

September 20, 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, 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 September 7, 2021, regular council meeting were presented.

Motion by Kelly Funk seconded by Jeff Allen to approve the minutes of the September 7, 2021, regular council meeting. Vote – 5, yes – 1, abstain-Barb Wilkinson.

Appropriation Ordinance #984B was presented.

Motion by Jeff Allen seconded by Adam Winter to approve Appropriation Ordinance #984B. Vote – Unam.

Included in the packet was *Proclamation* declaring October 11, 2021 “Home Rule Day.” Mayor Green informed the Council that 2021 marks the 60<sup>th</sup> Anniversary of the Home Rule amendment in the State of Kansas. Prior to 1960, a state statute was required to authorize a city to take action on a particular issue; cities had no authority on the local level. Therefore, the League of Kansas Municipalities (LKM) is requesting for cities to declare October 11, 2021 as “Home Rule Day” and to use LKM-provided graphics on the City’s website and social media accounts to educate the public of the importance of home rule in Kansas.

Motion by Barb Wilkinson seconded by Jeff Allen to approve the Mayor’s Proclamation that October 11, 2021 be declared as “Home Rule Day” in the City of Scott City and to allow graphics created by the League of Kansas Municipalities to be used on the City’s website and social media accounts to educate the public on the importance of home rule. Vote – Unam.

Included in the packet was *Ordinance #1220*, an ordinance amending Title 5, Chapter 4B, Section 5, Subsection C, Part 1, of the codification of the ordinances of Scott City, Kansas relating to fees for the release of any animal impounded by the City of Scott City, Kansas. City Administrator Brad Pendergast reminded the Council that prior discussions had led to the consensus that existing fees for animal impoundment were no longer strong enough to act as a deterrent for pet owners to keep their pets from wandering the streets. Therefore, a simple revision of the existing code, changing impound fees from \$20.00 for the first incident of impoundment, \$30.00 for the second incident of impoundment, and \$40.00 for the third and subsequent incidents of impoundment of the same animal, with an additional charge of \$5.00 per day for care of the animal after 72 hours of impoundment to \$50.00 for the first incident of impoundment, \$75.00 for the second incident of impoundment, and \$100.00 for the third and subsequent incidents of impoundment of the same animal, with an additional charge of \$15.00 per day for care of the animal after 72 hours of impoundment, was presented. Mr. Pendergast indicated that the hope is that increased fees would encourage more responsible dog ownership.

Motion by Kelly Funk seconded by Jeff Allen to authorize the Mayor's signature on *Ordinance #1220*, an ordinance amending Title 5, Chapter 4B, Section 5, Subsection C, Part 1, of the codification of the ordinances of Scott City, Kansas relating to fees for the release of any animal impounded by the City of Scott City, Kansas, effective upon publication in the *Scott County Record*. Vote – Unam.

Provided in the packet was a draft ordinance amending Title 5, Chapter 4B, Section 4 of the codification of the ordinances of Scott City, Kansas relating to dogs and cats running at large and associated fines in the City of Scott City, Kansas. City Administrator Brad Pendergast noted that a pet owner can be charged a "running at large" fee without necessarily having their animal impounded. Council member Jeff Allen questioned whether a cat can legally be impounded. It was determined that dogs are the only animal that can be impounded by the City of Scott City. If the owner of the animal can easily be determined, for example, if the animal has a City tag, the animal may be returned to the owner without the need for impoundment. The ordinance presented sets consistent fines for running at large that are intended to keep animal at large incidents from having a court hearing requirement. The newly proposed fines are as follows: a \$50.00 fine for the first incident of an animal running at large, a \$100.00 fine for the second incident, and a \$200.00 fine for the third and subsequent incidents. The definition of "animal at large" remains the same. Police Chief David Post indicated that when an officer comes upon a dog, or is called out to retrieve a dog, often the dog owner is given a warning with no fines. The police officer involved is given discretion in his/her decision to impound a dog at large or issue a citation. Consensus of the Council members was that they felt the ordinance was ready to be approved as written. The draft ordinance was reassigned as *Ordinance #1221*.

Motion by Jeff Allen seconded by Craig Richards to authorize the Mayor's signature on *Ordinance #1221*, an ordinance amending Title 5, Chapter 4B, Section 4 of the codification of the ordinances of Scott City, Kansas relating to dogs and cats running at large and associated fines in the City of Scott City, Kansas, to be effective upon publication in the *Scott County Record*. Vote – Unam.

Included in the packet was a draft ordinance amending Title 8, Chapter 2, Section 8 of the codification of the ordinances of Scott City, Kansas relating to water system rates and repealing the existing section. City Administrator Brad Pendergast informed the Council that he had sent the data from the proposed Water Rate Table #3 that had been presented at the August 16, 2021, Council meeting to GMS for review as instructed by the Council that evening. GMS approved of the water rate table as presented, leading Mr. Pendergast to put the approved EQR-based water rate into ordinance form. City Administrator Brad Pendergast noted that although the base rates, based on meter size, will change, that the usage tiers and charges will remain unchanged. Council member Bo Parkinson expressed concern for those customers who are on a fixed income. Mr. Pendergast indicated that he will have an assistance program in place by the time the new water rates go into effect, which is anticipated to be the bill that will be due on January 15, 2022. Consensus of the Council members was that they felt this ordinance was also ready to be approved as written. The draft ordinance was reassigned as *Ordinance #1222*.

Motion by Barb Wilkinson seconded by Bo Parkinson to authorize the Mayor's signature on *Ordinance # 1222*, an ordinance amending Title 8, Chapter 2, Section 8 of the codification of the ordinances of Scott City, Kansas relating to water system rates and repealing the existing section, to be effective with the bill due January 15, 2022. Vote – Unam.

City Administrator Brad Pendergast informed the Council that Utility Clerk Cathy Graff had passed along concerns from local landlords regarding the City's requirement that service connection fees be charged to landlords each time a tenant moves out of a rental property if the landlords want to put water service in their names between tenants. Mr. Pendergast presented the current ordinance regarding water service connection fees in the packet. The ordinance currently requires landlords who have their tenants pay the water and sewer bill to pay a service connection fee when they put the bill back into their names between tenants. Property owners have expressed a concern that the City is double charging for connection fees because the City then charges a service connection fee when the new renter assumes the water bill. City residents and property owners/managers Katie Eisenhour and Linda Tilton were present. Mrs. Eisenhour expressed concern that, as the property manager for the Senior Housing units, as soon as one tenant moves out another moves in, but yet, in that brief interim, the management company is charged a \$50.00 connection fee to transfer service into their name and the new tenant also pays a \$50.00 connection fee on the date that they move into the unit. Property owner Linda Tilton informed the Council that other local utilities do not charge a fee to have the service transferred back into her name when her renter moves out. Discussion included the difference between tax-funded entities such as the City, and private utility companies such as Wheatland Electric and Midwest Energy, the cost of doing business from the points of view of the service provider and the landlords, the higher likelihood of renters leaving a residence without paying their final bill, the possibility of a compromise in charging landlords a \$25.00 transfer fee instead of the \$50.00 connection fee, and the workload involved by the office staff and City crew when work orders are filed (connects, disconnects, and transfers). Mayor Green recommended that this discussion continue at another meeting after more information could be obtained.

A letter about the *Scott Community Wellness Fair* scheduled for October 23, 2021 at Scott County Hospital was provided in the packet. The City was invited as an employer to consider paying all or part of the costs for city employees to obtain the following tests & immunizations: blood health profile, prostate specific antigen (PSA), vitamin D level, flu shot, Tdap, and COVID vaccination.

Motion by Kelly Funk seconded by Adam Winter to pay 100% of all costs for City employees on the current payroll for tests & immunizations received at the 2021 *Scott Community Wellness Fair*.  
Vote – Unam.

City Clerk Ruth Becker reminded the Council that employees would pay the tax on the value of each of the tests and screenings obtained at the Wellness Fair, following IRS regulations for those benefits, on their payroll check following the Wellness Fair.

Mayor Green welcomed David Frisch, GMS Inc. Engineer, via Zoom. Mr. Frisch indicated that he was excited about the notice to proceed with the 8<sup>th</sup> Street Extensions project and noted that since all agreements have been signed, GMS is planning to begin the survey work for the project within the next thirty days.

Mr. Frisch informed the Council that City Administrator Brad Pendergast had provided the background information used in his Sewer Rate Analysis. Mr. Frisch noted that he and Mr. Pendergast would likely be discussing these rates later in the week.

GMS engineer, David Frisch stated that they had contact with a KDHE representative on September 1, and that the representative had hoped to complete the review and comment on GMS drawings for the water system improvements by the end of the week. Mr. Frisch informed the Council that they are still waiting on KDHE's comments and cannot proceed with bid letting until comments are received. Materials for the project, purchased from Core & Main, have all been received, including

the pipe. Materials are being inspected for damage so that replacement for damaged parts can be made prior to the start of construction. The well conversion project is well underway.

City Administrator Brad Pendergast and GMS Engineers have been working together on determining the cost of a Stormwater Master Plan. Mr. Pendergast noted that since his arrival in Scott City, it has become apparent that the drainage issues in town need to be addressed. In researching allowable uses for the American Rescue Plan Act (ARPA), Mr. Pendergast confirmed that the creation of a master plan to deal with drainage is an allowable use of ARPA funds. The City of Scott City has been awarded a total of \$568,596.35 with half of that amount currently available for projects; the City received the first distribution of \$284,298.18 in July.

According to Mr. Frisch, the first step in a master plan to deal with drainage issues is to map out the complete area of the city to determine where all water is currently flowing. GMS recommends aerial photography to determine the flow of water. Mr. Frisch noted that aerial mapping of the City of Scott City, extending to the north of American Implement, east of the Scott City Municipal Airport, and South of Big R, would be a good investment at the predicted cost of \$81,000. He noted that the contour mapping has many practical uses and that it could be used to aid in projects many years down the road. Once the aerial mapping portion of the project is completed, surveying each of the city's 252 intersections would be conducted to determine how efficiently runoff is controlled. The survey work would assess the current, or need for additional, inlets and catch basins. Survey work and inventory of all storm-drain facilities would take several weeks but would benefit the city by allowing a report to be developed to help in determining priorities and necessary improvements. Mayor Green added that this study can be used to predict how future building would affect drainage and surrounding properties. Finally, it was noted that this study would provide a comprehensive overview of all drainage issues in the city. The total cost of a Stormwater Master Plan, or drainage study, is expected to be approximately \$185,000, which includes the cost of the aerial mapping. Consensus of the Council was to allow Mr. Frisch and Mr. Pendergast to work together to proceed with the creation of the Stormwater Master Plan, with costs being paid with ARPA funds.

There was nothing to report under the open agenda.

Pool Manager Marci Patton was not in attendance. Included in the Council packet was *Council Packet Pool Information, Figures through August 31, 2021*. City Clerk Ruth Becker reported that, after Council member Jeff Allen's comments regarding attendance at the last meeting, she and her staff reviewed the spreadsheet used to tally total attendance for the Council reports. Mrs. Becker discovered that the formulas that were in place did not capture attendance for the SCORE program, the two Moonlight Swims, or Pioneer's Splash night, increasing the actual numbers for the season by nearly 750 swimmers. The data has been adjusted accordingly on the report. The data on the year-end report will likely change slightly as there may be a few outstanding concessions invoices remaining to be paid.

Council member Barb Wilkinson commended Pool Manager Marci Patton and Assistant Manager Jessica Berry for the growth that they showed over the season.

Building Inspector Lloyd Foster was not in attendance, but City Administrator Brad Pendergast reported that there is a backlog in incomplete inspections due to the cost and scarcity of materials lessening the ability for owners or contractors to complete projects before the 180-day expiration of permits. Mr. Pendergast noted that he will be sending out letters to those individuals who have

reached or are nearing their permit expiration dates encouraging these individuals to update the Mr. Foster on their progress.

Fire Chief Jeff Mayer was not in attendance.

Police Chief David Post briefly updated the Council of recent happenings of the Police Department. He indicated that Officer Luke Hayes is currently on week 4 at the Kansas Law Enforcement Training Center (KLETC) and that he is approximately 1/3 of the way through the course. Sergeant Colton Schmitt and Police Chief Post visited with the children from Golden Rule Preschool; they were a big hit. Police Chief Post reported that he would be out of the office for two days at the end of the week for training. He noted that he is now tracking call-outs due to an increased frequency. He then requested to open sealed bids for the purchase of a new police vehicle.

Mayor Green opened 3 sealed bids, all presented by J & R Car & Truck Center. Each bid featured a base cost for a 2022 Chevrolet 1500 Crew WT of \$43,931.50 with \$9,100.00 in rebates, for a total base cost of \$34,831.50. Bid options included:

Total Base - \$34,831.50 (no trade in)	\$34,831.50
Total Base - \$34,831.50 less \$4,000.00 trade-in of 2016 Chevrolet Impala	\$30,831.50
Total Base - \$34,831.50 less \$19,000.00 trade-in of 2014 Chevrolet 1500 WT	\$15,831.50

Police Chief David Post recommended that, because the Chevrolet Impala has been experiencing many breakdowns and that mechanics have been unable to determine the source of the issues, the Council approve the bid which includes the trade-in allowance for the Impala. He indicated that, even though the 2014 1500 WT is older, it is in better repair than the Impala and it can still be an asset to the fleet. Police Chief Post informed the Council that if they approve the bid with the trade-in of the Impala, \$15,000 would be paid out of the Public Service Officer (PSO) department with the remainder being funded by the Police department.

Motion by Kelly Funk seconded by Jeff Allen to accept the bid for a 2022 Chevrolet 1500 Crew WT with a cost of \$30,831.50, after taking advantage of \$9,100.00 in rebates and a trade-in allowance of \$4,000.00 for the 2016 Chevrolet Impala, with \$15,000 being paid with PSO funds and the balance to be paid out of the Police department. Vote – Unanimous.

Parks Superintendent Terence Appel informed the Council that he has had a request from a Parks department employee to be transferred to the Street department. He indicated that he feels that he may lose this individual if the transfer is not allowed. Mr. Appel indicated that this individual is a hard-working individual who is simply “burned out” by the Parks department and needs a change. Superintendent Appel noted that work in the Parks department is winding down for the season, so this would be a good time to make the change. Mr. Appel also noted that by the end of October, there would likely be two open positions in the Street department – one position that was never filled upon the retirement of former Superintendent Mike Todd and another position that will likely be vacated by a current employee by the end of the month. If a transfer from the Parks to Street department is allowed, there would be no pay increase due to both positions being located on the same grade on the Pay Plan Step and Grade Matrix.

Street, Water, & Sewer Superintendent Terence Appel informed the Council that the City crew recently repaired two drainage inlets by Great Western Tire. There are currently 14 out of 22 inlets

between Patton Park and Big R on Highway 83 in need of repair. For this reason, Mr. Appel reached out to EBH Engineer Darin Neufeld who prepared *Scott City – KDOT Cost Share Program, US 83 – 12<sup>th</sup> Street to Albert Ave.*, a potential cost share project which would be used to remove and replace curb inlet tops and curb leading into inlets. With an overall projected project cost of \$370,000 for mobilization, removal/replacement of curb, removal/replacement of inlet tops, and traffic control, the City could apply for local cost share options of 15%, 20%, or 25%. Each option would require the City to cover 100% of design and inspection fees. If approved, approximate local costs for each of the tiers would be as follows:

- 15% - \$55,000 + \$70,000 engineering/inspection costs = \$125,500
- 20% - \$74,000 + \$70,000 engineering/inspection costs = \$144,000
- 25% - \$92,500 + \$70,000 engineering/inspection costs = \$162,500

If the City applies for this cost share program, and is approved, GMS would continue with the Stormwater Master Plan as discussed. City Administrator Brad Pendergast informed the Council that applying for this funding would not obligate the City in any way to completing this project, but if it were approved, the timeline would allow for the project to be addressed in the 2023 budget. Consensus of the Council was to allow Mr. Pendergast, Mr. Appel, and Mr. Neufeld to move forward in the application process, with the application being due on September 24, 2021.

Mr. Appel informed the Council that the wiring for the fans had been completed at the water treatment plants and that the plants are drying out nicely. Superintendent Appel also indicated that all the materials for the water system improvement project have arrived except 720' of 8" pipe.

Superintendent Terence Appel informed the Council that they had sold a snowplow, a street sweeper truck, an ATV, and a spreader recently on Purple Wave, an online auction site. He requested that the \$8,495.00 received from the sale of this equipment be receipted into the Municipal Equipment fund instead of the General Fund. Consensus of the Council was to receipt the money into the Municipal Equipment fund if it was determined to be allowable by Dirks, Anthony, and Duncan auditor Mathew Medill. City Clerk Ruth Becker was instructed to verify this transaction with Mr. Medill.

City Clerk Ruth Becker had nothing to report.

City Administrator Brad Pendergast spoke more toward more possible uses for ARPA funds. In addition to the Stormwater Master Plan discussed earlier in the meeting, there is a potential to fulfill a funding request from Western Kansas Child Advocacy Center, a potential to hire an additional police officer and to purchase a vehicle for the newly hired officer, the potential to utilize ARPA funds to cover the onboarding cost of a new City website, and even the creation of a small Capital Improvement Plan. Mayor Green asked Mr. Pendergast to put together a summary sheet of all potential/possible ARPA allowable expenditures for the Council's review.

Mr. Pendergast also addressed concerns raised by citizens who are uneasy about the elevation of the Rail-to-Trail walking trail along the former railway between 6<sup>th</sup> Street & Alice Avenue. EBH Engineer Darin Neufeld assured Mr. Pendergast that, although it may not look like it, the height of the sidewalk is, or will be, within one inch of the height of the track. Drainage should not be a concern. Mayor Green informed the Council that Darin Neufeld has been very open to people's concerns and has been great to work with.

City Attorney Faurot had nothing to report.

The financial & investment reports were presented.

Mayor Green informed the Council that in the previous week, he, Council President Josh Gooden, Council member Jeff Allen, City Administrator Brad Pendergast, and City Clerk Ruth Becker had attended a joint meeting with community leaders from Garden City and Scott City as a follow-up to a town hall meeting regarding information relating to U.S. Highway 83 from Garden City to I-70. Mayor Green reminded the Council that he had served on a committee in 2018 to advocate to KDOT for the need for passing lanes between Garden City and Scott City, but since that time, it has been brought to the attention of community leaders that what is really needed is a four-lane highway from Garden City to I-70. The data shows that truck traffic on this section of the U.S. 83 corridor matches the truck traffic on I-70. The point was made that if the communities most directly impacted by the traffic on U.S. 83 push too hard for passing lanes, then the future for the possibility for the roadway to become four lanes would be significantly jeopardized, that KDOT would see the passing lanes as a “band-aid” and not award funding for the full four-lane road for decades, if then. Finney County Economic Development Director of Analytics Shannon Dick presented compelling data pointing to a possible flaw in the award system used by KDOT. If the “award matrix” is used as it is written, western Kansas should be receiving more funds than it is for road maintenance and construction. It appears the KDOT is “redlining” western Kansas. Even though the current traffic on the U.S. 83 corridor already warrants a need for a four-lane highway, the ever-increasing use of autonomous vehicles, which do not operate on two-lane highways, makes it imperative for western Kansas’ economic growth for four-lane highways to be constructed. Community leaders from both Garden City and Scott City will continue to work together to advocate for the much needed four-lane highway to promote economic growth and increased safety between the two communities and beyond.

The Council took a short break.

Mayor Green called the meeting back to order.

Motion by Kelly Funk seconded by Jeff Allen for the City Council 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 resuming in the council room at 9:13 p.m. Vote – Unam.

The Council came out of executive session.

Mayor Green called the meeting back to order.

No action was taken.

Motion by Adam Winter seconded by Kelly Funk to adjourn at 9:15 p.m. Vote – Unam.

Everett M. Green  
Mayor

Ruth Becker  
City Clerk