

December 6, 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, Josh Gooden, Bo Parkinson, Barb Wilkinson, 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.

The minutes of the November 15, 2021 regular council meeting were presented.

Motion by Armando Tarango seconded by Adam Winter to approve the minutes of the November 15, 2021 regular council meeting. Vote – Unam.

Appropriation Ordinance #987A was presented.

Motion by Josh Gooden seconded by Barb Wilkinson to approve Appropriation Ordinance #987A. Vote – Unam.

Included in the packet were approved minutes from the September 23, 2021 Planning & Zoning Commission hearing and unapproved minutes from the November 18, 2021 Planning & Zoning Commission hearing that will be presented at their next regular hearing, date to be determined. Mayor Green noted that the Planning & Zoning Commission had recommended to the City Council to approve an application to vacate a drainage easement in the area that KDOT is planning to erect a new building. It was explained by Street, Water, and Sewer Superintendent Terence Appel that the easement had been unused and filled in over 20 years ago and that drainage had been re-routed around the property. Ordinance # 1226, an ordinance vacating a drainage easement described as running along the north 20 feet of Lots 6 through 12, Block 2, in the Church Addition of the City of Scott City, which was also included in the packet, was presented for approval.

Motion by Adam Winter seconded by Josh Gooden to authorize the Mayor's signature on Ordinance # 1226, an ordinance vacating a drainage easement described as running along the north 20 feet of Lots 6 through 12, Block 2, in the Church Addition to the City of Scott City. Vote – Unam.

Resolution No. 2021-07, approving the execution and delivery of an agreement to release and assign the City's opioid claims to the Kansas Attorney General and certifying costs attributable to substance abuse and addiction mitigation in excess of \$500 was included in the packet. City Attorney Rebecca Faurot reminded the Council that in October of 2019 the City Council approved to not opt out of a class action suit to recover damages sustained by the City related to the opioid epidemic. Now, at the Kansas Attorney General's request, Mrs. Faurot is asking the City Council to consider opting into a Memorandum of Understanding that would essentially include the City in a state-wide group claim instead of filing individual claims for the City. It was Mrs. Faurot's recommendation to opt in to the Attorney General's Memorandum of Understanding via Resolution No. 2021-07.

Motion by Josh Gooden seconded by Jeff Allen to authorize the Mayor's signature on Resolution No. 2021-07 approving the execution and delivery of an agreement to release and assign the City's opioid claims to the Kansas Attorney General and certifying costs attributable to substance abuse and addiction mitigation in excess of \$500. Vote – Unam.

Presented in the Council packet was a draft ordinance concerning dangerous dogs. City Administrator Brad Pendergast noted that the most significant variations from the current ordinance on dangerous dogs include: the determination of "potentially dangerous dog" has been removed from the ordinance, the sole responsibility of declaring a dog to be dangerous would rest entirely with the Municipal Court Judge, not the officer who responded to the call, and dogs that are ultimately deemed dangerous would no longer be allowed to remain in the City (either through relocation or euthanization). City Attorney Rebecca Faurot voiced concern that if all determinations are made through the Municipal Court, that evidence must be presented to deem a dog dangerous. Council member Jeff Allen expressed concern that if the Municipal Court Judge is the sole responsible party in determining the "status" of a dog, the dog could remain in the pound for up to two months, with the City incurring the cost to care for the animal. Another concern expressed by the Council was the number of dogs that could be safely and humanely held in the pound at one time. City Administrator Brad Pendergast pointed out that the proposed ordinance does give the Municipal Court Judge the option to order a dog to be muzzled as a condition for release while awaiting a determination. Mrs. Faurot recommended that perhaps the police officer involved in the case could be allowed to make that determination. Mayor Green directed City Administrator Brad Pendergast to continue to work with Police Chief David Post and City Attorney Rebecca Faurot to revise the ordinance using the input of the Council to be presented at a future meeting.

Included in the packet was Ordinance # 1227 regarding the use of work-site utility vehicles, micro utility trucks, and all-terrain vehicles (ATVs) within the city limits of Scott City. City Administrator Brad Pendergast mentioned that he and Police Chief David Post had been in discussion with a local resident regarding ATV usage, which prompted the creation of the newly proposed ordinance. He mentioned that this ordinance also provided an opportunity to correct some misinformation that was included in recently passed Ordinance #1188 regarding UTVs. The proposed ordinance would require vehicles to have the same inspections and the same safety features as was expected in the prior ordinance. The Council was reminded that these vehicles will not be allowed to drive on either of the City's highways, but that crossing the highway is allowable. It was also pointed out that all traffic laws would apply to the vehicles included in the proposed ordinance as included in the Standard Traffic Ordinance and the Uniform Public Offense Code which are adopted each year. There was some concern expressed regarding negative activity of users of these types of vehicles. Mr. Pendergast indicated that he had consulted with other cities that had passed similar ordinances. He noted that, although most had expected some negative consequences, they have been pleasantly surprised by the lack of negative instances associated with the use of these vehicles within their cities.

Motion by Armando Tarango seconded by Barb Wilkinson to authorize the Mayor's signature on Ordinance #1227 authorizing the operation of work-site utility vehicles, micro-utility trucks, and all-terrain vehicles on the streets within the corporate limits of the City of Scott City, Kansas; and, providing for the repeal of Ordinance #1188 and sections 114.1, 114.2, and 114.5 of the

Standard Traffic Ordinance, as adopted by the City in Title 6, Chapter 1, Section 1 of the codification of ordinances for the City of Scott City, Kansas. Vote – Unanimous.

On behalf of Church of Christ member Reggie Ford, City Administrator Brad Pendergast requested the installation of a streetlight near the church located at 6th Street and Cedar Drive. The request was made to encourage attendance at bi-weekly events for senior citizens. In the fall and winter months, the area around the church is dark and discourages some participants from attending. Mr. Pendergast informed the Council that Mr. Ford had reached out to Walt Lovins with Wheatland Electric to see if changes to an existing streetlight nearby would provide adequate lighting for the church. It was determined that changes made to the existing streetlight would not be enough to help the situation at the church, but that Wheatland Electric could install a new streetlight closer to the area in question with the Council’s approval. Council member Jeff Allen indicated that he felt the area was adequately lit and that adding another streetlight would make the area too bright. There was discussion on how the church could install lighting on their building to provide increased lighting. Mayor Green recommended that the Council continue to investigate the issue before making a decision at a future meeting.

EBH Engineer, Darin Neufeld was moved forward on the agenda due to travel delays.

Mayor Green welcomed David Frisch, GMS Inc. Engineer, via Zoom. Mr. Frisch informed the Council that the City was now eligible to submit receipts for reimbursement to KDHE for the K96 project expenses. Contract information for the project has been submitted to KDHE. Mr. Frisch will be in contact with City Administrator Brad Pendergast to begin the process of submitting receipts for reimbursement. Pate Construction is eager to begin work on the project and have inquired about a potential start date. After continued conversations with Core & Main, Mr. Frisch believes that the remainder of the materials will be available in time to project a start date in early January 2022. There is a plan in place to obtain materials in case they cannot be obtained by Core & Main. Mr. Frisch has been working with City Attorney Rebecca Faurot to finalize the forms needed to certify the site.

GMS Engineer David Frisch indicated that the next phase of the Water System Improvement project will be to advertise for bids for the water storage tank (tower) to be constructed at the site on the north side of town. He proposed the inclusion of a base bid to include a tower similar to the tower that the City has on the south side of town, with an alternate bid for a composite tower as discussed at prior Council meetings.

Regarding the 8th Street Extension Project, plans have been reviewed by Street Superintendent Terence Appel. Plans will be revised because Mr. Appel does not want the sewer line below the street, but rather in the alley so that when repairs become necessary, they do not have to repair the street as well. This would also allow for the construction of the street to begin despite the expected delay in receiving material needed for the sewer line. It is expected that the design for 8th Street will be completed by the end of January 2022, with the hope to begin construction next spring.

EBH Engineer, Darin Neufeld was present to discuss the 3:00 p.m. opening of the Construct Taxiway Project bids. Mr. Neufeld indicated that there were two bids submitted:

- Smoky Hill, LLC - Salina, KS \$273,740
- Building Solutions, LLC – Dodge City, KS \$188,890

Mr. Neufeld presented copies of the bid tabulation sheet for review. He drew attention to his engineer's estimate of \$185,240 and noted that the bid submitted by Building Solutions, LLC was right in line with both the engineer's estimate and the amount of the grant application (\$85,000) that was submitted for the project. Mr. Neufeld also noted that Smoky Hills bid was consistently high for each component of the bid, so he recommends that the City Council accept the bid submitted by Building Solutions, LLC. The bid specifications required that construction of the project be completed by July 1, 2022. Building Solutions, LLC indicated in their bid proposal that they intended to begin work on the project in the spring to meet that deadline. The KDOT Aviation Grant maximum award for the project is \$142,080 with a local match requirement of approximately \$86,000 for construction and engineering fees, with an agreement from Fairleigh Corporation to contribute \$50,000 toward the project, leaving a balance of approximately \$36,000 to be paid by the City.

Motion by Adam Winter seconded by Jeff Allen to accept the bid submitted by Building Solutions, LLC in the amount of \$188,890 for the Construct Taxiway Project to be completed by July 1, 2022. Vote – Unam.

EBH Engineer Darin Neufeld also notified the Council that he had met with the Airport Commission members earlier in the day to discuss annual planning items. Mr. Neufeld presented copies of the updated Airports Capital Improvement Plan (ACIP) for Scott City Municipal Airport. He noted that the top priority is still the Airport Apron Expansion project, but that other items on the plan have been moved based on airport needs. Other top priority projects listed in the 1–5-year range include constructing additional t-hangars, sealing the runway and joints, and acquiring snow removal equipment. Projects slated to be looked at in the 6–10-year range include: installing taxiway lighting, constructing a parallel taxiway and constructing a community box hangar. Long-term projects include the construction of additional runways, taxiways, taxi lanes, and demolition of lagoons. Mr. Neufeld indicated that the estimated \$4 million cost to demolish the lagoons remains on the list as a potential project because it exceeds the \$1.5 million requirement to be eligible to receive the \$150,000 in annual funds from the FAA. Finally, Mr. Neufeld explained to the Council that the acquisition of snow removal equipment remains as a high priority at the recommendation of FAA Airport Planner Jason Knipp who speculates that items such as snow removal equipment may soon be eligible for additional funding through the FAA.

Motion by Adam Winter seconded by Jeff Allen to accept the updated priority ranking for the ACIP for Scott City Municipal Airport. Vote – Unam.

EBH Engineer Darin Neufeld also updated the Council on the progress of the Rail-to-Trail path. He noted that there are a few cracked panels that need to be replaced. He has also submitted a change order to KDOT to begin using straw mats instead of hay mulch to cover grass seeding to result in a better stand of grass in the spring. There was concern that the mulch would not weather the wind and would end up in people's yards, so the straw mats are a better alternative. Mr. Neufeld also indicated that crosswalk markings, giving pedestrians the right-of-way, will be installed in the spring. The lack availability of the needed materials and the colder climate is preventing this from happening now. Mayor Green thanked Mr. Neufeld for his report.

Provided in the Council packet was *2022 COLA Notes*, created by City Administrator Brad Pendergast. Mr. Pendergast began by reminding the Council that, as part of the pay plan adopted by the City Council at this time last year, the pay plan recommends that the City Council officially consider use of the October 12-month average Consumer Price Index (CPI) for the Midwest

Region to adjust the pay plan on January 1 each year. Based on that recommendation, the proposed Cost-of-Living Adjustment (COLA) for 2022 could be as high as 6.6%. On a spreadsheet that accompanied the 2022 COLA Notes document, Mr. Pendergast provided data to support the possibility of a 6.6% COLA for 2022. He noted that he and department heads had budgeted for a 2% COLA and 2% Merit increase for 2022. The difference between a 2% COLA and a 6.6% COLA for all funds (including Employee Benefits) is \$80,686.71. City Administrator Pendergast reminded the Council that they voted to keep \$57,200 in the 2022 Fire Department budget in the General Fund. Because the City Fire Department will be absorbed by the County Fire Department on January 1, 2022, the excess dollars could be used to absorb a portion of the additional cost of COLA. Mr. Pendergast noted that all but two departments, Police and Public Works (Street), both in the General Fund, would be over budget in their salary lines if a 6.6% COLA were approved, but presented alternatives to avoid this scenario. First, he noted that, with the increases to the water and sewer rates, there would be no concern with the Water or Sewer Funds going over budget. He indicated that employees in the City Administrator department and the Clerk department could reasonably be paid a portion of their salaries out of the water and sewer funds, since a good portion of their duties is directed toward water and sewer services. If 1/3 of each of these salaries were paid with Water and Sewer Fund dollars, the salary expense to the General Fund would be reduced by \$70,072.29. Mr. Pendergast indicated that with the increased revenues in these two funds, there would easily be enough funds to cover the COLA increase to the City Administrator and Clerk departments in the General Fund, with money left over to transfer into Reserve Funds as intended. The other alternative to cover the cost of additional COLA expense in the General Fund would be to utilize a portion of the excess budgeted for Special City Projects. Mr. Pendergast cautioned against this use of Special City Projects dollars, noting that if this is the option the Council chooses to use to offset COLA costs in the General Fund, that the Council would have to be especially vigilant with extra, unexpected projects in 2022. For this reason, Mr. Pendergast expressed that the “most comfortable” option to move forward with the 6.6% COLA for 2022 would be to pay a portion of the aforementioned salaries with Water and Sewer Funds, informing the Council that this is not an uncommon practice among municipalities. He also indicated that if the Council chooses this option for 2022, the practice could be addressed on an annual basis. Council member Adam Winter inquired if the Council was required to award a 6.6% COLA. Mayor Green reminded the Council that the reason they had adopted the pay plan was to provide a sense of consistency moving forward each year with merit-based pay raises as well as COLA. He mentioned that consistency was the reason the CPI method was included in the pay plan. Mayor Green also noted that it was a bit of a shock to see the CPI increase so much so soon after the adoption of the pay plan. Council members expressed concern that after water and sewer rates were raised to build reserves, the community might react negatively to the use of a portion of those dollars to be used for salary expense. Mayor Green indicated that if the expense could be justified, the community would support the decision. Relating to the budget in general, Council member Bo Parkinson asked about whether a decision regarding health insurance had been made. Mr. Pendergast indicated that the worst-case scenario was a 3.5% reduction from the current year. He explained that he is still waiting on one more quote before he presents options to the Council at the December 20, 2021 Council meeting. He noted that, going forward into 2023, a new option for insurance will be available through KMIT (Kansas Municipal Insurance Trust), but right now that is not a viable option. In closing the COLA discussion, City Administrator Brad Pendergast recommended that the Council approve the full 6.6% COLA for 2022. Mayor Green encouraged

Council members to consider all options and be prepared to make a decision at the December 20, 2021 meeting.

Under the open agenda, Mayor Green introduced newly elected Dighton Mayor, Annita Lorimor who was in attendance as an observer. The Mayor and Council welcomed Ms. Lorimor.

The Pool Salaries 2005-2021 document was provided in the packet.

Mayor Green stated that, with the recommendation from 2021 Pool Manager Marci Patton to begin advertising for pool staff a month earlier than usual, it is time to advertise for a pool manager, assistant manager, and lifeguards.

Motion by Armando Tarango seconded by Adam Winter to advertise that applications for pool manager & assistant manager will be accepted until 5:00 p.m. in City Hall on January 3, 2022 and that applications for lifeguards will be accepted until 5:00 p.m. in City Hall on January 17, 2022. Vote - Unam.

The Council discussed that an hourly wage for pool employees may need to be adjusted significantly to be competitive with area employers who also hire seasonal help. After some discussion, Mayor Green requested that Council members come back to the Council table at a future meeting with recommendations for pool wages.

Building Inspector Lloyd Foster was not in attendance. City Administrator Brad Pendergast reported on his behalf. He informed the Council that the individual that had previously been hired to move trailers out of the city no longer performs that service. It was noted that since the structure at 707 Glenn Street has already been condemned, it needs to be removed, even if it is a cost to the City. It was suggested to reach out to a local contractor who might be interested in the removal project. Street, Water and Sewer Superintendent Terence Appel indicated that he had researched the cost of a roll-off dumpster into which the City crew could deposit the debris from the condemned property if there was someone to contract with to remove the structure itself. It has been determined that mobile homes are personal property, not real property, so once a structure such as a mobile home ceases to exist, the cost for demolition cannot be applied to an individual's tax roll. There was discussion about creating an ordinance which would treat trailers like vehicles where the landowner can be held responsible for the cost of demolition. Council members were asked once again to come to the Council table at the next meeting prepared to decide on how to proceed.

Fire Chief Jeff Mayer was not in attendance.

Police Chief David Post provided updates for his department. Gilmore Solutions should have the Law Enforcement Center server upgrade completed late in the week. The Police Department received a \$1,000 grant from KDOT which was used to purchase two digital cameras, a breathalyzer, and sample tubes. Officer Jaime Salazar, who began employment with the SCPD on November 25, 2021, and Officer Luke Hayes will graduate from KLETC on Friday, December 10, 2021. Police Chief David Post will attend the ceremony in Hutchinson and follow up with some vacation. In his absence, Sergeant Colton Schmitt will be the acting Police Chief and Detective Jason Poore will be the acting Sergeant. Officer Jared O'Dea attended a 3-day Human Trafficking Course at no cost to the City since the SCPD acted as host to the course. Earlier in the day, seven K9 officers searched all lockers and locker rooms, as well as all three parking lots, at the high

school. No drugs were found. The K9s were available as part of a Kansas Highway Patrol (KHP) training initiative that Scott City hosts about once every other month because K9 Officer Enoch's handler goes through the KHP program. Agencies that participated with their K9s included the Ellis County Sheriff's Office, Geary County Sheriff's Office, Garden City Police Department, and 4 K9s from the KHP. The Police Department participated in the Scott Community Foundation's Giving Day in which they raised \$2,650. There is currently approximately \$10,000 in the account which is being held to obtain a K9 when the need arises. Over the past two years, the Giving Day gifts to the Police Department have totaled over \$21,000. Once Officer Hayes is back from KLETC, he will become Enoch's handler. Both Enoch and Officer Hayes will attend 5 weeks of training in the spring.

Parks Superintendent Terence Appel reported on the progress of the Patton Park restrooms. He indicated that 26 yards of concrete roof had been installed and is waiting to cure. The area around the building has been tilled to plant grass seed.

Street, Water, & Sewer Superintendent Terence Appel informed the Council that two vacant offices on 4th Street have changed ownership and the new owners are eager to obtain water services. Currently, all water in those offices feeds from one meter, so the process to get individual meters at each location involves boring to Main Street. Work was done in the alley behind Farm Bureau on Main Street. Drainage should no longer be an issue. Mr. Appel informed the Council that the speaker system on Main Street is up and running and has been well received. An employee from Pate Construction was here to do a walk-through of the K-96 project with Mr. Appel. They are reportedly very eager to get started on the project.

City Clerk Ruth Becker reported that she would be out of the office the following week.

City Administrator Brad Pendergast noted that department heads had presented their input regarding the updated version of the personnel policy. Their suggestions have been worked into a final draft for one last check before presenting the policy to the Council at the December 20, 2021 Council meeting. Mr. Pendergast informed the Council that he had met with USD 466 Superintendent Jamie Rumford, SCDC Director Katie Eisenhour, Assistant County Clerk Marie Allen, and Chamber of Commerce Director Lindsay Singley regarding the branding of Scott City/Scott County. They plan to meet again in February to decide on a brand that encompasses the community as a whole.

Because the Council will not hear proposals for health insurance until the December 20, 2021 meeting, Mr. Pendergast requested permission to sign and submit an ASO Checklist for Blue Cross and Blue Shield which commits the City to their policy as it is due in their office by December 15, 2021. Mr. Pendergast stated that this form needs to be signed in case the Council does decide to choose this option for employee health insurance. He assured the Council that the commitment can be withdrawn as late as 30 days prior to the beginning of the February 1, 2022 plan year (or January 1, 2022) with no penalty.

Motion by Jeff Allen seconded by Josh Gooden to authorize the City Administrator's signature on Blue Cross Blue Shield's ASO Checklist which commits the City to the Blue Cross Blue Shield policy, with the option to withdraw the commitment by January 1, 2022 with no penalty if the Council chooses an alternate insurance plan. Vote – Unam.

City Attorney Faurot had nothing to report.

Mayor Green announced that he would be attending the KLETC graduation ceremony with Police Chief Post and that he is looking forward to it.

The Council took a short break.

Mayor Green called the meeting back to order.

Motion by Josh Gooden seconded by Armando Tarango 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 Attorney, City Administrator, and Police Chief, with the open meeting resuming in the Council Room at 9:35 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 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 Attorney, and City Administrator, with the open meeting resuming in the Council Room at 9:45 p.m. Vote – Unam.

The Council came out of executive session.

Mayor Green called the meeting back to order.

Motion by Josh Gooden seconded by Armando Tarango 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 Attorney, and City Administrator, with the open meeting resuming in the Council Room at 10:05 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 Armando Tarango to adjourn at 10:06 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk