

September 7, 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 Council President Josh Gooden, Council members Craig Richards, Jeff Allen, Kelly Funk, Bo Parkinson, 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.

Council President Josh Gooden opened the Hearing to Exceed the Revenue Neutral Rate (RNR) for the 2022 budget.

Presented in the packet was Resolution 2021-05, a Resolution of the City of Scott City, Kansas to levy a property tax rate exceeding the revenue neutral rate. The RNR, as provided by the Scott County Clerk in June 2021, was calculated as 71.092 mills, whereas the mill levy for the proposed 2022 budget is expected to be 74.94 mills.

Council President Gooden asked the Council and all in attendance if there was any discussion regarding the proposed mill levy exceeding the RNR. There was no discussion.

Council President Josh Gooden closed the Hearing to Exceed the RNR for the 2022 budget.

Motion by Adam Winter seconded by Armando Tarango to approve Resolution 2021-05 allowing the City of Scott City to levy a property tax rate exceeding the RNR of 71.092 mills as calculated by the Scott County Clerk. Vote – Unam.

Council President Josh Gooden opened the 2022 Budget Hearing and announced that any comments or questions regarding the 2022 Budget would be heard until the hearing closes at the end of the council meeting.

The minutes of the August 16, 2021, regular council meeting were presented.

Motion by Bo Parkinson seconded by Armando Tarango to approve the minutes of the August 16, 2021, regular council meeting. Vote – Unam.

Appropriation Ordinance #984A was presented.

Motion by Kelly Funk seconded by Adam Winter to approve Appropriation Ordinance #984A. Vote – Unam.

Provided in the packet was Ordinance #1219, an ordinance petitioning Scott County to include the City of Scott City within the territory of Scott County Rural Fire District pursuant to the agreement for fire protection services between City of Scott City, Kansas and Scott County, Kansas and repeal those code sections providing for a City Fire Department. City Attorney Rebecca Faurot clarified that this ordinance, in addition to the *Agreement for Fire Protection Services* signed earlier in the year, allows that Scott County will now levy the taxes for all fire protection services in the County, once the merge between the City and the County Fire Departments is official on January 1, 2022.

Motion by Kelly Funk seconded by Jeff Allen to approve Ordinance #1219, including the City of Scott City within the territory of Scott County Rural Fire District pursuant to the agreement for fire protection services between City of Scott City, Kansas and Scott County, Kansas and repeal those code sections providing for a City Fire Department. Vote – Unam.

Fire Chief Jeff Mayer was present for the opening of bids for a new rescue truck. The City received 3 sealed bids. Each bid indicated that the truck would be delivered in approximately one year.

Conrad Fire Equipment	\$259,843.84
Weis Fire & Safety Equipment	\$221,570.00 with a \$4,050 discount if ½ the cost were paid within 30-days of acceptance of bid, and \$1,833 discount if payment for the chassis were made upon its arrival.
Danko Fire & Rescue	\$202,110.00

Discussion included that all entities were provided with copies of the specifications and that all specifications had to be met for a bid to be approved. The Council asked members of the Fire Department who were present to look over the bids, and to return later in the meeting with their recommendation. Fire Chief Mayer and Firefighters Tim Miller and Marc Ramsey agreed to the task, indicating that they would return with a recommendation.

Provided in the packet was *Agreement for Cost Share Program – 8th Street Extension, City of Scott City, Kansas* between Kansas Department of Transportation (KDOT) and City of Scott City (Project No. 86 U-2412-01). The agreement outlines the terms of the cost share award from KDOT in the amount of \$412,640.00. With a total estimated construction cost of \$515, 800.00, the other 20% (or \$103,160,00) of actual construction costs is required to be covered by the City of Scott City. The City of Scott City is also responsible for 100% of all engineering fees, right-of-way acquisition and documentation, and utility adjustments. Discussion regarding this project included the conversation had with developers Russell & Linda Tilton in months prior involving their willingness to cover a portion of the 20% City responsibility, and whether or not street assessments would be necessary. City Attorney Rebecca Faurot stated that she saw no issues with this agreement.

Motion by Kelly Funk seconded by Jeff Allen to authorize the mayor’s signature on *Agreement for Cost Share Program – 8th Street Extension, City of Scott City, Kansas* between Kansas Department of Transportation (KDOT) and City of Scott City. Vote – Unam.

Provided in the packet was *Agreement for Roadway Construction, City of Scott City, Kansas*, a city connecting link project on K-96 for the State Highway System (Project No. 96-86 KA-3258-01). The agreement between KDOT and the City of Scott City outlines the City’s responsibility for the highway improvement project with most costs being incurred by KDOT. City Attorney Rebecca Faurot indicated that this is a standard document and that she sees no issues with the agreement. She encouraged Council members to become familiar with the terms of the agreement.

Motion by Kelly Funk seconded by Armando Tarango to authorize the mayor's signature on *Agreement for Roadway Construction, City of Scott City, Kansas*, a city connecting link project on K-96 for the State Highway System. Vote – Unam.

City Administrator Brad Pendergast informed the Council that the League of Kansas Municipalities is now collecting registrations for voting delegates and alternates for the Annual Business Meeting & Convention of Voting Delegates on Monday, October 11, 2021. Mr. Pendergast noted that Scott City's population allows for two voting delegates and two alternates. He informed the Council that he and Mayor Everett Green were the only two City officials who had registered for the conference, so it made sense for he and Mayor Green to be the voting delegates. The Council briefly discussed the two individuals to be registered as alternates.

Motion by Kelly Funk seconded by Jeff Allen to register Mayor Everett Green and City Administrator Brad Pendergast as voting delegates, and Council member Barb Wilkinson and City Clerk Ruth Becker as alternates for the 2021 Business Meeting & Convention of Voting Delegates to be held on October 11, 2021. Vote – Unam.

Included in the packet was a draft ordinance amending the codification of the ordinances of Scott City, Kansas relating to demolition, moving, and substantial alteration of buildings and repealing the existing sections. City Administrator Brad Pendergast reminded the Council members of a recent discussion regarding the City's requirement of having \$1 million of liability insurance for an individual or contractor to demolish, move, or substantially alter a structure. The changes made to the proposed ordinance would continue to require a \$1 million liability insurance policy for commercial or industrial demolition, removal, or substantial alterations only. The Building Inspector would determine, and provide in writing, the need for liability insurance, and in what amounts, in instances of demolition, removal, or substantial alterations of non-commercial or non-industrial structures. Mr. Pendergast informed the Council that he would like to completely revamp the City's building codes to conform with the League of Kansas Municipalities standards, part of which includes proof of liability insurance for all contractors. Consensus of the Council was to authorize City Administrator Brad Pendergast to proceed in providing a draft of a new building code, including permit fees, at a future Council meeting, in lieu of approving the draft ordinance presented at this Council meeting.

Included in the packet was a draft ordinance amending the codification of the ordinances of Scott City, Kansas relating to the fees for the release of any animal impounded by the City of Scott City, Kansas. This proposed update to the City Code affects only changes to the dog redemption fees incurred to release impounded animals. Currently, fees to release an impounded animal are \$20.00 for the 1st instance of impoundment, \$30.00 for the 2nd instance of impoundment, and \$40.00 for the 3rd and each subsequent instance of impoundment. For each incident, after the initial 72-hour impound period, a \$5.00 charge per day is also incurred. The new ordinance would set the fees at \$50.00 for the 1st instance of impoundment, \$75.00 for the 2nd instance of impoundment, and \$100.00 for the 3rd and each subsequent instance of impoundment. The additional daily rate would be increased to \$15.00 per day. The number of instances will reset on January 1 each year. City Administrator Brad Pendergast informed the Council that he would also like to address dog-at-large fees. It is his understanding that these fees currently range from \$25.00 to \$100.00. He would like to see a set fee for dog-at-large fines so that the court proceedings associated with this fee could be eliminated. Mr. Pendergast indicated that he and Police Chief David Post discussed

this fee schedule and is proposing a \$50.00 fee for the 1st incident, \$100.00 fee for the 2nd incident, and \$200.00 fee for the 3rd and subsequent incidents. Consensus of the Council was to have City Administrator Brad Pendergast edit the draft ordinance to include the proposed dog-at-large fees as well.

City Administrator Brad Pendergast indicated that he had met earlier in the day with Police Chief David Post and City Attorney Rebecca Faurot regarding the drafting of a new dangerous dog ordinance. Mr. Pendergast noted that the discussion led to a conclusion that a final determination of “dangerous dog” should ultimately fall to the Municipal Court Judge and that once a dog has been deemed dangerous the animal should no longer be allowed to remain within the city limits. The discussion among the three also touched on those dogs in town that are currently labeled as dangerous or potentially dangerous. The three agreed that those dogs, and ultimately their owners, should be allowed a second chance and should not have the dogs removed from the City at this point, if they remain in compliance with the procedures and protocols that they had agreed to follow because of their dog’s status. Council members asked Mr. Pendergast and Mrs. Faurot if they could have a new draft ready by the next Council meeting. City Attorney Faurot replied that they should be able to have it ready within the timeframe of the next meeting or two.

City Administrator Brad Pendergast informed the Council of an additional allowable use for American Rescue Plan Act (ARPA) funds, known as revenue replacement. Mr. Pendergast indicated that if the City did not exceed 4.1% in increased revenues from 2019 to 2020, the City could be eligible to use a certain amount of funds awarded to the City simply to replace lost revenue. But inputting data into a “calculator” created by League of Kansas Municipalities, Mr. Pendergast determined the City of Scott City could use up to \$200,312.97 to help compensate for lost revenues. He also noted that up to 10% of a City’s ARPA funds (\$56,859.60) could be used for administrative costs, but he doesn’t feel that the reporting requirements or other implementation procedures will require that much of an administrative component. City Administrator Brad Pendergast noted that the Transient Guest Tax fund could benefit from receiving some of these funds because the lack of travel in 2020 caused that fund to take a big hit. Because the budget has already been set for 2022, if funds were transferred into the Transient Guest Tax fund, they would not be able to be used until 2023. Mr. Pendergast reminded the Council of the primary use for ARPA funds, which can be used to improve water, sewer, or stormwater infrastructure. He would like to visit with GMS Engineer Dave Frisch about developing a Stormwater Master Plan for improvements to the City’s drainage system. Mr. Pendergast informed the Council, upon receiving questions about revenue replacement, that although ARPA funds can be used for water improvements, ARPA funds cannot be used for revenue replacement in the water fund. All other funds can utilize funds for revenue replacement if desired. The Council was favorable to have Mr. Pendergast contact Mr. Frisch to discuss the possibility of the creation of a Stormwater Master Plan using ARPA funds.

Fire Chief Jeff Mayer, and Firefighters Tim Miller and Marc Ramsey returned with a recommendation for the Council regarding the bids for the Rescue Truck. Fire Chief Jeff Mayer recommended that the Council accept the bid from Weis Fire & Safety Equipment in the amount of \$215,717.00, after discounts. Chief Mayer assured the Council that the funds were currently available in the Fire Equipment fund to be able to make the payments as needed to qualify for the discounts. City Administrator Brad Pendergast confirmed this statement to be accurate. Fire Chief

Mayer noted that the Weis bid was not the lowest bid, but that the lowest bid, provided by Danko Fire & Rescue did not meet specifications for the size of the pump. Danko Fire & Rescue's bid was for a 23-horsepower pump while specifications required a 35-horsepower pump. Fire Chief Mayer indicated that the Fire Department already has a great working relationship with Weis Fire & Safety Equipment and their proximity to Scott City is an asset. The Council requested assurance that Danko's bid did not meet the required specifications before proceeding with a vote. Fire Chief Jeff Mayer confirmed that the bid specifications were not met by Danko as they submitted a bid with a smaller pump than what was specified.

Motion by Kelly Funk seconded by Armando Tarango to accept the bid from Weis Fire & Safety Equipment in the amount of \$215,717.00 after discounts with the bid meeting all the required specifications. Vote – 5, yes – 1, abstain, Jeff Allen.

Scott Rec Commission (SRC) Director Kylie Stoecklein was present to provide an update to the Council. Mrs. Stoecklein began by informing the Council of improvements that have been made over the summer. She began by stating that they had recently planted new trees along the batting cages and walking trail with funding help from the Conservation District. The SRC has added two new score booths and four new dugouts over the summer and are planning to add two more booths and four new dugouts in the fall. Dugouts are being expanded by 8 feet and will have exits on each end. They are also planning to do some concrete repairs to the sidewalks inside the sports complex.

Mrs. Stoecklein noted that softball and baseball leagues were finished in July and August, but they are now preparing for youth flag football and volleyball. The SRC no longer offers tackle football. They are looking forward to hosting a cornhole tournament on October 2, 2021.

Water usage is always in the front of the minds of those at the SRC. It was reported that water usage through August 10, 2021, was 6.3 million gallons. They have been dealing with a lot of leaks and they have had to replace several sprinkler heads. Mrs. Stoecklein noted that their sprinkler system is approximately 20 years old and that they are considering replacing it to help to eliminate water loss due to failing equipment. Mrs. Stoecklein inquired if the new water rates had yet been set and wondered if new rates would affect the SRC in a major way. She was informed that when the water rates do change, that the only change to her billing would be the change in the base rate. The Council indicated that they still intend to honor the water credits offered each year with the same terms that are currently in place.

The fitness center is holding steady, with 273 memberships in total at the end of August. SRC is hoping to increase the number of group fitness classes and offer more times. New equipment was recently received for use in the multipurpose room.

Mrs. Stoecklein was asked about the status of the concession stand inside the sports complex. She indicated that it may be rebuilt, but they need to confirm that the concrete under the existing structure would be able to support a new building. They are unsure at this point whether they will proceed with a new concession stand.

There was nothing to report under the open agenda.

Pool Manager Marci Patton was not in attendance.

Building Inspector Lloyd Foster was not in attendance.

Fire Chief Jeff Mayer reported that his department had recently received the payment for the rescue truck that was sold on the online auction site Purple Wave. Fire Chief Mayer informed the Council that they had cleared \$15,000 for the rescue truck, that the new owner was from Joplin, MO, and that he picked up the truck the day after the auction closed. Due to the unique situation of the merge between the County and City Fire Departments effective January 1, 2022, there was some uncertainty as to where the money from the sale of the truck should be receipted. After a brief discussion of the possible options, City Attorney Rebecca Faurot reminded those in attendance that the agreement that had been approved between Scott County and Scott City clearly defined what would happen to the funds in the Fire Equipment Fund and that the money from the sale of the truck would be best receipted into that fund. City Administrator Brad Pendergast agreed with Mrs. Faurot and went further by saying that this receipt of funds could be applied to the purchase of the rescue truck, for which a bid was accepted earlier in the evening, and that the full amount of the money remaining in this fund at this point has been budgeted to be spent in full by the end of 2022 as outlined in the agreement. Consensus of the Council was to receipt the money from the sale of the rescue truck into the Fire Equipment Fund.

Police Chief David Post provided an update for the Council, a copy of which was included in the packet. He informed the Council that they have had the pleasure of having a high school student, Julian Lopez, who is interested in a career in law enforcement after college, as an unpaid intern. He currently shadows officers Monday – Friday for about 45 minutes each afternoon.

Police Chief Post informed the Council about technical issues that have been affecting the functionality of emails, Time & Attendance (timeclock) software, and the ability to download body camera footage. These issues stem from a change that Scott County initiated with AT&T, which changed the IP address for the Scott City Police Department as well. Police Chief Post worked for several hours with IT company Gilmore Solutions to identify and resolve the problems.

Officer Luke Hayes began his training at the Kansas Law Enforcement Training Center (KLETC) on August 30. He will graduate on December 10th. Upon graduation, he will have several weeks of Field Training Officer (FTO) training before he will be ready to go out on his own.

Officer Jared O’Dea attended an 8-hour training in Gardner, Kansas on report writing on August 30, 2021.

Detective Jay Poore attended an 8-hour training in Hutchinson on Financial Crimes on August 31, 2021.

The last item on Police Chief Post’s agenda was to request permission to advertise for a new patrol vehicle due to the high number of breakdowns and high cost of repairs of vehicles in the fleet over the past several months. He indicated that the 2 Chevy Impalas in the fleet are frequently in disrepair. Police Chief Post provided documentation of the vehicles currently owned by the Police Department as well as the vehicle repair costs incurred in his department over the past 4 years. After discussion regarding purchasing options, trade-in options, warranty options, and the possibility of budgeting the replacement of 2 vehicles each year going forward, Police Chief David Post requested permission to advertise for a new police vehicle.

Motion by Kelly Funk seconded by Jeff Allen to allow Police Chief David Post to advertise for a new police vehicle with a police package, with sealed bids to be accepted in City Hall by 5:00 p.m. on Monday, September 20, 2021. Vote – Unam.

Parks Superintendent Terence Appel informed the Council that there were several large ruts left in Patton Park after the Lake Scott Rod Run. They have been fixed and everything is expected to be back to normal in time for the upcoming Whimmydiddle Arts & Crafts Fair. Mr. Appel indicated that he had met with the Patton Park Restroom Committee and the project will be moving forward thanks to a loan from the Scott Community Foundation. Demolition of the bathrooms is expected to take place soon after Whimmydiddle is over, and construction on the new bathrooms is expected to begin soon thereafter. Parks Superintendent Appel noted that he will need to replace the park maintenance equipment storage area that will be demolished along with the restroom. He is looking to purchase a 16' x 20' shed, which will be placed across the street (to the east of La Fiesta) next to one of the City's wells. Mr. Appel mentioned that he is interested in possibly hiring a third person for the Parks Department instead of another person in the Street Department. He asked the Council to consider this for the future.

Street, Water, and Sewer Superintendent Terence Appel indicated that he has contacted EBH Engineer Darin Neufeld to discuss the drainage going south. Mr. Neufeld stated that he planned to come to Scott City sometime during the first part of October to assess that drainage situation as well as the drainage issues at 1st & 2nd Streets. EBH is also in charge of supervising the construction of the Walking Trails, so he will assess that while he is here as well.

Well #4 has been experiencing bearing issues. The motor has been pulled and taken to Red D Electric to have the bearings replaced.

The north water treatment plant recently went down with electrical issues. The CPU had to be replaced at a cost of \$3,800.00. The CPU was part of the original computer system and is approximately 13 years old. The developer of the software is expected to be on site tomorrow. Mr. Appel expressed his concern that they are trying to watch their spending, but with circumstances as they are, the spending is simply out of their control. The City crew has received approximately \$20,000.00 in parts for potential repairs and the City will be allowed to return any item that remains unopened if it is not needed. At this point, Mr. Appel estimates that only about half of the items will be needed for repairs. There was discussion about tying the two treatment plants together, placing two valves on each plant, that way if one plant goes down, the other can compensate until repairs can be made. If it is determined by GMS Engineer David Frisch to be a feasible solution, ARPA funds could be used for this project as well.

Fans have been placed in the south water treatment plant to help with the humidity. Mr. Appel is waiting for the electrician to come hook them up.

City Clerk Ruth Becker had nothing to report.

City Administrator Brad Pendergast reported that funding had been secured for the construction of the Patton Park restrooms. Demolition is expected to occur after Whimmydiddle and construction is slated to begin the first part of October.

Mr. Pendergast informed the Council that SCDC Director Katie Eisenhour, Travel & Tourism Coordinator Jennifer Turner, City Clerk Ruth Becker, and he would be visiting, virtually, with Civic Plus on September 22 at 10:00 a.m. regarding the services they can provide for the City's website. Because website design and implementation can be a lengthy process, the City has signed a 1-year contract with Olive Web, a startup company started by the two individuals who designed the City's current website initially. They will not only host the site but will update the site so that it can continue to operate as it was intended, with full functionality. They will also secure the site;

at this point, the site is not secure. This one-year contract will allow time for a more thorough search for a website design company that can create and host a website that can do everything that the City needs it to be able to do.

GMS has reviewed the Water Rate table based on EQR as selected by the Council at the last regular meeting and found the proposed rates to be acceptable, so Mr. Pendergast is in the process of putting that table into ordinance form for review or approval at the next regular Council meeting.

Mr. Pendergast also informed the Council that the drop box at the entrance to the parking lot at city hall, for utility payments, has been replaced. The mail inside the old box was frequently wet as there was no cover to prevent rainwater from entering the box. The new drop box should not allow any water into the receptacle.

Motion by Craig Richards seconded by Kelly Funk for the City Council to recess into executive session to consult with the City Attorney on a legal matter, pursuant to the attorney-client privilege exception, K.S.A. 75-4319(b)(2) retaining the City Administrator, City Attorney, and City Clerk with the open meeting resuming in the council room at 9:00 p.m. Vote – Unam.

Council President Gooden called the meeting back to order.

No action was taken.

Council President Gooden asked if there were any questions or comments regarding the 2022 budget. No questions or comments were made.

Motion by Kelly Funk seconded by Jeff Allen to close the 2022 Budget Hearing. Vote – Unam.

Motion by Craig Richards seconded by Jeff Allen to adopt the 2022 Budget as presented. Vote – Unam.

The Council took a short break.

Council President Gooden called the meeting back to order.

Motion by Adam Winter seconded by Armando Tarango to adjourn at 9:12 p.m. Vote – Unam.

Josh Gooden
Council President

Ruth Becker
City Clerk