

November 15, 2021

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

Pastor Rodney Hopper was present to lead the Council and others present in prayer.

Present were Mayor Everett Green, Council members Craig Richards, Jeff Allen, Josh Gooden, Barb Wilkinson, Adam Winter, Armando Tarango, City Administrator Brad Pendergast, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the November 1, 2021 regular council meeting were presented.

Motion by Barb Wilkinson seconded by Armando Tarango to approve the minutes of the November 1, 2021 regular council meeting. Vote – Unam.

Appropriation Ordinance #986B was presented.

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

Included in the Council packet was a draft of Ordinance # 1225, an ordinance amending Title Eight, Chapter One, Section Five of the codification of the ordinances of Scott City, Kansas relating to sewer system rates and repealing the existing section. City Administrator Brad Pendergast pointed out that revisions had been made to a previous version of the draft ordinance with the assistance of Council President Josh Gooden and Water & Sewer Superintendent Terence Appel. He noted some changes to the list of Business 1 entities: recreation complexes and recreational facilities were removed, while food production and food processing facilities were added to the list of businesses to be labeled as Business 1. The rates listed in the draft ordinance provided in the packet are as follows:

- **Residential property units:** \$14.00 per month for the metered use of 2,500 gallons of water or less per month, plus \$1.00 per 1,000 gallons of water used over 2,500 gallons. The City shall use the average water usage for the months of December, January, and February and this average will be reassessed annually.
- **Business 1:** \$27.00 per month for the metered use of 2,500 gallons of water or less per month, plus \$1.00 per 1,000 gallons of water used over 2,500 gallons. The City shall use the average water usage for the months of December, January, and February and this average will be reassessed annually.
- **Business 2:** \$17.00 per month for the metered use of 2,500 gallons of water or less per month, plus \$1.00 per 1,000 gallons of water used over 2,500 gallons. The City shall use the average water usage for the months of December, January, and February and this average will be reassessed annually.

Council discussed changing the “base” rate for Business 2 to match the Residential property rate. Many Council members felt that these businesses should not be charged a higher rate than residential units simply because they are businesses. It was pointed out that many of the businesses that fall under Business 2 use less water than Residential units, and therefore should not be charged

a higher base rate. Consensus of the Council was to change the base rate for Business 2 to match the base rate for Residential--\$14.00 for the first 2,500 gallons.

Motion by Josh Gooden seconded by Adam Winter to approve Ordinance #1225, an ordinance amending Title Eight, Chapter One, Section Five of the codification of the ordinances of Scott City, Kansas relating to sewer system rates and repealing the existing section, provided that the Business 2 rate matches the rate of the Residential property units rate of \$14.00 per month (instead of \$17.00) for the first 2,500 gallons of water usage. Vote – Unam.

The approval of the dangerous dog ordinance listed on the agenda was not discussed. The item will be discussed at a future Council meeting.

Provided in the Council packet was a draft of *Scott City Building Code*. City Administrator Brad Pendergast indicated that he had been looking at the building codes for cities that are similar to Scott City and he feels that the fees and codes are comparable to surrounding cities. Council member Josh Gooden asked why the fees for commercial permits are higher than the fees for residential permits. City Inspector Lloyd Foster answered that there are usually additional agencies involved in commercial construction, so due to the more stringent requirements for commercial construction, more inspections need to be performed, justifying the need for higher permit fees. Mr. Foster also noted that he feels the current fees are appropriate, and he agreed with Mr. Pendergast that fees are in line with surrounding communities. Mayor Green asked Scott County Development Committee (SCDC) Director Katie Eisenhour, who was present in the audience, how permit fees affect the growth rate of our community. Mrs. Eisenhour responded that it is difficult to determine, but that it might be beneficial for City officials to negotiate with developers who are adding multiple new housing units to the community. City Inspector Lloyd Foster agreed with Mrs. Eisenhour by stating that most developers follow similar, if not identical, plans for multiple units, yielding the same inspections over and over; therefore, less work goes into each inspection as the process is repeated. He felt that negotiating lower fees in this type of situation could be beneficial, not only to the developers, but to the growth of the City. Consensus of the Council was to keep permit fees the same as they are now, with the option to approve negotiations with developers as needed. Mayor Green asked Mr. Pendergast to prepare a final draft of the updated building codes, in ordinance form, to be presented at an upcoming meeting.

Presented in the packet was *Granicus Proposal for Scott City, KS*. City Administrator Brad Pendergast reminded the Council that he, Travel & Tourism Coordinator Jennifer Turner, Scott County Development Committee Director Katie Eisenhour, and City Clerk Ruth Becker had been researching a few larger website design companies with experience in designing government-based websites. The Council was reminded that the City has worked with several smaller web designers over the past several years, and that their products and businesses have not proven to be sustainable. It was pointed out that the City needs to have a website that is not only reliable and safe, but also user friendly, providing the option for many (if not most) of the City's services online. Mr. Pendergast also noted that, by offering many of the City's services via an online format, making it easier for customers to conduct business from the safety of their homes, the onboarding cost of designing a new website with these types of features could be paid using a portion of the City's current balance of American Rescue Plan Act (ARPA) funds. The total cost of onboarding the new website, which includes the transfer of data from the current website, making for a smoother transition, is \$15,000 which will be divided equally among Travel &

Tourism, Scott County Development Committee, Inc., and the City of Scott City. Subsequent years will be worked into each entity's budget and are expected to be as follows: Year 2 - \$4,280.00, Year 3 - \$4,579.60, Year 4 - \$4,900.17 and Year 5 - \$5,243.18. After completing year four of the agreement, the City will be entitled to either a free redesign of the website using a template from the Granicus best practices library or an \$8,000.00 credit to be applied to a custom redesign of the website.

Motion by Barb Wilkinson seconded by Adam Winter to authorize the Mayor's signature on *Granicus Proposal for Scott City, KS*, with the initial Year 1 onboarding cost of \$15,000.00 to be split evenly among Travel & Tourism, Scott County Development Committee, Inc., and the City of Scott City, all to be paid using the City's current available ARPA funds. Vote – Unam.

City Administrator Brad Pendergast drew the Council's attention to an excerpt from a draft personnel policy manual that was included in the packet. Mr. Pendergast noted that this was roughly the second half of the personnel policy that he was working on and requested input from Council members. He specifically asked for assistance with **Section I-12. Conflict of Interest**, which states that "employees should always act in the best interest of the City and not permit potential conflict of interest to interfere with their job duties." Mr. Pendergast asked if the Council had any suggestions of examples of conflicts of interest that they would like included in the policy. After a brief discussion, it was the consensus of the Council to leave this more open-ended directing employees to the City Administrator if they question whether a scenario could be considered a conflict of interest. After limited discussion on the remainder of this portion of the personnel policy, Mr. Pendergast explained that the next step will be to combine all parts of the proposed personnel policy, present the draft to department heads and interested employees for their input, make necessary edits, and present a final draft for Council approval at the December 20, 2021 Council meeting.

Mayor Green welcomed Ken White, GMS Inc. Engineer to the podium. Mr. White was present to open the bids for the K96 Water System Improvements Project which had been due at 5:00 p.m. that day. Mayor Green opened two bids which were handed to Mr. White to determine if all the required documents were included in the bids. Both bids had all required documentation. GMS Engineer Ken White noted that the bid consisted of two components: a request for a base bid to complete the work on the K96 project and an alternate bid (Alternate 1) for the cost of asphalt. Mr. White explained that asphalt was initially included in the base bid, but the fact that the cost of asphalt is currently extremely high caused him to pull it from the base bid because he did not want the City to be obligated to that high cost if the asphalt requirements changed between the time of the bid and the start of the project. Also, Mr. White indicated that the project requires 8" of asphalt to be laid along K96 only for KDOT to follow with their portion of the project and tear it up soon afterward. Mr. White is attempting to negotiate with KDOT personnel to lessen the depth requirement for the temporary asphalt that will be placed during the City's portion of the project. The following bids were opened:

- Bid 1 – Nowak Construction Company, Inc., Goddard, Kansas
  - Base Bid = \$1,064,122
  - Alternate 1 = \$386,100
  
- Bid 2 – Pate Construction Co., Inc., Pueblo West, Colorado

- Base Bid = \$822,612
- Alternate 1 = 325,325

After the two bids were opened, Mr. White opened his own engineer's bid for comparison, indicating that the bonding company will compare the engineer's bid to the official bids.

- GMS, Inc. Engineer's Estimate
  - Base Bid = \$761,181
  - Alternate 1 = \$303,875

Mr. White indicated that he was not surprised by the large difference between the two bids, that per diem costs may have been factored into the bids. He recommended that the Council accept the base bid as presented by Pate Construction Co., Inc. at \$822,612 subject to a thorough review by GMS, Inc., and acceptance by KDHE, State Revolving Fund personnel.

Motion by Josh Gooden seconded by Jeff Allen to award the K-96 Water System Improvements project base bid to Pate Construction Co., Inc. in the amount of \$822,612, contingent upon GMS, Inc. Engineer Ken White's review and approval and acceptance of the low responsive bidder's bid documents by the Kansas Department of Health and Environment, State Revolving Fund personnel. Vote – Unam.

GMS, Inc. Engineer Ken White presented *Change Order No. 1*, which justifies additional material purchased to satisfy KDHE requirements to the Water System Improvements-Materials Acquisition for the K96 project. This change order increases the cost of material from the initial price of \$164,687.92 by \$4,116.92, totaling \$168,804.84 and extends the term of the contract with Core & Main, LP by 121 days. The date for completion of all work will be December 31, 2021.

Motion by Josh Gooden seconded by Jeff Allen to authorize the Mayor's signature on *Change Order No. 1* in the amount of \$4,116.92, contingent upon KDHE approval. Vote – Unam.

Mr. White informed the Council that the survey work has been completed on the 8<sup>th</sup> Street Project. He provided the Mayor and Council members with a copy of the updated utility plan, noting that he had been in contact with the utility companies that would need to install services in this location. He also indicated that, although this plan differs from the initial plan, it is standard, and he will be working with Street Superintendent Terence Appel on this plan.

Mr. White ended his presentation with an update on the 2022 Water System Improvement project. The immediate focus of this project is work on the foundation of the new water storage tank. Mr. White presented a photo of a potential alternate style of water storage tank (or tower), noting that the main difference in the alternate style is that it is a composite design, with the lower portion of the tower made from concrete and the upper portion constructed from metal. Several Council members inquired about the cost of the alternate tower style, to which Mr. White replied that the initial capital cost would be higher, but the maintenance would cost considerably less. Overall, the alternate tank would be a more cost-effective choice. Water Superintendent Terence Appel announced that he appreciated the design and aesthetics of the composite-style tank due to the reduced labor and cost to maintain and heat the tank. Council members also asked if the alternate style tank would require a different foundation. Mr. White's response was that the foundation would be the same no matter which storage tank the City Council chooses. Mr. Appel also noted that the alternate style of tank could be a better, safer solution for communication upgrades if the Council desires to add them to the new tower in the same manner that communication equipment has been placed on the existing water tower.

Scott County Development Committee (SCDC) Director Katie Eisenhour was present to provide her update. Mrs. Eisenhour informed the Council that the Moderate-Income Housing (MIH) project is again making progress, with one home currently under construction and another home in the beginning stages of construction. She also noted that a couple was recently approved as MIH eligible. Mrs. Eisenhour informed the Council that there are no vacancies at the Eastridge Villas (Senior Housing) and that the waiting list has been updated. She indicated that there are just under 30 potential applicants who are mostly in the lower income group. Therefore, Mesner Development, the company that built the current senior housing units, is very serious about submitting a 2022 application for another structure with 20-24 units and a community building for tenant socialization. Mrs. Eisenhour was happy to announce that she anticipates that current funding will meet their budget. However, the budget will likely need to increase in the future to offset the need to hire part-time staff and succession planning. Mrs. Eisenhour mentioned her plan to request City and County mill levies for permanent economic development in the future. The process for the Certified Site, the area which will become SCIP North, Lawrence Addition, is nearly complete. There are concerns involving the FAA flight path and local easements. Mrs. Eisenhour and City Administrator Brad Pendergast briefly discussed the possibility of proceeding with a Rural Housing Incentive District (RHID) to be ready when a developer comes forward with a valid plan. She pointed out that it would take at least 6 months to develop an RHID. Mr. Pendergast expressed that he felt that an RHID in Scott City should include the entire city (possibly extending into the 3-mile zone), not just an area limited to certain developers. Mrs. Eisenhour informed the Council that SCDC will be hosting “Reality U” with the 8<sup>th</sup> & 10<sup>th</sup> grades on December 10, 2021 and stated that she will need roughly 30 volunteers to help things to run smoothly.

Under the open agenda, Mayor Green informed the Council of a post that was made on the *City Hall* facebook page complimenting the City crew on the flags that were displayed on Veteran’s Day.

Building Inspector Lloyd Foster had nothing to present.

Fire Chief Jeff Mayer was present to request to bid rescue equipment for the new rescue truck. Fire Chief Mayer indicated that the current rescue tools need to be replaced because they do not function as they should. He wants to replace the current hydraulic tools with battery operated tools. Fire Chief Mayer indicated that he witnessed a demonstration using the tools that are being requested and that the tools that they currently have could not even come close to the functionality of the proposed tools. Mayor Green inquired if the tools listed in the Council packet were the exact items that were desired, to which Fire Chief Mayer responded in the affirmative. Fire Chief Mayer indicated that he intended to advertise to accept competitive bids on a brand-specific set of tools since the desired *Amkus Rescue Systems* tools use DeWalt batteries which can be obtained “just about anywhere” as opposed to other brands of tools in which the batteries are very expensive and must be special ordered. City Administrator Brad Pendergast explained that even though the request to purchase is limited to a specific brand of tool, it is best practice to open it up for bids, reminding the Council that the lowest bid does not have to be accepted if the Council can justify the choice that is made. Mayor Green reminded the Council that there are funds remaining in the

Fire Equipment Fund, which needs to be spent down upon the consolidation of the City and County Fire Departments, effective January 1, 2022.

Motion by Josh Gooden seconded by Armando Tarango to authorize the Fire Chief to advertise for bids for rescue tools as specified in the Council's discussion, with sealed bids to be returned to City Hall by 5:00 p.m. on December 20, 2021. Vote – 5, yes – 1, abstain, Jeff Allen.

Police Chief David Post reported that Officer Bailey White began working on November 9, 2021 and is doing field training with Sergeant Colton Schmitt. She will begin her training at the Kansas Law Enforcement Training Center (KLETC) on January 3, 2022 and will graduate on April 8, 2022. Officer Luke Hayes will be working in Scott City during his Thanksgiving break from the KLETC. Police Chief Post was excited to announce that he had made an employment offer to a young man who is currently in the same training class as Officer Hayes at the KLETC and he has accepted the offer of employment. His tentative start date is November 28, 2021. Mayor Green mentioned that part of what makes this hire so special is the fact that the officer compared potential situations, not only regarding employment but also the community of Scott City, and chose Scott City to be his new home. Both he and Officer Hayes will graduate from KLETC on December 10, 2021.

Parks Superintendent Terence Appel informed the Council that representatives from United Industries had been in town to look at the current pool filter system, which needs to be replaced, and they determined that their proposal for *Vertical Steel High Rate Pressure Sand Filter System*, which was included in the packet, would work in the space available. The concession stand would need to be moved to accommodate the proposed new filtration system. The current system does not function properly and has been deemed as a flawed and potentially unsafe design. Mayor Green stated that this new system would be much more efficient and will eliminate some of the safety concerns caused by the old system. The proposal from United Industries has a base cost of \$37,075 with 2 add-on options: a cast-iron strainer for \$2,810 and a Chemtrol CH250 controller for \$2,570. When asked if Mr. Appel would recommend purchasing the two add-ons as well, he replied that he would recommend it, mostly because the current controllers are out of date. The total for the purchase of the filter system proposed by United Industries is \$42,455. It was noted that the installation of the filter system is not included in the proposal. Mr. Appel indicated that the City crew would install the new system and move the concession stand.

Motion by Jeff Allen seconded by Adam Winter to accept the proposal from United Industries for a total of \$42,455, noting that the system was deemed impracticable to bid, with ½ of the cost being paid out of the 2021 Pool department budget and ½ of the cost being paid out of the 2022 Pool department budget. Vote – Unam.

Street, Water, & Sewer Superintendent Terence Appel indicated that the work on the drainage near Big R has begun and that the City crew is working on putting up the Christmas lights.

City Clerk Ruth Becker had nothing to report.

City Administrator Brad Pendergast had nothing to report.

City Attorney Rebecca Faurot was absent.

The financial & investment reports were presented.

Mayor Green had nothing additional to report.

The Council took a short break.

Mayor Green called the meeting back to order.

Motion by Adam Winter seconded by Josh Gooden to adjourn at 9:36 p.m. Vote – Unam.

Everett M. Green  
Mayor

Ruth Becker  
City Clerk