights by running radio ads prior to September 7. Council briefly discussed any safety concerns that might arise but found no real cause for concern.

Motion by Adam Winter seconded by Jeff Allen to allow Allyssa Kough to place lime green lights on the north side of the main highway intersection overnight in Scott City on Duchenne Awareness Day, September 7, 2021, to raise awareness of the disease that affects her son. Vote – Unam.

Mayor Green informed the Council that Council President Josh Gooden had approached him regarding an incident that occurred about a week prior in which a dog had injured a local mail carrier. Mayor Green indicated that President Gooden had questioned the fees set by City Code for dogs running at large and indicated that, in his opinion, the fees were not high enough to encourage dog owners to license their pets or keep them properly contained. Council President Gooden reminded the Council that the impound fee for a 1<sup>st</sup> offense was \$20, the 2<sup>nd</sup> offense is \$30, 3<sup>rd</sup> offense is \$40, and so on. Mayor Green welcomed Scott City resident and mail carrier Susan Amack, who attended the meeting to address the Council regarding her concern about dogs running at large and dangerous dogs. Mrs. Amack's husband, J.C. Amack, was also present in the audience. Included in the packet was a copy of *Chapter 4 – Animal Control*, a subcategory of Title 5, Police Regulations in the City Code of the City of Scott City. Mrs. Amack also provided photos of the injuries she suffered in a dog attack about a week and a half earlier to the Mayor and Council

members. Mrs. Amack addressed the Council and voiced her concern not only for mail carriers, but for others, including children walking to and from school. She indicated that she has been "nearly attacked" several times and that several of the incidents were instigated by dogs that had rushed her before. She mentioned one specific dog that had been moved to 3 separate addresses and the dog had acted aggressive toward her at each location, prompting Mrs. Amack to inquire if it would be possible for the City to require dog owners to report a change of address to the City if the owners move. She also asked if it would be possible for the City to publish a "Dangerous Dog" list so that residents could be made aware of the areas where they are likely to encounter aggressive animals. She then turned the discussion to the dog that had attacked her recently. Mrs. Amack informed the Council that she carries pepper spray and usually she had time to grab it for protection, but this dog did not growl or bark. She was unaware of the dog's presence until it bit down on her arm. Fortunately, the dog let go when Mrs. Amack started screaming. She noted that, because of her position at the Post Office, her supervisor had to submit documentation to prove that the dog attack was "not her fault." While gathering information for the report, it was found that this dog had bitten another individual in the past and has since been euthanized. Mayor Green inquired if she would mind sharing the breed of the animal that attacked her. She noted that the dog that bit her was a German Shepherd, but that the other two dogs that regularly approach her are a Boxer and a Pitbull mix. After Mr. and Mrs. Amack left the meeting, discussion continued. Topics of discussion included: the difference between "potentially dangerous" and "dangerous dogs" in the City Code, fines and fees for licenses/tags and impounded dogs running at large, the concern that the City's procedure for determination of dangerous dogs is unusually complicated, the possibility of creating a dangerous dog registry for public notification, concern that the public is not reporting dogs running at large to the law enforcement center, but rather taking to social media to try to locate the owner, and legal concerns. City Administrator Brad Pendergast stated that he had recently worked on a similar issue in Oakley, and that it is his opinion if a dog is deemed dangerous, the dog should be removed from the city or euthanized. Mayor Green asked Mr. Pendergast and Council President Josh Gooden to work together to provide some sample language and a proposed fee/fine schedule to be reviewed by the Council at the next regular Council meeting. Both men agreed.

Scott County Development Committee (SCDC) Director Katie Eisenhour was present to provide a quarterly report to the Council. Mrs. Eisenhour was excited to announce that 2020 Census data had been released and that Scott County grew in population by 215 people to 5,151 residents in Scott County. She indicated that she had not heard the data for the City. City Administrator Brad Pendergast noted that the League of Kansas Municipalities had recently published the 2020 Census data for cities, and that the population of Scott City had increased by 7.78% to 4,113 residents since the 2010 Census. He also indicated that, in cities with a population of over 1,500 people, Scott City is the fastest growing city in Western Kansas, and the 24<sup>th</sup> fastest growing city in the state. Mrs. Eisenhour indicated that positive numbers have been reported all along the Highway 83 corridor . . . good news for Western Kansas overall.

Mrs. Eisenhour reported that Great Bend was recently awarded their Senior Housing project through the Kansas Housing Resource Corporation (KHRC) which is a good indicator that if a request were made by Mesner Development on behalf of Scott City in the next year, it would likely be approved. Mrs. Eisenhour notified the Council that she has a waiting list of 28 people for senior housing.

Mrs. Eisenhour thanked Public Works Superintendent Terence Appel and his crew for the work they did to clean up the currently undeveloped lots slated for more Moderate Income Housing (MIH) units. She indicated that the lots were left with piles of dirt and several loads of cinder blocks which the City crew worked hard to remove. East Cambridge has now assumed the responsibility to build the MIH homes and intends to build spec homes. Construction is expected to begin late August or early September. Mrs. Eisenhour also indicated that East Cambridge is interested in building 14 spec homes instead of 12. She will communicate this to KHRC and will verify that this change is allowable. Each home is expected to be between 1150-1250 square feet with full, unfinished basements, and each home is expected to be at an approximate price point of \$200,000. Mayor Green informed the Council that he spoke with Public Works Superintendent Terence Appel who indicated that adding additional water or sewer taps would not cause problems. East Cambridge believes that they will be able to build all 14 homes by the June 30, 2022, deadline, but Mrs. Eisenhour stated that she will file for an extension on behalf of the City if it appears that the deadline will not be met.

Mrs. Eisenhour reported that all the Community Visioning task forces have met and that the Housing Task Force is considering designing a survey for individuals who have homes that are bigger than what they need, to determine what would attract them to move within the community to free up larger spaces for families.

SCDC Director Katie Eisenhour indicated that they will be facilitating conversations with Garden City regarding passing lanes on US-83 and how they can approach KDOT to be considered for the next IKE cycle to be bid out in 2025.

Provided in the packet was City of Scott City Water Rate Brief, dated August 16, 2021, prepared by City Administrator Brad Pendergast. Mr. Pendergast began his presentation by noting that the City of Scott City last updated their water rates in December 2018 and that 8 different base rates were based on meter size for water services within the City limits. He also noted that nearly all the revenue for the Water Fund is from collections from water rates. Although the Water Fund typically has healthy year end fund balances, due to the recent Water Treatment Plant bond payoff, the Water Fund will likely have a 2021 fund balance less than what is desired for operational reserves, or 6 months' worth of wages, debt paydown, and operating expenses. City Administrator Pendergast reminded the Council that, because the bond that was just paid off was for water improvements, the Sewer Fund and the General Fund will still need to be reimbursed out of the Water Fund for the payments that were made for this bond out of these funds. For this reason, Mr. Pendergast recommends creating a Water Reserve Fund, into which dollars in excess of the 6 months' operating expenses can be transferred. Mr. Pendergast also drew the Council's attention to the fact that expenses exceeded the revenues in the Water Fund 5 of the last 10 years. For these reasons, Mr. Pendergast recommends that increases be made to water rates beginning January 1, 2022.

City Administrator Brad Pendergast informed the Council that he had compared Scott City's water rates to those of surrounding communities (Oakley, Colby, Goodland, Garden City, & Leoti). After reviewing rates for ¾", 1", 1 ½", 2", 3", 4", and 6" meters, Scott City's rates are significantly lower than the average of the five comparison communities in all rate categories except 6" meter. To increase Scott City's water rates to provide for increased revenue and the creation of water reserve funds, Mr. Pendergast proposed the following (3) rate structures:

## • Proposed Rate 1: EQR Multipliers Based on Cross-Sectional Area of Meter Size (baseline).

In the City's KPWSLF loan application, GMS lays out one method to adjust rates, using a Residential Equivalent User (EQR) calculation based on the cross-sectional area of the service line or meter size. Therefore, a <sup>3</sup>/<sub>4</sub>" meter to a typical residential customer equates to 1 EQR. A rate increase of \$6.50 per EQR was calculated by GMS. New base rates for each meter size using this proposed rate follow:

	Meter Size	Current Base	EQR	EQR Based Increase	New Base Rate
0	5/8"-3/4"	\$18.19	1	\$6.50	\$24.69
0	1"	\$21.68	1.78	\$11.57	\$33.25
0	1 ½"	\$26.02	4	\$26.00	\$52.02
0	2"	\$31.45	7.11	\$46.22	\$77.67
0	3"	\$45.03	16	\$104.00	\$149.03
0	4"	\$65.39	28.44	\$184.86	\$250.25
0	6"	\$141.77	64	\$416.00	\$557.77

This rate will increase annual revenues by \$242,176.74 with the most significant increases being attributed to the 17 meters in Scott City that are 3" or larger. These meters service governmental entities and such increases could put a strain on these entities.

## • Proposed Rate 2: Keeping EQR Multipliers at Current Levels/Flat Percent Based Increase

	Meter Size	Current Base	EQR	Rate Increase	New EQR Base Rate
0	5/8"-3/4"	\$18.19	1	\$9.61	\$27.80
0	1"	\$21.68	1.2	\$11.68	\$33.36
0	1 ½"	\$26.02	1.44	\$14.01	\$40.03
0	2"	\$31.45	1.73	\$16.64	\$48.09
0	3"	\$45.03	2.48	\$23.91	\$68.94
0	4"	\$65.39	3.6	\$34.69	\$100.08
0	6"	\$141.77	7.8	\$75.07	\$216.84

This rate will increase annual revenues by \$242,650.73 with each meter size-base service increasing by 53-54%. If the Council is satisfied with the equitable distribution of the City's current rate structure, Mr. Pendergast stated that this would be the recommended rate structure to implement.

## • Proposed Rate 3: Modeling Rates Closer to Comparative Communities

Rate 3 is based off Rate 2, but adjusted rates fall more in-line with comparison communities

	Meter Size	Current Base	EQR	Rate Increase	New EQR Base Rate
0	5/8"-3/4"	\$18.19	1	\$9.31	\$27.50
0	1"	\$21.68	1.2	\$11.32	\$33.00
0	1 ½"	\$26.02	1.46	\$14.13	\$40.15
0	2"	\$31.45	2.04	\$24.65	\$56.10
0	3"	\$45.03	2.91	\$35.00	\$80.03
0	4"	\$65.39	4	\$44.61	\$110.00
0	6"	\$141.77	5.82	\$18.28	\$160.05

This rate will increase annual revenues by \$242,893.44. City Administrator recommends this rate schedule as it is balanced more equitably with meter size in comparison cities.

In considering which rate table is best for the City, it is important to consider that if the Council were to adopt an EQR table, then the only thing the Council would need to decide for future increases is how much 1 EQR is worth, and the rest of the rates would be established by the EQR multipliers established for each meter size.

Mayor Green thanked Mr. Pendergast for all the hard work he put in on this rate proposal. He noted that this was not an easy undertaking. He also mentioned that he likes the EQR method for figuring water rates because it keeps the Council from having to "reinvent the wheel" each time there is a need to change water rates.

Council member Bo Parkinson expressed concern about older people who are on fixed incomes. City Administrator Brad Pendergast indicated that the City could provide a subsidy program based on the standards already established by the Low-Income Energy Assistance Program (LIEAP). Mayor Green inquired if the subsidy program should be addressed in the ordinance. City Administrator Brad Pendergast indicated that this program could begin at the policy level and does not need to be part of the ordinance. The Council discussed ways to inform the public about this option when the time comes, including placing assistance applications in water bills, collaborating with Wheatland Electric, or utilizing the outreach provided by the Ministerial Alliance.

Concerning the recent discussion about increasing sewer rates as well, Council member Barb Wilkinson expressed her desire to get the sewer rate increase going as soon as possible, so that customers would not be hit by both sewer and water increases at once, hopefully making the transition a little more manageable.

Consensus of the Council was to authorize City Administrator Brad Pendergast to work with GMS to create an ordinance based on Proposed Rate 3 and to bring the ordinance back to a later Council meeting.

Provided in the packet was *Budget Summary* for the City of Scott City's proposed 2022 budget. City Administrator Brad Pendergast asked the Council if they were ready for him to send the budget summary, which includes the Notice of Hearing to Exceed the Revenue Neutral Rate and Budget Hearing that will occur on Tuesday, September 7, 2021, at 7:30 p.m. at City Hall. Consensus of the Council was that the document was ready for publication.

Mayor Green welcomed GMS, Inc. engineer David Frisch via Zoom. Mr. Frisch began his report by referencing the *Engineer's Report dated July 29, 2021*, which was included in the packet. He noted that no action has been taken on the 8<sup>th</sup> Street Extension project as they are still waiting for KDOT to execute the contract.

Mr. Frisch indicated that, in order to proceed with the Crescent Avenue project, he needs to consult with City Attorney Rebecca Faurot.

No additional action will be taken by GMS on the Glenn Street Improvements project until KDOT has completed their improvements in 2022.

GMS Engineer Dave Frisch noted that he had been able to listen in on the water rate discussion and he commended Mr. Pendergast and the Council for the direction this discussion is taking.

Mr. Frisch then led into a discussion of the Water Improvement projects. KDOT has approved all sets of plans for the K-96 project and the project that goes down Main Street. Kansas & Oklahoma Railroad has also been very responsive.

Mr. Frisch reported that everything is moving as planned with the materials acquisition contract which was awarded to Core & Main. Delivery of materials is still expected near the end of September.

Terracon Consultants, Inc. has completed the geotechnical engineering evaluation for the water storage tank and at several locations throughout the City for use in designing the project. The report was provided to structural engineers Dudley Williams and Associates for use in the structural foundation design for the new water storage tank.

The well conversion from agricultural to municipal use is well underway. The Kansas Water Resources Department reached out to GMS and indicated that they need the City of Scott City to provide the historical data for water usage for the past 20 years. Projections for the next 20 years have already been provided. After the historical data has been obtained, the application will be sent to the City of Scott City for signatures. The application, along with a \$500 application fee, will be the final step to have the well converted.

Drawings have been submitted to KDHE. They have requested that drawings include quantities not only in the project manual, but on the drawings themselves. Comments should be received back within the next couple of weeks. Once GMS has heard back from KDHE, they will bid out the install project (materials are separate) for the water improvement project. It is possible that this could occur before the next Council meeting. Mr. Frisch asked for the Council's approval to put this project out for bid once they have been given approval from KDHE. Consensus of the Council was to proceed with the bid process upon approval from KDHE.

Under the open agenda, Kari Talbert was present on behalf of the Ministerial Alliance to request to use Patton Park on the evening of Sunday, August 29, 2021, for a picnic to honor First Responders. She indicated that hamburgers would be provided.

Motion by Barb Wilkinson seconded by Adam Winter to allow the Ministerial Alliance to host a picnic in Patton Park in honor of First Responders on the evening of Sunday, August 29, 2021. Vote – Unam.

Pool manager Marci Patton was not in attendance. Provided in the packet was the *Monthly Pool Update with Figures through July 31*, 2021. Council member Barb Wilkinson announced that she and fellow Park Commission member Craig Richards had kept in touch with Mrs. Patton and Assistant Pool Manager Jessica Berry throughout the summer to encourage them and congratulate them on a job well done. Mayor Green stated that it was disappointing that the last day the pool was open there was a large crowd, and then a storm rolled in and they had to close down early. But all-in-all, it was a successful season.

City Building Inspector Lloyd Foster was present to answer questions regarding the property at 707 Glenn Street. He indicated that if \$500 to haul the mobile home out of Scott City is what it takes to clean up the mess, then that is what needs to be done. Mayor Green informed the Council that there was a plan to remove this dangerous structure and drew the Council members' attention to the report that was presented in the packet, *Inspection Report*, 707 Glenn Street, Scott City, KS 67871. The Council thanked Mr. Foster for his work on this issue.

City Administrator Brad Pendergast reviewed *Resolution 2021-04*, which was included in the packet, fixing a time and place and providing for the notice of a hearing before the governing body of the City of Scott City, Kansas regarding the structure at 707 Glenn Street.

Motion by Josh Gooden seconded by Jeff Allen to authorize the Mayor's signature on *Resolution* 2021-04 indicating that a hearing will be held on October 4, 2021, before the governing body of the City at 7:30 p.m. in City Hall, and to publish said resolution in the Scott County Record regarding the structure at 707 Glenn Street. Vote – Unam.

Police Chief David Post was not in attendance. Mayor Green passed along Police Chief Post's gratitude for the flowers that were sent for his sister-in-law's funeral.

Parks Superintendent Terence Appel was not in attendance.

Street, Water, and Sewer Superintendent Terence Appel was not in attendance. On Mr. Appel's behalf, City Administrator Brad Pendergast informed the Council that the City crew has been working to remove a lot of blockages and tree roots from the storm drainage system along 12<sup>th</sup> Street where the street meets the new walking trail. Mr. Appel feels that the drainage is moving much better. Mr. Pendergast also notified the Council that the crew has been working on a water leak in the street at 808 Church. He also reported that the parts have been received for vessel #2 of the south water treatment plant to repair a leak. Mr. Pendergast notified the Council that sand filters at the pool are being cleaned for the first time in nearly 16 years. His last report for Mr. Appel was to update the Council on the storm drain on south Highway 83, near Great Western Tire. It appears that it has been run over by large trucks and is being repaired.

City Clerk Ruth Becker reminded the Council that the next regular Council meeting will be held on Tuesday, September 7, 2021, due to the observance of Labor Day.

City Attorney Rebecca Faurot had nothing to report.

City Administrator Brad Pendergast informed the Council that Police Chief Post is planning to return to work in a few days following the death of his sister-in-law. He congratulated the Mayor and Council for all their work which ultimately led to the increase in population reflected in the newly released 2020 Census data. Mr. Pendergast announced that the final bid for the pump truck that had been auctioned on Purple Wave was for \$16,500. He also announced that SCDC Director Katie Eisenhour, Travel & Tourism Coordinator Jennifer Turner, and City Clerk Ruth Becker had been meeting with Granicus, a large website firm, to start the process of researching possible companies to host and create an improved website for the City of Scott City and Scott County Economic Development. The City has had a history of hiring companies for their web design and implementation who subsequently go out-of-business or cease to exist, leaving the City's website in a precarious predicament. Therefore, the search is on for larger companies with long-standing reputations to try to fill this technological need for the City. Mrs. Turner has reached out to Civic Plus, another reputable company that specializes in government websites and software, to put together a demonstration and cost analysis for review. Mr. Pendergast will update the Council on progress made in the search.

The Council took a short break.

Mayor Green called the meeting back to order.

Financial, Investment, and Quarterly Reports were presented.

Mayor Green updated the Council on a joint meeting with Scott County and Gilmore Solutions representative, Andrew Loecker, that occurred on August 3, 2021. He felt that the meeting was a success as it seemed that Mr. Loecker understood that both entities were having issues with services provided and the costs for those services provided. Initially, Mayor Green had the impression that the County was happy with Gilmore Solutions' technical support, but as the meeting progressed, it seemed as if the County is experiencing some of the same issues as the City experiences. Mr. Loecker acknowledged the issues and vowed to provide better follow up and service.

Mayor Green also expressed his gratitude for City Administrator Brad Pendergast – that his everyday Mayoral duties have been relieved substantially since Mr. Pendergast's arrival. But, a downside is that he feels a little "out of touch" with department heads since their interactions have lessened. He and Mr. Pendergast have agreed that Mayor Green will now attend weekly department head meetings at City Hall, typically held on Mondays at 10:00 a.m. so that he has some formal interaction at least on a weekly basis.

Motion by Josh Gooden seconded by Barb Wilkinson to recess into executive session to discuss an individual employee's performance pursuant to the non-elected personnel matter exception K.S.A. 75-4319(b)(1) retaining the City Administrator, City Attorney, and City Clerk, with the open meeting to resume in the Council room at 9:25 p.m. Vote – Unam.

Mayor Green called the meeting back to order. No action was taken.

Motion by Adam Winter seconded by Jeff Allen to adjourn at 9:25 p.m. Vote – Unam.

Everett M. Green Mayor

Ruth Becker City Clerk