

January 3, 2022

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

Scott Wagner of the Community Christian Church 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, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the December 20, 2021 regular council meeting were presented.

Motion by Barb Wilkinson seconded by Josh Gooden to approve the minutes of the December 20, 2021 regular council meeting. Vote – 7-yes, 1-abstain, Kelly Funk.

Appropriation Ordinance #988A was presented.

Motion by Adam Winter seconded by Jeff Allen to approve Appropriation Ordinance #988A. Vote – Unam.

Resolution #2022-01, a resolution setting out finding and determination of the governing body requesting a waiver of the generally accepted accounting principles for the Fiscal Year ending 2021, was presented.

Motion by Josh Gooden seconded by Armando Tarango to approve Resolution #2022-01. Vote - Unam.

Included in the packet was the Mayor's *Proclamation* declaring the week of January 9-15, 2022 as *Public Heroes Appreciation Week* in response to the actions taken by the Scott City/Scott County Fire Department, Scott City Police Department, Scott City Public Works, Scott City Public Safety Communications Officers, Scott County Emergency Management, Scott County Sheriff's Department, Scott County EMS and Scott County Public Works during the treacherous windstorm on December 15, 2021. Mayor Everett Green read the proclamation in its entirety for the official record.

Motion by Barb Wilkinson seconded by Bo Parkinson to approve the Mayor's *Proclamation* declaring the week of January 9-15, 2022 as *Public Heroes Appreciation Week*. Vote – Unam.

Provided in the packet was an excerpt from the minutes from the August 4, 2014 and March 16, 2015 minutes outlining discussions regarding extending the Scott Recreation Commission (SRC) water credits in exchange for providing a water conservation plan to the City of Scott City. City Clerk Ruth Becker informed the Council that the SRC had used 10,976,600 gallons of water on the City-owned property at the sports complex and the soccer fields throughout 2021 and that they had taken advantage of \$26,298.71 of the \$34,000 water credits issued. Council member Barb Wilkinson requested a breakdown between the soccer fields and the sports complex to be presented at the next Council meeting, before discussing further. Mrs. Becker stated that she would have

that information in the next packet. Mayor Green recommended waiting until the next Council meeting before officially issuing any water credits to the SRC.

Farm Lease SW/4 17-18-32 between the City of Scott City, Landlord and Four B Farms, Tenant dated 3/15/2020 was provided in the packet. This lease agreement refers to the land north of Scott City Municipal Airport which is slated to become Scott City Industrial Park (SCIP) North-Lawrence Addition. The lease is up for renewal on an annual basis on March 1 each year with the option to terminate the agreement with a 60-days' notice by either party. City Attorney Rebecca Faurot recommended moving forward with the lease agreement as is, since it allows the early cancellation clause. If the agreement renews and the land becomes needed to begin development within the industrial park prior to the end of the next term (March 1, 2023), the lease can be terminated with the proper notice.

Motion by Josh Gooden seconded by Barb Wilkinson to allow the lease as presented to automatically renew as of March 1, 2022. Vote – Unam.

Council member and Scott County firefighter Jeff Allen informed the Council that they had recently enlisted the assistance of an interpreter while out on a fire call. He inquired if payment could be made for the services provided that day and any other day in which an interpreter is needed for police, fire, or EMS matters. Police Chief David Post explained to the Council members that not only does the police department employ a bilingual officer, but also the police department has an 8-page policy on interpreters which includes a list of 8 community volunteers who interpret as needed. Police Chief Post noted that interpreters are rarely needed “in the field,” and 911 calls (or texts) are automatically linked to an interpreter at no additional cost as part of the annual agreement with 911 service providers. He also noted that when volunteer interpreters respond often, they are usually compensated with gift cards or other compensation. Police Chief Post offered to share the list of community volunteers with the fire department and EMS. Council member Jeff Allen indicated that this topic will also be brought up at the County level. No action was taken.

In the packet, City Administrator Brad Pendergast provided *Employee Contribution Rate Health Insurance 2022*, in which he compiled a list of responses from other Kansas communities regarding employees' contributions toward the City's health insurance plans. He began by noting that this was not a “scientific” poll since responses were voluntary. The compilation may not be representative of the entire state. Mr. Pendergast noted that, based on the responses he received, the average cost share for each of the four types of coverage is: Employee – 7.69%, Employee & Spouse – 16.07%, Employee & Children – 16.53%, and Employee & Family – 17.06%. He noted that his figures included quotes from cities that range in population less than Scott City to population far greater than Scott City. He also mentioned that the trend he sees is that cities that are similar in size to Scott City also have very similar employee cost share policies.

City Administrator Brad Pendergast also presented *City of Scott City Employee Insurance Contribution* to help demonstrate three employee cost share options:

- Based on the above averages, returning \$51,280.51 in annual contributions to the City
- 0% employee and 5% for other plan types, returning \$8,937.21 in annual contributions to the City
- \$25.00 flat rate per employee regardless of the type of coverage, returning \$8,700.00 in annual contributions to the City

Mr. Pendergast recommended to the Council members that they delay making any decisions until the budgeting process for 2023 begins and to work any potential changes into the budget. Mayor Green agreed with this recommendation noting that if changes are to be made, employees should have at least six months' notice to aid them in planning their own budgets. City Administrator Brad Pendergast also noted that he is checking into the legality of requiring spouses of employees who have a health insurance option through their employer to utilize that insurance instead of being part of the City's health coverage. Council member Jeff Allen noted that even if that were a viable option, that leaves a married couple with two sets of deductibles, out-of-pocket maximums, etc. It was mentioned by Council members that if the renewal of the health insurance policy for 2022 had increased, they might be more open to consider a cost-share agreement with employees, but since the health insurance renewal went down by approximately 3%, some members hesitated to consider an employee cost share. Public Works Superintendent Terence Appel and Police Chief David Post both stated that the existing City-paid health insurance benefit has always been, and continues to be, a powerful recruiting tool, and noted if employees had to cover a portion of their insurance, it would likely not be as effective in bringing qualified applicants. Discussions will continue at future meetings.

City Clerk Ruth Becker proceeded with the individual swearing in of the newly-elected City officials. Mayor Everett Green, City Treasurer Renee Cure, and Council members Armando Tarango, Adam Winter, Kelly Funk, and Josh Gooden repeated the oath and signed the Official Oath.

Provided in the packets was an excerpt from Section 10-2-1 of the City of Scott City Code Book, *Planning Commission Appointments*. Mayor Green noted that City code currently limits the terms of regular commissioners to two full 3-year terms, with the option for regular members to serve again after a 1-year waiting period after the completion of two full terms. Mayor Green asked the Council to consider removing the term limits for Planning & Zoning commissioners. He noted that there is a narrower choice of candidates for this type of commission due to the knowledge base they must possess. Once a commissioner has been appointed and has served, the expertise of the commissioners continues to grow, and their experience and knowledge of precedents become even more invaluable. Therefore, Mayor Green believes that setting term limits to the Planning & Zoning Commission is detrimental to the commission and to the City. Consensus of the Council was to have City Attorney Rebecca Faurot draft an ordinance to repeal the term limits for Planning & Zoning commissioners, to be presented later in the meeting, if possible. No appointments were made noting that existing commissioners retain their positions until an appointment is made for their replacements. Therefore, the Planning & Zoning hearing scheduled for January 13, 2022, will continue with the existing Planning & Zoning commissioners. The annual review of the Comprehensive Plan and election of officers scheduled for this hearing will be tabled until all commissioners have been appointed/re-appointed for 2022.

Mayor Green welcomed David Frisch, GMS Inc. Engineer, via Zoom. Mr. Frisch reported on the following projects:

- K96 project – There will be a pre-construction conference at City Hall on January 6, 2022, at 1:00 p.m. involving representatives from KDHE, KDOT, City of Scott City, Pate Construction, Co., Inc. (Pate), and local utility companies. GMS Engineer Ken White will lead the discussion and will introduce GMS Resident Project Representative Riley Miller

who will be present on the job site and will be in frequent contact with community members as well as daily contact with the Public Works Superintendent, City Administrator, and City Clerk as the project moves forward. Pate is planning to begin preliminary work on Monday, January 10, 2022. They are awaiting certificates from the materials supplier that must be received before any materials can go into the ground. The certificates are expected to be complete by Thursday, January 6, 2022. KDOT's portion of the project will follow the water improvements being made, but not as close in time as anticipated. GMS will continue to negotiate with KDOT to try to reduce the depth of "temporary" asphalt that must be placed and in turn reduce the cost, since the asphalt will be torn back up as soon as KDOT's portion of the project begins.

- Water Improvement Project – Dudley Williams & Associates (DWA) structural engineers out of Wichita are working to complete the foundation design for the water storage tank. An updated schedule is expected soon. GMS will soon be bidding out two types of tanks. The base bid will present specifications for a tank similar to Scott City's existing tank, with a steel tower and a steel top. An alternate bid request will present specifications for a structure which has concrete column up to the base of a steel storage tank. Easements for the tank location are complete and copies have been provided to the City Attorney Rebecca Faurot, City Administrator Brad Pendergast, and Water Superintendent Terence Appel. GMS will continue to keep in communication with Mr. Appel on this project.
- Well Acquisition – The redrilling of the recently acquired well, to be converted from agricultural use to municipal use, is in progress.
- 8th Street Extension – The realignment of the sanitary sewer lines is complete. Plans have been provided to Street Superintendent Terence Appel for his final approval. Drawings will be provided to KDOT since they are providing the funding for the project. Ideally, this project will be ready to be bid out at about the same time as the second phase of the water improvement project, making it more attractive to companies to be able to bid out two projects at the same time.
- Viola/Crescent Street Extension – On December 20, 2021, an updated cost estimate was provided to the City and to the property owners. The cost estimate of \$62,600 is very similar to the estimate that had been provided in July 2021. The cost estimate includes a 20% contingency cost to cover any fluctuations in the cost of materials. The schedule of the work remains uncertain.
- Eastridge Villas #2 Project – GMS Engineer David Frisch, City Administrator Brad Pendergast, and Street Superintendent Terence Appel participated in a Zoom call with Eddie Price, General Contractor, of Housing Opportunities, Inc. on December 13, 2021. Mr. Price requested a cost estimate for the improvement/extension of 8th Street. Mr. Pendergast authorized Mr. Frisch to work with Housing Opportunities to assist them with the cost estimates needed for the potential project.
- SCIP North – Scott County Development Committee Director Katie Eisenhour has requested the assistance of GMS to create conceptual drawings for the new industrial park. GMS will follow Mrs. Eisenhour's lead.

There was nothing to report under the open agenda.

Mayor Green indicated that he had two applications returned for the Pool Manager and the Assistant Pool Manager positions.

Motion by Barb Wilkinson seconded by Craig Richards to hire Marci Patton as the Pool Manager and Jessica Berry as the Assistant Pool Manager for the 2022 pool season. Vote – Unam.

Council member Barb Wilkinson expressed her gratitude and appreciation for a job well-done over the last pool season and the rest of the Council members welcomed them back for another year.

Presented in the packet was *Pool Information* for the year ending December 31, 2021. Newly re-hired pool manager Marci Patton reviewed the document with the Council.

Also provided in the packet were two spreadsheets prepared by City Administrator demonstrating the cost for wage increases for pool employees by a flat rate of either \$3.00/hour or \$4.00/hour. Assuming that the same individuals are hired this year as were last year, an increase of \$3.00/hour per individual would increase the salary budget by \$13,795.70. Mr. Pendergast noted that the pool budget for 2021 had a remainder of \$12,483.37. It was noted that each \$1.00/hour increase amounted to \$4,598.57 in additional salary expense for the year. When questioned whether a \$3.00/hour increase was in line with the 6.6% COLA that was recently approved, Mr. Pendergast's response was that the increase in pool salaries at this rate would exceed 6.6% by quite a bit, but that to stay competitive with other businesses offering jobs to high-school age personnel, a hefty pay increase would be necessary. Parks Superintendent Terence Appel stated that he felt pools salaries are currently far behind where they should be. It was noted by Mayor Green that the pool would not be able to open if the City were unable to hire an adequate number of lifeguards.

Motion by Barb Wilkinson seconded by Craig Richards to increase hourly wages for all pool employees by a flat rate of \$3.00 per hour. Vote – Unam.

Pool manager Marci Patton reminded the Council that lifeguard applications are due by 5:00 p.m. on January 17, 2022, and that Mrs. Patton and Mrs. Berry would be ready to make lifeguard recommendations to the Council at the February 7, 2022 meeting.

Building Inspector Lloyd Foster was not in attendance.

Scott County Fire Chief Jeff Mayer was present to request that the bid for the rescue tools which was approved at the December 20, 2021, Council meeting be re-addressed. City Administrator Brad Pendergast explained that several days after the last meeting, a USPS flat rate, Priority Mail 2-Day envelope was found in Mr. Mayer's mailbox. This envelope was opened by Fire Chief Mayer in the presence of City Clerk Ruth Becker. It was discovered that the inner envelope noted that it was a bid for the rescue tools. The bid was immediately brought to the attention of City Administrator Brad Pendergast. Based on the date on the outer envelope, it was determined that the missing bid had been received at City Hall in time to be considered. Mr. Pendergast explained that the initial motion to accept the bid awarded to Delta Fire & Safety could be rescinded and that both bids could be brought to the Council's attention.

Motion by Armando Tarango seconded by Jeff Allen to rescind the initial motion 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.

The previously unopened bid was revealed to be a bid in the amount of \$48,809 from Weis Fire & Safety. Fire Chief Mayer noted that all specifications had been met in both bids.

Motion by Armando Tarango seconded by Jeff Allen to accept the bid from Weis Fire & Safety in the amount of \$48,809 for Amikus Rescue Tools for the new rescue truck. Vote – Unam.

Police Chief David Post requested to advertise for bids for two patrol vehicles, one to be paid for using police department funds and one to be paid for using American Rescue Plan Act (ARPA) funds as approved at the October 4, 2021, regular Council meeting.

Motion by Armando Tarango seconded by Josh Gooden to authorize Police Chief Post to advertise for bids for two patrol vehicles, one to be paid out of the police department, the other to be paid using ARPA funds, with bids due back to City Hall by 5:00 p.m. on January 17, 2022. Vote – Unam.

Parks, Street, Water & Sewer Superintendent Terence Appel was thanked by Mayor Green for the snow removal efforts over the holiday weekend. Mr. Appel gave credit to the three employees who were available to assist: Kari Youvon, Reggie Ford, and DeWayne Ferrell. He also mentioned that he had enlisted the help of B & H Paving to remove snow from the highways and asked if he could create a new line item in the street budget for snow removal to assist in budgeting purposes. He noted that, in the past, snow removal had been paid out of special city projects, but noted that this could easily be tracked if it were its own line item. Consensus of the Council was to allow the creation of a line item in the street department for snow removal. Superintendent Appel noted that snow removed from the streets was transported to the parking lot at the pool and that this process creates a lot of wear on the concrete, but there is really no location better suited for this process. He noted that he budgets \$20,000 for concrete each year at the pool to offset the cost of necessary repairs. Mr. Appel requested to further utilize the services of B & H Paving to complete vital snow removal for the City's major streets and highways.

Motion by Armando Tarango seconded by Jeff Allen to hire B & H Paving, at the direction of Street Superintendent Terence Appel, to assist with snow removal. Vote – Unam.

Mr. Appel informed the Council that the pool filter parts arrived earlier in the day.

Sewer Superintendent Terence Appel informed the Council that KDHE called earlier in the day to announce that they would be conducting sewer inspections the following day, so his crew spent a good portion of the day gathering paperwork that will be needed. KDHE will be checking the lift stations and sewer ponds.

City Clerk Ruth Becker had nothing to report.

City Administrator Brad Pendergast had nothing additional to report.

City Attorney Rebecca Faurot reminded the Council that since the City has a partially self-funded insurance plan, the City receives notices for class action lawsuits in which the City can opt-in to receive any funds earned in these suits for prescription drugs. Mrs. Faurot indicated that currently there are class actions for Nexium, Suboxone, and Atripa & Evotaz. She noted that if the Council desires to opt-in to these class actions, the Council simply needs to make a motion.

Motion by Bo Parkinson seconded by Craig Ramsey to opt-in and participate in each of the three current class action lawsuits: Nexium, Suboxone, and Atripa & Evotaz. Vote – Unam.

Mayor Green had nothing additional to report.

The Council took a short break.

Mayor Green called the meeting back to order.

Ordinance #1230, an ordinance amending Title 10, Chapter 2, Section 10-2-1 Subsection D.1, Planning Commission, Terms and Qualifications of the Scott City, Kansas City Code to remove term limits for commission members was presented after the break.

Motion by Josh Gooden seconded by Adam Winter to authorize the Mayor's signature on *Ordinance #1230*, an ordinance amending Title 10, Chapter 2, Section 10-2-1 Subsection D.1, Planning Commission, Terms and Qualifications of the Scott City, Kansas City Code to remove term limits for commission members. Vote – Unam.

Motion by Jeff Allen 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 Attorney, City Administrator, and Public Works Superintendent, with the open meeting resuming in the Council room at 9:05 p.m. Vote – Unam.

The Council came of out executive session.
Mayor Green called the meeting back to order.
No action was taken.

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

The Council came of out 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 9:20 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk