

December 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, Josh Gooden, Bo Parkinson, 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 December 6, 2021 regular council meeting were presented.

Motion by Barb Wilkinson seconded by Armando Tarango to approve the minutes of the December 6, 2021 regular council meeting. Vote – Unam.

Appropriation Ordinance #987B was presented.

Motion by Josh Gooden seconded by Jeff Allen to approve Appropriation Ordinance #987B. Vote – Unam.

Mayor Green presented the 2022 Cereal Malt Beverage (CMB) license applications. On behalf of City Attorney Faurot, Mayor Green reported that all individuals that applied for the CMB licenses had been cleared, as there were no legal issues with any of the license requests.

Motion by Josh Gooden seconded by Jeff Allen to approve the following 2022 CMB licenses: Casey's General Store, Corner Market, Dollar General, Love's Travel Stop, Mom & Pop's Burger Stop, Pizza Hut, Tate's, The Original Grande, and White's Foodliner. Vote – Unam.

Fire Chief Jeff Mayer requested to open bids for rescue tools for the new rescue truck. Mayor Green opened one bid from Delta Fire & Safety for Amikus Rescue Tools in the amount of \$51,260.00. Fire Chief Mayer and firefighters Danny Morris and Tim Miller were asked to take some time to review the bid to ensure all specifications had been met and return later in the meeting to make a recommendation.

City Administrator Brad Pendergast presented the health insurance options for the 2022 plan year. Mr. Pendergast recommended that the City Council approve the renewal option for the Blue Cross & Blue Shield of Kansas policy currently held by the City of Scott City. He indicated that the renewal option was approximately 3% lower than the current plan year due to the lower number of claims in 2021. It is projected that next year's renewal could be even lower if employees continue to have good health and file a low number of claims. City Administrator Pendergast noted that the two other quotes received for health insurance were comparable in cost to the City, but that one of the options had several red flags and the other option, when based on the actual ages of the City's employees, would likely not qualify for the rates as presented.

Mayor Everett Green explained that he had visited with Mr. Matt Allen, City Manager of Garden City, who drafted the City of Scott City's pay plan which became effective January 1, 2021. At the time discussions were taking place regarding the pay plan, Mr. Allen had indicated to the Council that he believed that the City was overpaying for health insurance by as much as 30%. Mr. Allen revised his previous statement by explaining that when factoring health insurance into

the pay plan, his estimate had alluded to the idea of employee participation in the cost of health insurance and had not taken Covid-19 into consideration. Mr. Allen felt that a 3% reduction in cost was an acceptable renewal option. Council discussion included an employee cost share option for the different “tiers” of coverage. Mayor Green reminded the Council that the pressing item for this agenda was to decide which insurance option should be chosen to the 2022 plan year. Mayor Green asked for the discussion on employee cost share of insurance to continue at another meeting. City Administrator Brad Pendergast informed the Council that he would contact other City Managers to see on what levels other cities require an employee cost share for health insurance. Mayor Green asked Mr. Pendergast to come back to the Council table with other cities’ policies, but also to calculate how each of the options would affect employees’ net pay.

Motion by Josh Gooden seconded by Jeff Allen to renew the City’s current health insurance plan with Blue Cross & Blue Shield of Kansas, noting an approximate decrease of 3% over the current year’s plan. Vote – Unam.

Fire Chief Jeff Mayer and firefighters Danny Morris and Tim Miller returned to the meeting. Fire Chief Jeff Mayer confirmed that all specifications had been met by the bid provided by Delta Fire & Safety. He recommended that the Council accept the bid.

Motion by Armando Tarango seconded by Jeff Allen to accept the bid from Delta Fire & Safety in the amount of \$51,260 for Amikus Rescue Tools for the new rescue truck. Vote – Unam.

City Administrator Brad Pendergast presented the final draft of *Ordinance #1229*, an ordinance relating to vicious dogs and dogs as a nuisance. Mr. Pendergast noted that the ordinance now provides the legal definition of “muzzle” and notes that the Scott City Police Department may either impound a dog that is suspected of being dangerous or require a dog that is suspected of being dangerous to be muzzled and returned to its owner until a final determination can be made by the Scott City Municipal Court Judge. There was some concern about the Public Service Officer’s ability to enforce the “Nuisance” section of the ordinance which makes it unlawful for a person to allow a dog under their control to bark, scream, howl, or create any noise during the day or night which disturbs the peace and quiet of any person. Police Chief David Post explained that enforcement of these incidents would depend on complaints being made, that unless an incident is reported, it would not be investigated. Mr. Pendergast noted that City Attorney Rebecca Faurot had reviewed and approved this ordinance.

Motion by Josh Gooden seconded by Adam Winter to authorize the Mayor’s signature on *Ordinance #1229*, an ordinance amending Title 5, Chapter 4B, Section 7 of the codification of the ordinances of Scott City, Kansas relating to vicious dogs and dogs as a nuisance and associated fines and penalties in the City of Scott City, Kansas. Vote – Unam.

City Administrator Brad Pendergast presented the final draft of *Ordinance #1228*, an ordinance relating to building codes, building regulations, demolition, or partial demolition of buildings, and moving structures. Council member Jeff Allen inquired why the City is still using the 2006 International Building Code when there are other, more recent versions available. Mr. Pendergast indicated that this is the code that is currently being used, but that when a new edition becomes available for review, he and City Inspector Lloyd Foster will review the newest version to see if a change should be made. Other items addressed in the ordinance were: providing for the City Administrator as a building official and laying out powers and duties of such; providing for the appointment of a building inspector and laying out powers and duties of such; giving the

governing body authority to interpret the building code and the building official to vary from such in certain circumstances; requiring a building permit, setting a permit length, setting the requirements of the application and fees for such, requiring posting of the permit, special requirements for roofers and some renovations of pre-1978 structures; requiring a certificate of occupancy and periodic inspections during a project; defining a builder or contractor, requiring a license for builders or contractors, setting application requirements and fees for such, requiring insurance and providing for license suspension; allowing for work by property owners on their own residence; providing rules for liability or severability; requiring a permit for demolition, setting fees and requirements of such, requiring insurance and providing for inspection; requiring a permit for moving a structure, setting fees and requirements of such, requiring insurance, providing for inspection, notice to owners, and approval of route, and setting guidelines for moving; and providing a penalty. Council members inquired if this ordinance addresses land-owner liability relating to personal property located on land owned by someone other than the property owner. Mr. Pendergast informed the Council that this is a separate issue that will be addressed later. He also mentioned that City Attorney Rebecca Faurot had reviewed the ordinance and approved its content.

Motion by Barb Wilkinson seconded by Adam Winter to authorize the Mayor's signature on *Ordinance #1228*, an ordinance amending Title 9, Chapter 1 of the codification of Scott City, Kansas relating to building code, building regulations, demolition, or partial demolition of buildings, moving structures, and repealing the existing sections. Vote – Unam.

Included in the packet was *City of Scott City, Kansas Personnel Policies and Procedures, 2022 Edition*. City Administrator Brad Pendergast stated that since the original draft had been presented to the Council previously, department heads had thoroughly reviewed the document and had offered their input. Changes made to the policy and procedures document are highlighted in the Council packet. He noted that Council could approve the document now or wait until a future meeting—there is no rush to adopt the revised policy.

Motion by Adam Winter seconded by Armando Tarango to approve the *City of Scott City, Kansas Personnel Policies and Procedures, 2022 Edition* as presented. Vote – Unam.

Mayor Green welcomed David Frisch, GMS Inc. Engineer, via Zoom. Mr. Frisch noted that he had only a few brief updates, and therefore did not provide an updated engineer's report for the packet. He noted that KDHE had approved the selection of Pate Construction Co., Inc. (Pate) as the contractors for the K96 project and informed the Council that there would be a pre-construction conference in Council chambers at City Hall on Thursday, January 6, 2022, at 1:00 p.m. Pate has indicated that they are eager to begin work on the project and expect to begin construction on January 10, 2022.

Regarding the 8th Street Extension project, GMS is working with Street, Water, and Sewer Superintendent Terence Appel to modify drawings to relocate the sanitary sewer lines.

Mr. Frisch informed the Council that an updated cost-estimate for Crescent Street had been sent to City Attorney Rebecca Faurot. He noted that he needs to work with Mr. Appel to determine the type of water service that will be installed at the Crescent Street location as service type was not included in the updated cost-estimate. Mr. Frisch will contact Mr. Appel to make that determination.

Provided in the Council packet was 2022 COLA Notes and a spreadsheet created by City Administrator Brad Pendergast that demonstrates a plan to cover the cost of a 6.6% cost of living adjustment (COLA) as recommended by the City's pay plan's use of the October Consumer Pricing Index (CPI) for the Midwest Region. Mayor Green began the conversation by noting that looking at a 6.6% COLA increase on the first anniversary of the recently implemented pay plan was a "tough one," but reminded the Council that the new pay plan was put in to place to help the City to keep pace with inflation and to remain competitive as an employer. He also mentioned that the COLA section of the pay plan was intended to promote consistency based on a formula to prevent arbitrary decisions. At the recommendation of the City Manager of Garden City, Matt Allen, who authored the City's current pay plan, the pay plan references the October CPI for the Midwest Region as opposed the Social Security Administration's COLA recommendation, which was used as a guideline in the previous pay plan. Mayor Green noted that the CPI for the Midwest Region is more reflective of the increase in cost for the products and services in this area of the country. He again consulted with Matt Allen, who advised the Council to move forward with the COLA increase as set by the pay plan, especially since there is a viable plan to fund the increase – holding back now would likely only cost more in the long run. Discussion among the Council members included a concern that if the CPI continues to be high each year it may be difficult to approve such high COLAs in the future. City Administrator Brad Pendergast noted that his plan going forward each year is to look at the CPI in May, when the budgeting process is in full swing, and try to project from the data what the October CPI is likely to be and then budget accordingly. By budgeting based on CPI trends, the City will be less likely to struggle if an unusually high October CPI is posted. There was some discussion among Council members about the possibility of setting a cap on the COLA for future years. No decision was made regarding a cap. Street, Water, & Sewer Superintendent Terence Appel noted that he has worked for the City for twenty-four years and has seen three different pay plans implemented. He noted that every time the recommended COLA increase was higher than average, the Council balked and went right back to making decisions based on intuition rather than what was written policy. Mr. Appel did state that he did not think that a cap on COLAs was necessarily a bad thing. The possibility of reducing employees' wages in the event of negative CPI was also discussed. Consensus of the Council was that an employee's wages would never be reduced due to a negative CPI.

Motion by Josh Gooden seconded by Bo Parkinson to approve a 6.6% COLA as outlined in the pay plan, following the October CPI for the Midwest Region. Vote – Unam.

Discussion continued regarding the increase of water and sewer rates to reflect the cost of production of water more accurately. Part of Mr. Pendergast's plan to fund the 6.6% COLA was to use funds from the Water and Sewer funds to cover a portion of the salaries for the City Administrator department and Clerks department, since a substantial portion of the duties associated with these positions focus on services relating to water & sewer production and administration.

Motion by Josh Gooden seconded by Jeff Allen to pay 25% of the salaries for the City Administrator department and Clerks department from the Water and Sewer funds. Vote – Unam.

Presented in the packet was *Memorandum of Understanding: Patton Park Restroom Project*, an agreement between the City of Scott City, Scott City Area Chamber of Commerce, Stand-Alone Patton Park Restroom Committee, and Scott Community Foundation. On behalf of City Attorney Rebecca Faurot, City Administrator Brad Pendergast noted that the purpose of this memorandum is to allow the project to take place "under the wing" of the City. The City has no financial

obligation to the project under this agreement, but the agreement would allow the community to use the Tax-Exempt status of the City. The project is expected to cost \$197,000 with \$58,200 remaining unpaid. The Scott Community Foundation has agreed to loan that amount to the Patton Park Restroom Committee to cover the cost of construction while fundraising efforts continue. City Clerk Ruth Becker noted that there is a clause in the agreement that states “Scott City has agreed to provide labor to tear down the old restroom facility,” that needs to be addressed before approval. The City crew did not provide labor to demolish the restrooms because Park Superintendent Terence Appel did not want to risk damaging the City’s equipment, which was deemed inadequate for this type of demolition. Instead, the City’s contribution was to fund the demolition project to be bid and contracted out.

Motion by Josh Gooden seconded by Jeff Allen to approve *Memorandum of Understanding: Patton Park Restroom Project*, an agreement between the City of Scott City, Scott City Area Chamber of Commerce, Stand-Alone Patton Park Restroom Committee, and Scott Community Foundation, contingent upon a correction indicating that the City agreed to provide funding, not labor, to tear down the old restroom facility. Vote – Unam.

Also included in the packet was *Resolution No. 2021-08*, a resolution appointing the Patton Park Restroom Project Committee and accepting the Memorandum of Understanding regarding the construction of a new restroom facility at Patton Park. This resolution names Lindsay Singley, Terence Appel, Craig Richards, Barb Wilkinson, Adam Winter, Terry Phillips, Clint Pearson, Bill John, and Jerome Berning as members of the Patton Park Restroom Project.

Motion by Jeff Allen seconded by Barb Wilkinson to authorize the Mayor’s signature on *Resolution No. 2021-08*, a resolution appointing the Patton Park Restroom Project Committee and accepting the Memorandum of Understanding regarding the construction of a new restroom facility at Patton Park. Vote – Unam.

The Council once again considered a request for an additional streetlight at the Church of Christ located at 6th Street and Cedar Drive. Observations made by Council members since the last discussion of the topic was that an additional streetlight at that location would not provide the desired outcome. It was noted that a light installed directly on the building near the entrance by the property owner would provide the desired amount of lighting without causing too much light in the surrounding area. It was also noted that property owners that desire additional lighting should be responsible for installing that additional lighting, not the City. No action was taken.

Mayor Green informed the Council that the \$20,000 budgeted transfer from the Street Department in the General Fund to the Municipal Equipment Fund was next on the agenda. City Administrator Brad Pendergast explained that for 2021 and prior years, \$20,000 was the standard budgeted transfer amount to build funds for the replacement of municipal equipment (public works), but that in 2022, \$40,000 has been budgeted. He noted that Street, Water, and Sewer Superintendent Terence Appel has been working on an equipment replacement plan to keep the equipment on a replacement rotation, making it easier to budget for. Mr. Appel agreed to share his equipment replacement plan at a future meeting.

Motion by Josh Gooden seconded by Adam Winter to approve the budgeted transfer of \$20,000 from the Street Department in the General Fund to the Municipal Equipment Fund. Vote – Unam.

Under the open agenda, Council member Armando Tarango informed the Council that a small area of the City-owned Chamber of Commerce building needs repair. Stucco has been falling off

the building and the Chamber of Commerce is requesting that the stucco be replaced with metal at an approximate cost of \$450. Consensus of the Council was to allow the Chamber of Commerce to make the repair.

Mayor Everett Green was excited to announce that KDOT has approved the construction of passing lanes along US-83, from Garden City extending north to the Scott/Logan County line. Two lanes will be constructed in Scott County and one lane in Finney County. Each of these passing lanes is expected to be 2-3 miles in length to accommodate the types of transportation using this highway. The design of the passing lanes would allow for a 4-lane highway in the future. Mayor Green extended credit to SCDC Director Katie Eisenhour for organizing the effort to lobby KDOT along with the help of other community leaders from Scott County and Finney County.

There was nothing to report under the Pool department.

Building Inspector Lloyd Foster was not in attendance. City Administrator Brad Pendergast spoke on his behalf. He noted that he and Mr. Foster had obtained a warrant to search the property at 908 Elizabeth and found that although the outside of the structure demonstrated extreme blight, the inside of the home was not in poor enough condition to be condemned. Mr. Pendergast also mentioned that several attempts had been made to reach out to the property owner with no success. He mentioned that he would like to see the property put up for a tax sale, in which someone could purchase the home, make improvements, and therefore improve the neighborhood. Mr. Pendergast noted that if the structure were demolished, there would likely never be anything else placed on that lot except possibly a storage shed. Mayor Green noted that there are instances where a property can be abandoned and contribute to blight, but the property taxes are being paid on the property. Current City ordinances do not address how to handle blight in this situation. Mayor Green noted that he has been receiving complaints about rodents and other vermin entering and leaving the structure at 908 Elizabeth. He also noted receiving expressions of concern over a large, dead tree on the property. During the windstorm that occurred the prior week, the tree fell over, damaging a neighbor's fence and porch. The residents of that home feel that it is the City's responsibility to compensate them for the damage to their property since they had reported their concern to City administration. Discussion included that the homeowners' insurance should cover any property damage and that this is a dispute between the property owners. Consensus of the Council was that the City is not liable and that it is the responsibility of the property owners to resolve the issue. Mr. Pendergast indicated that City ordinances do not address dead trees. He will investigate ordinances that address dead trees in the same manner as weed ordinance, so that moving forward, the City may have some recourse to deal with similar situations.

Police Chief David Post began by thanking the Council for the 6.6% COLA. He reminded the Council that he had been out on vacation during the prior week and that he wanted to recognize the great job that Sergeant Colton Schmitt did running the department in his absence. He had to coordinate the efforts to locate five runaways and had several IT issues to deal with in Chief Post's absence.

Police Chief Post informed the Council that the planned Law Enforcement Center (LEC) server upgrade has been completed, but he expressed his displeasure with Gilmore Solutions when he was informed the day before the server installation that there was an updated security certificate, costing approximately \$6,000, that would need to be added to the server installation quote.

Because the installation took considerably less time than projected on the quote, the reduction of labor cost was approximately enough to cover the cost of the security certificate.

Police Chief Post informed the Council of an incident on which Detective Jay Poore had done an exceptional job. There was a report of a student who was picked up by a stranger. Detective Poore was the only officer on duty at the time. What was thought to have been an abduction was a misunderstanding brought about by unfounded reports on social media. The incident was resolved.

The prior week's windstorm caused the need for a second dispatcher to be called in. Dara White and Vance Collamore did an outstanding job of remaining calm when the 911 system was being used to full capacity. The system had been upgraded so that in the case of a large-scale emergency, 911 calls that cannot be answered locally are routed to neighboring communities. This system was tested during the windstorm, and zero calls were left unanswered. Police Chief Post expressed pride in his staff and appreciation for the mutual aid provided by Lane and Haskell Counties. Council member Jeff Allen, speaking as a firefighter working the other end of the radios that day, reiterated that the dispatchers did an excellent job of working the 911 system and remaining calm.

The police department recently hosted a tour of the LEC for a high school civics class, in which the differences between the police department and the sheriff's department were explained.

Police Chief David Post reminded the Council that Officers Luke Hayes and Jaime Salazar graduated from the Kansas Law Enforcement Training Center (KLETC). Because Officer Hayes had completed his field training prior to attending KLETC, he began working the streets right away upon his return. Officer Salazar is currently completing his field training in Scott City. Officer Bailey White will attend KLETC from January through April. She is doing well with her field training. Mayor Green stated that it was a positive experience for him to attend the KLETC graduation ceremony. It was a very dignified celebration, and he looks forward to attending future celebrations as he is able.

Police Chief David Post, along with City Administrator Brad Pendergast, informed the Council of the following promotions/pay raises:

- Officer Jared O'Dea was promoted to Officer II at H3 on the Step & Grade plan.
- Officer Whitney Savolt was promoted to Officer II at H3 on the Step & Grade plan.
- Sergeant Colton Schmitt received an increase to J5 on the Step & Grade plan.

Council member Barb Wilkinson recommended that the Mayor issue a proclamation at the next regular Council meeting for the Police and Fire departments for their good work the day of the windstorm.

Parks Superintendent Terence Appel had nothing to report. However, Council member Armando Tarango informed Mr. Appel that a student had reached out to him to let him know that there is a skate ramp falling apart at Maddux Park. Mr. Appel was unaware of the damaged ramp but indicated that he would check it out.

Street, Water, & Sewer Superintendent Terence Appel informed the Council that branch clean-up following the windstorm was almost complete. The City crew will still honor calls requesting that branches be picked up.

Mayor Green stated that he agreed with Council member Barb Wilkinson regarding a Mayor's Proclamation for the Police and Fire departments and would like to include the Public Works department in the Proclamation as well. Mayor Green stated that Mr. Appel did not hesitate with the storm clean-up effort. He also expressed his appreciation of the City crew's attitude and spirit of gratitude.

Mr. Appel informed the Council of a fire hydrant at 5th & Elizabeth that is broken and dripping water, rendering it unusable. It will be replaced as soon as possible.

City Clerk Ruth Becker had nothing to report.

City Administrator Brad Pendergast noted that he had met with Mesner Development who is interested in another building project in the Eastridge Subdivision, but currently there is an issue with the elevation. GMS, Inc. has been working on the issue.

City Attorney Faurot was not in attendance.

The financial & investment reports were presented.

Mayor Green thanked the Council for their efforts in preparing for this meeting. He stated that he could tell that they had all come prepared to make decisions.

The Council took a short break.

Mayor Green called the meeting back to order.

Motion by Adam Winter seconded by Armando Tarango to adjourn at 9:24 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk