

October 4, 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 20, 2021, regular council meeting were presented.

Motion by Bo Parkinson seconded by Kelly Funk to approve the minutes of the September 20, 2021, regular council meeting. Vote – Unam.

Appropriation Ordinance #985A was presented.

Council member Bo Parkinson inquired about a garnishment and a late fee to the Kansas Department of Revenue. City Clerk Ruth Becker informed the Council that the garnishment to which Mr. Parkinson referred is a recurring payroll garnishment and that the late fee to the Kansas Department of Revenue was due to an oversight in the Clerks Department. She clarified that the State Withholding taxes from payroll were reported, but somehow the payment was not accepted. By the time the missed transaction was discovered, the payment was past due. Mayor Everett Green mentioned that when he and City Treasurer Renee Cure were signing checks, Mrs. Cure noted that there is often a “glitch” in the system which makes it appear that the payment has been made, but the payment does not actually go through. Mrs. Becker indicated that procedures have been modified to ensure that this does not happen again and that she had attempted to have the late fee waived, but the representative at the Department of Revenue would not waive the fee.

Motion by Kelly Funk seconded by Jeff Allen to approve Appropriation Ordinance #985A. Vote – Unam.

Mayor Green opened the Public Hearing regarding the structure at 707 Glenn Street. Resolution #2021-04, dated August 16, 2021, and published in the Scott County Record on August 19, 2021, set this date for the hearing during which interested parties could appear and show cause as to why the structure at 707 Glenn Street should not be condemned and ordered to be removed or repaired. No interested parties were in attendance. City Administrator Brad Pendergast noted that the resolution that would be passed during this meeting would declare the finding of the structure to be unsafe and dangerous and would allow the structure to be removed from the premises and the premises made safe and secure. Mr. Pendergast informed the Council that he could have the new building codes specific to moving or demolishing a structure ready for the next regular Council meeting on October 18, 2021 and that, if passed, the requirement for \$1 million of liability insurance to demolish, move, or substantially alter a residential structure would no longer be an obstacle for the property owner and would no longer be a reason that the structure could not be moved by the property owner, which has been the reason presented by the property owner up to this point. Consensus of the Council was to ask Mr. Pendergast to prepare the updated building codes before the next regular Council meeting and to order the removal of the structure to be completed no later than November 1, 2021. If the owner fails to remove the structure by that date,

the City will cause the structure to be removed and all costs associated with its removal will be assessed as a special assessment to the owner of the structure. There was no further discussion.

Mayor Green closed the Public Hearing regarding the structure at 707 Glenn Street.

Motion by Kelly Funk seconded by Jeff Allen to approve Resolution #2021-06, requiring the owner to remove the structure located at 707 Glenn Street no later than November 1, 2021, or the City will cause the structure to be removed with associated costs being assessed to the owner as a special assessment. Vote – Unam.

Police Chief David Post requested to use American Rescue Plan Act (ARPA) funds to hire a 9th Police Officer and to use ARPA funds to purchase a vehicle for the newly hired officer. Provided in the packet were justifications from the *U.S. Treasury FAQ* for the use of ARPA funds to “prevent and respond to crime, as well as support public safety in communities” and the allowance to “invest in equipment to allow law enforcement to more efficiently and effectively respond to the rise in gun violence resulting from the pandemic.”

Police Chief Post provided data in the Council packet outlining the need for a 9th Officer and his reasons that he believes that this investment in another officer would be a good use of ARPA funds. He noted that the City has grown over 7.78% in the last 10 years and that as the call-load continues to increase, it leaves fewer and fewer times that an officer is available to respond to a call. He noted it is rare that the police department is at full staff, with people taking vacation, attending trainings, etc. Police Chief Post noted that with 40 hours of training required by law for each officer each year and 24 weeks of training associated with staff turnover, it is difficult to have a fully staffed department. He noted that his officers are working on their days off to complete their paperwork, and that callouts on days off are significantly increasing. Police Chief Post made a comparison to comparable-sized cities in our area (Ulysses, Colby, Goodland, & Hugoton) and found that the SCPD has the fastest growing percentage of population and yet one of the lowest officer-to-citizen ratios. The addition of one officer would bring the ratio to 1 officer per 457 citizens, which would bring Scott City to a more moderate ratio.

Police Chief Post discussed that a 9th officer would be used to assist in handling School Resource Officer (SRO) duties on a part-time basis, but would essentially be added to the night shift. An additional officer would be moved to the day shift which would allow the Day Sergeant to become a floating supervisor. This would allow the day shift officers to be in the schools periodically throughout the day. Swing shifts would be moved from 1:00 p.m. to 1:00 a.m. to the new hours of 3:00 p.m. to 3:00 a.m. This would leave two officers on each night until 3:00 a.m., leaving one officer to cover from 3:00 a.m. to 8:00 a.m.

Police Chief Post also provided numerous statistics demonstrating the need for an additional officer. These statistics, based on numbers from 2019, included: decreased response times, increased number of cases overall, increased number of criminal cases for prosecution, increased number of calls for service, decreased number of traffic stops due to the need to handle more urgent matters, increased child/juvenile abuse cases, increased number of domestic disturbances, and increased number of thefts and burglaries.

Police Chief Post’s final report was to provide estimated ARPA expenses for onboarding one additional officer. Wages and benefits, vehicle and equipment, firearms, radios, vests, and uniform expenses for onboarding a new officer is expected to be approximately \$113,767.48. Police Chief Post noted that health insurance costs were not taken into consideration since the City has not yet signed up for the next plan year’s insurance.

Council member Bo Parkinson inquired if other towns provide a vehicle to each officer, to which Police Chief Post replied in the affirmative. City Administrator Brad Pendergast clarified that only the initial costs, such as vehicles, equipment, and uniforms, and first year's wages (through 2022) could be subject to ARPA funds. After that, those items would need to be budgeted just like everything else. Council member Kelly Funk inquired if ARPA could cover the cost of a new officer attending the Kansas Law Enforcement Training Center (KLETC). Police Chief Post explained that there is no charge for an officer to attend KLETC, but that the City covers the wages and travel expenses for the officer to attend, so, in a way, the KLETC would be covered by ARPA funds if approved by the Council. Council member Jeff Allen asked if the City had enough ARPA funds to cover all this expense now. City Administrator Brad Pendergast reminded the Council that the City had received the first half of their funding, \$284,298.18, earlier in the year and the second half of the funding is expected to be received in July 2022. So far, the only Council-approved expenditure is for the Stormwater Master Plan, which is expected to cost approximately \$180,000.00. Mr. Pendergast indicated that this would not be a one-time cost, but that it would be billed to the City and expensed as the project moves along. The same would happen with the hiring of a new police officer; not all the expenses would be incurred at the same time. Therefore, Mr. Pendergast believes that both expenditures could make use of ARPA funds.

Motion by Kelly Funk seconded by Jeff Allen to authorize Police Chief David Post to advertise to hire an additional police officer, with the ad to run until the position is filled. Upon the hire of the additional police officer, his/her wages, a police vehicle/equipment, firearms, handheld radio, vest, and uniforms will be paid using approximately \$113,767.48 of available ARPA funds. Vote – 5, yes - 1, abstain – Bo Parkinson.

Also provided in the packet, City Administrator Brad Pendergast presented two options for a draft ordinance relating to fees to apply for water utility service. Mr. Pendergast reminded the Council of the lengthy discussion during the last regular council meeting pertaining to either decreasing or eliminating service connection fees for landlords who choose to have the water account transferred back into their names between renters. Consensus of the Council members was that they were ready to vote on this ordinance which was assigned as Ordinance #1223.

Motion by Barb Wilkinson seconded by Jeff Allen to authorize the Mayor's signature on Ordinance #1223, setting the service fee for the transfer of a rental property into the property owner's name at \$25.00. Vote – Unam.

Provided in the packet was a draft copy of *Scott City Building Code*. City Administrator Brad Pendergast noted that this draft building code followed the League of Kansas Municipalities' standard and that, although it is quite lengthy, the main change to the City's existing building code is the requirement for contractors to provide proof of liability insurance before being able to obtain a contractor's license. The added length clears up some potential ambiguity in the existing building code. This draft also addresses demolition, removal or, major alteration to structures. The existing code requires a \$1 million liability insurance policy naming the City of Scott City as an additionally insured for all demolition and removal of a structure. The draft ordinance requires this \$1 million policy for only commercial and industrial structures and provides an opportunity to petition the Council to lessen or remove that requirement if there is little or no potential threat to surrounding properties or persons. The section that deals with the moving of structures is also much better defined. Council member Jeff Allen inquired how the permit fees have changed. Mr. Pendergast indicated that, at this point, none of the fees have changed, but fees for residential and commercial

solar panels have been added. He also noted that this would be a good time for the Council to make any desired changes to the permit fees as they are currently. Scott County Economic Director Katie Eisenhour was present in the audience. Mr. Pendergast inquired if she had ever heard developers comment that the City's current permit fees are higher than other communities. Mrs. Eisenhour answered in the affirmative, and that the developers for the Senior Housing project were especially disappointed in the fees that were charged. Mrs. Eisenhour noted that for communities that are striving to grow, such as Scott City, that fees should be seen as fair and reasonable without "giving away the farm." She also noted that she is always looking for ways to accelerate growth and that increase in growth will bring in more tax dollars, making up in the long run for the potential lost revenue from lower permit fees. Mrs. Eisenhour also noted that the City of Scott City has been viewed as a business that is not always easy to work with. On that note, Mayor Green stated that earlier in the day an electrical contractor out of Garden City had visited Rodenbeek and Green Agency to purchase the required bond to obtain his license. The contractor had mentioned that Scott City is the only town that he does work that requires a bond; all other communities are satisfied with the contractor providing proof of liability insurance only. Mayor Green felt that the City may be doing things a bit backwards. Consensus of the Council was to have Mr. Pendergast continue to work on the building codes and visit with other communities that have building inspectors to compare items such as permit fees and licensing requirements.

Scott County Economic Director Katie Eisenhour addressed the Council to inform them of the potential application for more senior housing in Eastridge Subdivision. She expressed concern about the gap going east from Maple Street and drainage issues going to the east. Mayor Green informed Mrs. Eisenhour of the upcoming Stormwater Master Plan project and drainage study that will be conducted soon by GMS, Inc. She also expressed concern with the drainage issues on the two southwestern-most lots in the new industrial park, SCIP North. She noted that she is looking forward to the drainage study mentioned by Mayor Green, as she is excited to move forward.

Mayor Green welcomed Ken White, GMS Inc. Engineer, via Zoom. Mr. White indicated that he would be addressing three main topics during the meeting: the K-96 Water Line project, the 2022 Water project, and the 8th Street Extension project.

Regarding the K-96 project, Mr. White informed the Council that all Core & Main materials for the project have been received except some of the valves, which is causing some concern. He also noted that they are still waiting for one final comment from KDHE which is expected to be delivered to them sometime the following day. Mr. White also told the Council that an "Invitation to Bid" was sent to the Scott County Record and would run in the October 7, 14, and 21 editions of the publication with any bids received to be opened during the November 1, 2021 regular Council meeting. Mr. White is very optimistic about the likelihood of receiving several bids because the City is already in possession of the materials needed to complete the project. The fact that materials are already available makes projects such as this very attractive to contractors who are ready to work without the fear of underbidding the cost of materials and the uncertainty of having the materials for the project readily available. He also noted that, even though the bid process has begun and that the bid will be awarded on November 1, 2021, if the valves are still not delivered at that point, GMS will have to delay the "Notice to Proceed" until the valves are received. Once the bid is awarded, GMS will have 20 days to get all contracts and bonding together before the start of construction.

Full submittal has been provided to the Railroad for the 2022 Water project. Mr. White mentioned that GMS is working to obtain four easements to the well and the process is going well. He also mentioned that he had been contacted by a company out of Texas that produces composite water storage tanks. Mr. White will soon be providing pictures with additional information to the City Council to consider an alternate to the metal storage tank that has been proposed, so that the Council can make an informed decision between the two types of tanks.

A survey crew will be in Scott City within the next couple of weeks to begin the survey work for the 8th Street Extension project. While the crew is in town, they expect to be able to tie up some loose ends on the 2022 Water project. They will also need to measure the elevation at the top of the existing water storage tank. Council member Kelly Funk inquired about a start date for the 8th Street Extension project. Mr. White indicated that he would begin the design immediately after the survey work is completed, and that he recommends that the City Council consider acquiring materials for both the 8th Street Extension project and the 2022 Water project in much the same manner as was done for the K-96 project. He indicated that the receipt of materials will likely be at least six months from the order date. Mayor Green agreed that the K-96 Materials Acquisition project has proven to be a good thing. Mr. White noted that he will come up with some bid proposals for materials acquisition for both projects and that GMS will be ready to discuss this more at the next regular Council meeting.

There was nothing to report under the open agenda.

Pool Manager Marci Patton was not in attendance.

Building Inspector Lloyd Foster had nothing to report.

Fire Chief Jeff Mayer was not in attendance.

Police Chief David Post had nothing else to report.

Parks Superintendent Terence Appel reported that his crew had been dealing with water leaks at Palmer Park. He noted that he had consulted with City Administrator Brad Pendergast about the possibility of ordering approximately 600' of 6" PVC pipe to loop throughout the 21 acres so that he can separate the sprinkler system in to separate zones. This would help to enable the crew to fix leaks when the pool is open because, currently, they must shut the water off to the pool to fix leaks, which they hesitate to do unless the leak is extensive. But with the sprinkler system separated into zones, the pool water would not need to be shut down to fix those leaks.

Street, Water, & Sewer Superintendent Terence Appel informed the Council that he and his crew had installed a new fire hydrant at 3rd & Kingsley for the Fire Department's new training facility and they have been exercising fire hydrants. He noted that there is a need for a new fire hydrant testing unit, which will cost approximately \$1,200.00. Mr. Appel is hoping to enlist the help of the Fire Department to help with the cost of fire hydrant testing.

Mr. Appel informed the Council that he is needing to purchase a new skid-steer. Mr. Appel indicated that their current skid-steer is three years old and is difficult to operate because it isn't equipped with "assist turning," making it difficult to maneuver. He noted that he and City Administrator Brad Pendergast had been working together with Clark Equipment Co. dba Bobcat

Company through delivery agent White Star Machinery out of Garden City. A quote was provided indicating that, with a trade-in value of \$35,000.00 for the existing skid-steer, the final cost of a new Bobcat skid-steer would be \$14,905.90. Mr. Appel indicated that all the Bobcat accessories/attachments that the City currently owns would work with the proposed new piece of equipment, making this purchase impracticable to bid.

Motion by Bo Parkinson seconded by Kelly Funk to allow Superintendent Terence Appel to purchase a Bobcat S770 T4 skid-steer with a final cost of \$14, 905.90 after a trade-in allowance of \$35,000.00 for the existing Bobcat. Vote – Unam.

Mayor Green noted that nearby communities, such as the City of Dighton, keep their equipment on a rotating schedule and that it seems to be a beneficial practice. City Administrator mentioned that he is looking at creating a rotating equipment replacement schedule for this reason.

City Clerk Ruth Becker informed the Council that she, and other City employees, had received an email earlier in the day from Gilmore Solutions notifying their customers that Windows 11 will become available to users on October 5, 2021. Gilmore Solutions' technician Chris Schneider recommended that no one update their computers to Windows 11, even if they receive notices or "pop-ups" encouraging users to do so. He also informed those receiving these emails that going against this recommendation could result in a billable event to get our system back up and running and it could void any current warranties on our hardware or software. Mrs. Becker encouraged department heads to reach out to employees who may not have received this email to inform them of the risk of upgrading to Windows 11 before Gilmore Solutions has had an opportunity to fully research the new operating system and give their approval for the upgrade.

Mrs. Becker reminded Council members of the latest edition of the "League News" that was sent via email the Friday before. She noted that the League of Kansas Municipalities (LKM) was soon going to be hosting legislative dinners across the state, with the closest dinner being held in Garden City on November 9, 2021. Mrs. Becker offered to register anyone who wishes to attend.

City Clerk Ruth Becker announced that it was that time of year again for the Council to discuss the annual Christmas party date and location. Mayor Green reminded the Council that there was no Christmas party last year due to Covid-19, but that \$50.00 gift certificates to the Majestic were presented to employees instead. Department heads were asked if their employees prefer the party or the gift cards. Public Works Superintendent Terence Appel indicated that his department always has their own Christmas party, so the employees really enjoy the gift certificates. Mr. Appel also noted that most people would rather not go out on a Sunday evening; that is their time to unwind at the end of the weekend. Police Chief David Post noted that his department doesn't usually have great attendance at the party and that they would likely prefer gift certificates as well. Council members agreed that they like the idea of a gift card. Council member Barb Wilkinson noted that the Christmas party was the ideal setting for employee recognition of milestone anniversaries. Council member Kelly Funk inquired about having some type of City "get-together" in the summer in addition to Christmas gift certificates. Mayor Green noted that that had been done before, but the turnout was never high, so the practice was discontinued. Mayor Green announced that he heard consensus among the department heads that City employees would prefer gift cards, so the discussion turned to the type of gift cards. The consensus of the Council was that \$50.00 worth of Chamber Bucks could be given to City employees in lieu of having a Christmas party. Mayor Green reminded Council members that each member would forfeit one-meeting's pay in December to help cover the cost of this gift. Purchasing Chamber Bucks instead of specific gift cards would allow employees to spend their gift on virtually anything available within Scott City, including

purchasing their own gifts, or using it to pay utility bills. The Council authorized City Clerk Ruth Becker to order Chamber Bucks for employees in lieu of having a City Christmas party.

City Administrator Brad Pendergast informed the Council that a Planning & Zoning Commission hearing had been held on September 23, 2021, during which some discrepancies were noted in the language of the City Code regarding the number of allowable employees in a home occupation situation. Mr. Pendergast pointed out that City Code 10-9-6-B-8 reads “Employees and Space: The home occupation shall be conducted by and involve the employment of only the residents of the dwelling unit and not more than one (1) nonresident,” but that in reading further into the Code at 10-9-6-C, it mentions “Permitted Use” of “Hairdresser/barber provided only (1) person may conduct such activity.” The Planning & Zoning Commission is requesting clarification of these statements. Mayor Green indicated that he could not figure out why hairdressers/barbers of a home occupation would be singled out to allow only one employee while all other permitted occupations allowed a minimum of two employees. Katie Eisenhour stated that she had attended the hearing and she could speak to the reason given. She noted that Planning & Zoning Commissioner Craig Ramsey stated that the clause was put in intentionally to be a deterrent for businesses in a residential area, where taxes are being collected at residential rates instead of the commercial rates that would be collected if the business were conducted in a business district in a brick-and-mortar store. Consensus of the Council was to allow hairdressers/barbers who conduct a home occupation to allow one (1) nonresident employee to make the City Code consistent for all home occupations.

Mr. Pendergast drew the Council members’ attention to the map provided with the packet regarding the location of the aerial mapping to be done by GMS for the upcoming drainage study. He outlined the areas that would be covered by the study.

City Administrator Brad Pendergast asked the Council members for their thoughts on adding a \$2.00 charge onto utility bills to be applied directly for stormwater capital. He noted that the \$2.00 per bill would likely need to be moved into a separate fund and then those funds would be used for ongoing stormwater projects. He expressed his opinion that it would be beneficial to the City to have a fund specifically earmarked for drainage/stormwater repairs/improvements. Discussion involved adding a \$2.00 fee to the bill as part of a sewer rate hike versus a fee that would specifically be used for stormwater or drainage projects and making sure that residents know that this is a “fee” not a “tax.” Consensus of the Council was to wait until the Stormwater Master Plan is completed before adding this type of fee to the utility bills.

Mr. Pendergast indicated that he is planning to attend an online meeting regarding a local consult for KDOT about the proposed lane improvements/additions to US-83 between Garden City and Scott City, or potentially between Garden City and Interstate 70. SCDC Director Katie Eisenhour mentioned that the City Manager for the City of Garden City, Matt Allen, provided some valuable talking points to present in “breakout sessions” to discuss with KDOT representatives. She believed Scott City would be represented at this meeting by 7 or 8 individuals.

City Attorney Rebecca Faurot asked for guidance and approval for her to move forward with several class action lawsuits into which the City had opted. She specifically mentioned the Opioid class action suit, the Epi-Pen class action suit, and the Valeant Pharmaceuticals class action suit. Consensus of the Council was to authorize City Attorney Rebecca Faurot to move forward with whatever she felt was in the best interest of the City.

Mayor Green had nothing to report.

The Council took a short break.
Mayor Green called the meeting back to order.

Motion by Adam Winter seconded by Jeff Allen to adjourn at 9:20 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk