

November 1, 2021

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

Minister Steve Payne was present to lead the Council and others present in prayer.

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

The Council and others recited the Pledge of Allegiance.

The minutes of the October 18, 2021, regular council meeting were presented.

Motion by Adam Winter seconded by Craig Richards to approve the minutes of the October 18, 2021, regular council meeting. Vote – Unam.

Appropriation Ordinance #986A was presented.

Motion by Josh Gooden seconded by Jeff Allen to approve Appropriation Ordinance #986A. Vote – Unam.

Provided in the packet was a draft ordinance relating to sewer system rates. City Administrator Brad Pendergast noted that the ordinance, as written, shall apply to customers after December 1, 2021, meaning that the new rates would be effective with the billing that would be due on January 15, 2022. Mr. Pendergast noted the three separate types of sewer customers: Residential, Business 1, and Business 2. He also mentioned that he had visited with representatives at the League of Kansas Municipalities who recommended against including a stormwater fee, as the Council had discussed, into the regular sewer rate increase. Therefore, a separate draft ordinance for fees to build stormwater reserves will likely follow at a later meeting. There was some discussion about the ordinance as written that included: reasoning behind commercial rates being higher than residential rates, that not all businesses use more water than residences and that some businesses use less water than residences, inquiries about why residential charges a base rate only while businesses would be charged a base rate plus an additional amount based on water usage averages for the months of December through February. Water and Sewer Superintendent Terence Appel was asked for guidance to which he responded that, with some businesses, additional expense for the City occurs not only because of how much water goes through the sewer system, but also what materials/chemicals flow through the system in addition to water. Consensus of the Council was for Council President and Water & Sewer Commissioner Josh Gooden to coordinate with Mr. Pendergast and Mr. Appel to revise the sewer rate ordinance for presentation at the next regular Council meeting.

Included in the packet was *City of Scott City Utility Hardship Rates*, a plan and application to assist individuals who may struggle to pay their utility bills once the water and sewer rates are increased. City Administrator Brad Pendergast has created the plan and application based on the qualification criteria set forth by the Low-Income Energy Assistance Program (LIEAP) which is administered through the Department of Children and Families (DCF). Since Mr. Pendergast

created the *City of Scott City Utility Hardship Rates* document, DCF had contacted the City of Scott City regarding a new program that is funded through the American Rescue Plan Act (ARPA) known as Emergency Water Assistance Program (EWAP) which allows the City to partner with DCF to assist individuals who need help in paying their water bills.

In the agreement, *Kansas Department of Children and Families--Agreement for Providing Water/Wastewater Assistance Payments to Utilities*, which was presented to the Council, it is noted that the program is limited to November 1, 2021 through September 30, 2022 or until ARPA funding for the project is exhausted. By signing the agreement provided, and providing an authorization for electronic deposit of payment, DCF will cover the utility bills for those individuals who apply and qualify for assistance. Mr. Pendergast encouraged the Council to pursue the agreement with DCF, which would allow hardship funds to initially be provided by DCF directly to the City, instead of reducing rates for individuals and lowering the City's revenue, at least for the duration of the EWAP program.

Motion by Josh Gooden seconded by Armando Tarango to authorize the City Clerk's signature on *Kansas Department of Children and Families--Agreement for Providing Water/Wastewater Assistance Payments to Utilities*, to partner with DCF in the Emergency Water Assistance Program (EWAP). Vote – Unam.

The framework for the *City of Scott City Utility Hardship Rates* plan will be reviewed at a later Council meeting when it becomes apparent that the EWAP program is ending.

Mr. Pendergast noted that, although he had been working on it, he had not had the opportunity to complete the revisions to the Employee Policy Manual that was to be discussed during this meeting. He indicated that he would try to have his revisions done before the next regular Council meeting for Council review, followed by review and input from department heads. He noted that he believed this document would be completed for approval by early January if not by the end of the year. Mr. Pendergast asked the Council for any input.

Council member Barb Wilkinson expressed her opinion that she would like to see the funeral leave policy remain with five days allowed for immediate family members. Council member Armando Tarango agreed. Mr. Pendergast indicated that he would take their concerns into consideration and would better define the term "immediate family member" when revising the policy for further review.

Mayor Green welcomed David Frisch, GMS, Inc. Engineer, via Zoom. Mr. Frisch stated that since GMS had recently provided a thorough report and that GMS Engineer Ken White would be on site for the next regular Council meeting, he did not send an updated engineer's report for the packet but wanted to be present to provide some quick updates.

Regarding the K96 project, Mr. Frisch reminded the Council of the addendum to the project bid letting that extended the bid process for two-weeks to meet KDOT's guidelines. He also noted that Lee Construction had pulled interest in the project, but that there are two Eastern Colorado contractors who have expressed interest and have pulled plans for the project. Mr. Frisch reiterated that all materials for the project have arrived except some valves and fittings, which should arrive in December. He feels that it is very fortunate to have the materials available.

The surveying has been completed for the 8<sup>th</sup> Street project. Data has been downloaded and provided to Street Superintendent Terence Appel. Plans will be modified according to Mr. Appel's direction. Mr. Frisch expressed concern that the materials needed to complete the water

infrastructure are difficult to obtain. Because the infrastructure work must be completed before the street is constructed, Mr. Frisch is anticipating some delays in getting the project started.

Under the open agenda, Mayor Green noted City resident Linda Tilton in the audience who indicated that she had nothing to speak about; she was present to listen to Mr. Frisch's report.

Building Inspector Lloyd Foster was not in attendance.

Fire Chief Jeff Mayer was not in attendance.

Police Chief David Post asked the Council to formally accept the resignations of Police Officer Tad Eubanks and Police Officer Michael McEachern to be recorded in the official minutes.

Motion by Craig Richards seconded by Armando Tarango to accept the letters of resignation from Police Officer Tad Eubanks and Police Officer Michael McEachern. Vote – Unam.

Police Chief Post announced that he and City Administrator Brad Pendergast had offered Bailey White a position on the Police Department. Officer White's first day on the job will be Tuesday, November 9, 2021, with her rate of pay at G2 on the Step & Grade matrix, with an increase to G3 after graduating from the Kansas Law Enforcement Training Center. Her pay will initially come from the Police department budget but will come out of the Public Service Officer (PSO) department budget at the beginning of the next pay period.

Police Chief Post informed the Council that Officer Jared O'Dea had recently attended a drug identification course in Russell and a "Foundations in Resiliency for 1<sup>st</sup> Responders" course in Hays. Officer Whitney Savolt had recently attended a training program for narcotics investigations known as Desert Snow in Junction City. Part-time Officer Sean Coleman received "Stalker Radar" training from in-house instructor Sergeant Colton Schmitt.

Provided in the packet was *Ordinance #1188*, regarding micro-utility trucks (UTVs), which was passed by the City Council in April 2018, and a sample ordinance for allowing the use of all-terrain vehicles (ATVs) on city streets. Police Chief Post informed the Council that he had had a discussion with a city resident who wanted to know if he made upgrades to his four-wheeler to make it street legal if it would be allowed on city streets. Police Chief Post indicated that as the City codes are currently written, the four-wheeler would not be allowed on city streets. Police Chief Post inquired of the Council if they were willing to allow the use of ATVs within the city. Council member Bo Parkinson recalled that the former Chief of Police was initially opposed to the use of any UTVs or ATVs but was swayed when a large group of residents approached the Council about the use of micro-utility trucks. Mr. Parkinson and other Council members did not remember even addressing the allowable use of ATVs at that time. It was pointed out that ATVs do not have titles or tags and have no requirement for insurance, although insurance can be purchased to cover ATVs. Police Chief Post recommended that if the Council were to approve the use of ATVs in the city, that they be required to meet all the same requirements that UTVs must follow. He offered to work with City Administrator Brad Pendergast to create an ordinance to present to the Council that would include UTVs and ATVs.

Parks Superintendent Terence Appel had nothing to report.

Street, Water, & Sewer Superintendent Terence Appel had nothing to report.

City Clerk Ruth Becker asked Council members if anyone would like her to order a copy of the Governing Body Handbook, at the request of City Attorney Rebecca Faurot. Three Council members indicated that they did not have a current copy of the handbook and would like to have one.

Mrs. Becker also offered to register anyone wishing to attend the League of Kansas Municipalities (LKM) Municipal Training Institute (MTI) course “Ethics & Civility” which will be held virtually on Thursday, December 9, 2021, from 6:00 p.m. to 9:00 p.m. She pointed out that the class is aimed at newly elected governing body members, but newer officials as well as other city leaders would benefit from this class. The cost to attend is \$50.00 for LKM members.

City Clerk Becker notified the Council that the City had received a supplemental ARPA payment of \$1,691.37 received Wednesday, Oct 27, 2021. The additional funding was re-allocated from cities who opted out of receiving their allotted ARPA funds.

City Administrator Brad Pendergast informed the Council that he has been in contact with other cities to determine how they are charging for building projects. He noted that he is finding that many cities are going to flat-rate, project-based fees rather than having separate fees for building, electrical, plumbing, etc. He asked Council members to consider this option.

Mr. Pendergast noted that he had met with Scott Recreation Commission (SRC) Director Kylie Stoecklein regarding interaction between the City and the SRC. They discussed working on funding strategies together with the school district.

City Attorney Faurot Rebecca Faurot informed the Council that she had recently received information on another class action lawsuit from *Opana ER Anti-Trust*. She mentioned that the Council could choose to remain a part of the lawsuit by choosing not to respond, or to file paperwork to opt-out. City Attorney Faurot advised that there would be no negative consequence to taking no action, therefore opting into the lawsuit.

Motion by Craig Richards seconded by Jeff Allen to opt in to the *Opana ER Anti-Trust* class action lawsuit. Vote – Unam.

Mayor Green had nothing to report but wanted to remind and encourage everyone to vote in the following day’s election and support their fellow Council members who were running un-opposed on the ballot.

The Council took a short break.

Mayor Green called the meeting back to order.

Motion by Josh Gooden seconded by Jeff Allen 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 Mayor, Council, City Administrator (via Zoom), City Attorney, and GMS Engineer David Frisch (via Zoom), with the open meeting resuming in the Council room at 8:46 p.m. Vote – Unam.

Mayor Green called the meeting back to order.

Motion by Josh Gooden seconded by Adam Winter 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 Mayor, Council, City Administrator (via Zoom), City Attorney, and GMS Engineer David Frisch (via Zoom), with the open meeting resuming in the Council room at 9:00 p.m. Vote – Unam.

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

Motion by Josh Gooden seconded by Jeff Allen for the City Council to recess into executive session to discuss personnel issues pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1), retaining the Mayor, Council, City Administrator (via Zoom), City Attorney, and Chief of Police, with the open meeting resuming in the Council room at 9:15 p.m. Vote – Unam.

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

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

Everett M. Green  
Mayor

Ruth Becker  
City Clerk