

February 22, 2022

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

Pastor Kyle Evans of the First Baptist 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, 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 February 7, 2022 regular council meeting were presented.

Motion by Barb Wilkinson seconded by Kelly Funk to approve the minutes of the February 7, 2022 regular council meeting. Vote – 6 yes, 1 abstain – Armando Tarango.

Appropriation Ordinance #989B was presented.

Motion by Adam Winter seconded by Jeff Allen to approve Appropriation Ordinance #989B. Vote – Unam. __

Mayor Green asked the Council's permission to change the order of the agenda. With their permission, Mayor Green welcomed Mark Hornberger, GMS Resident Project Representative who was present to discuss *Engineer's Report, February 17, 2022*, which was provided in the packet. Mr. Hornberger provided the following updates:

- **Eighth Street Extension** – Preliminary design survey, layout, and design have been completed. Preliminary drawings have been provided to the Street, Water, and Sewer Superintendent and City Administrator for their review. Utility companies have been contacted to determine their desired locations, but there has been no response; therefore, GMS will proceed to the final design. Final layout and design drawings will be provided to City staff and KDOT for final review later in the week. Once all approvals are received, GMS will prepare the project to go out for bid.
- **Viola Avenue/Crescent Avenue** – Preliminary layout and cost estimates have been provided to the City for review. GMS has completed all preliminary design surveying, although the final design of the curb and gutter has not been completed.
- **K96 Water System Improvements** – Pate Construction estimates that the project will be completed within approximately 60 days. To date, a new water main has been installed from Ora Street on the west end to Jackson Street. This line was expected to be charged, pressure tested, disinfected, and placed into service by the end of the week, but will be delayed for at least a week due to the weather.
- **Water System Improvements** – All distribution line design for the new storage tank (water tower) has been completed. The railroad and KDOT have both submitted their approvals for the improvements in their rights-of-way. DWA Structural Engineers out of Wichita is still working to complete the foundation design and the design of the newly acquired well needs to be finalized. All easements have been prepared and provided to the

Street, Water, & Sewer Superintendent for distribution to property owners. Execution of these documents is pending.

- **Industrial Park** – GMS has prepared a preliminary layout of the industrial park for review by City staff and Scott County Development Committee (SCDC) Director Katie Eisenhour. The proposed street and utility layout has been reviewed by Street, Water, and Sewer Superintendent Terence Appel. A preliminary/final layout of the first phase of the industrial park is expected to be completed within the week. A cost estimate will be prepared for use in securing funding for the industrial park development.
- **Eastridge Villas 2** – After participating in a Zoom conference call for a second proposed Senior Housing development, a preliminary cost estimate was provided to Eddie Price with Housing Opportunities, Inc. No further contact has been made.

Mr. Hornberger noted that GMS continues to have contact with City Staff on at least a weekly basis.

Council member Jeff Allen mentioned that Jamie Percival with Percival Packing had contacted him to express some frustration with the amount of time that his water had been shut off as part of the K96 water improvement project since the coolers for his business run on water and water is required to wash down his facility. Mr. Hornberger verified that it took longer than expected to repair the water lines connected to Mr. Percival's business and noted that sometimes unexpected issues arise. Mayor Green inquired if there was any loss of product reported. Council member Allen reported that all was good and that there had been no loss of product. Mr. Hornberger added that at the time the water line is tied-in to the main line, the water should be off again, but only for about 15 minutes.

Mayor Green thanked Mr. Hornberger for his report.

Scott County Development Committee (SCDC) Director Katie Eisenhour provided *SCDC Report to City Council – Feb. 22, 2022*, which had been emailed to the Council earlier in the day for the Council packet. She updated the Council on the following items:

- **Moderate Income Housing (MIH)** – Two homes are currently under construction. Upon completion of the first home, SCDC will host an open house. East Cambridge, LLC is requesting a variance to allow smaller lot sizes in the R-1 lots to be used to build MIH homes. Mrs. Eisenhour contacted Kansas Housing Resources Corporation (KHRC) to apply for a one-year extension for the MIH deadline of June 30, 2022. The application for the extension is due by March 1. Mrs. Eisenhour also applied for a \$360,000 SPARK (Strengthening People and Revitalizing Kansas) grant to be used as an incentive for 12 homes (\$30,000 per home) to go against each mortgage.
- **Eastridge Villas, LLC** – Eastridge Villas II is eligible to submit a Low-Income Housing Tax Credit (LIHTC) application to KHRC, due by early May. Announcements will be made in July. The plan is to build 20 more units with a community building, office, and maintenance room.
- **Fiscal Operation** – Mrs. Eisenhour announced an intent to seek City and County mill levies for permanent economic development funding. SCDC's annual meeting is scheduled for March 8, 2022.
- **Loans** – All 14 loans are timely . . . three will be paid in full soon.
- **½% Sales Tax Grant** – Mrs. Eisenhour announced that she had submitted a grant application for \$12,950.00 for the replacement of computer equipment, Reality U reimbursement, increased staffing, and continuing education.

- **Certified Site** – The site for the new industrial park is now fully certified. Mrs. Eisenhower has been working with City Administrator Brad Pendergast on an application for a Build a Stronger Economy (BASE) grant which would help to provide infrastructure for SCIP North-Lawrence Addition.
- **Housing** – City Administrator Brad Pendergast has been working to create a Rural Housing Incentive District (RHID) which would include the entire city of Scott City. Inquiries have already been made as to the readiness of the plan.
- **Community Visioning** – With the exception of housing, task forces are not active.
- **Workforce** – Reality U was successful again this year. SCDC will bring mini workshops to SCHS in the spring to improve employment skills such as resume writing, interviewing, soft skills, etc.
- **Available Buildings** – Several of the downtown buildings that had been vacant are now showing activity.

Mrs. Eisenhower formally asked, on behalf of SCDC, for distribution of 2022 funding to SCDC.

Motion by Jeff Allen seconded by Adam Winter to fund SCDC for 2022 in the amount of \$40,000 as budgeted, with \$20,000 to be distributed in March and \$20,000 to be distributed in August. Vote – Unam.

SCDC Director Katie Eisenhower inquired if, in the future, formal requests for funding need to be made by Mrs. Eisenhower. City Administrator Brad Pendergast noted that this expenditure is discussed each year at the budget workshop, so the request is merely a formality of distribution. Consensus of the Council was that since the distribution is thoroughly discussed at the budget workshop each year, it will no longer be necessary for the SCDC Director to formally request the funding. City Administrator Brad Pendergast is authorized to approve the request for funding each year.

Mayor Green appointed Paula Vulgamore as a City Representative to the Scott County Development Committee (SCDC) for the term March 2022 to March 2025. Mayor Green noted that City representatives to the SCDC are asked to report activity to the Council. He noted that Mrs. Vulgamore and the other City representative to the SCDC, Josh Gooden, are in frequent contact with each other; therefore, Josh Gooden, who is also a Council member, reports to the Council on her behalf.

Motion by Adam Winter seconded by Armando Tarango to accept the Mayor's appointment of Paula Vulgamore as a City Representative to SCDC for the term of March 2022 to March 2025. Vote – Unam.

Ordinance #1233, an ordinance changing the zoning classification of certain land located within the City, was presented. It was explained that Brian Berry, on behalf of BBH Property Management, had submitted an application requesting a zoning change to the Planning & Zoning Commission at the February 10, 2022 hearing. Mr. Berry had purchased the home at 506 Kingsley Street and had restored it to its original design and intent to become a two-family dwelling. However, he was unaware that the structure was zoned R-1 for single family dwellings. City Administrator Brad Pendergast noted that he has no concerns about the property being allowed to be re-zoned as R-2 for multi-family dwellings because the neighborhood is zoned residential in general, and that the "spot" zoning of the property does not interfere with the feel of the neighborhood. It was noted that BBH Property Management did a very nice job with the remodel of the structure and that the neighbors are pleased with the change. Mr. Pendergast also noted that

it was the recommendation of the Planning & Zoning Commission to allow the zoning change from R-1 to R-2.

Motion by Adam Winter seconded by Barb Wilkinson to approve Ordinance #1233 allowing a zoning change from R-1 Single-Family Residential District to R-2 Two-Family Residential District for the property legally described as North 4 feet of Lot 4 and all of Lot 3, Block 1 in Fairlawn Addition, City of Scott City, Kansas. Vote – Unam.

Included in the packet were *Memo – Re: Minimum Housing Code, Excerpts of Significance from the Tenant Handbook, Healthy Rental Homes—Ordinance #3802 from the City of Osawatomie, and Minimum Housing Code* from the League of Kansas Municipalities (LKM). Mayor Green asked City Administrator Brad Pendergast to explain to the Council why a discussion on minimum housing codes was added to the agenda. Mr. Pendergast indicated that since his arrival in Scott City last June, he has received 7 – 8 phone calls expressing concern for the safety of the homes which the callers occupied. City Administrator Pendergast explained that, currently, the City of Scott City has no venue to assist individuals who are struggling to ensure that their housing is held to minimum standards. Presently, Mr. Pendergast's only recourse is to refer individuals to the *Kansas Tenant Handbook*. Discussion ensued regarding the implementation of a minimum housing code. Topics of conversation included: what would prompt an inspection, what exactly the minimum requirements would be, who/which department would be responsible to respond to complaints of substandard conditions, whether there would be an appeals process, and whether the City has enough staff to conduct said inspections in addition to performing regular duties. Mr. Pendergast indicated that his intent, at this point, is to bring this to the Council's attention so that future discussions will have some direction. Consensus of the Council is that the City is currently not equipped to implement a minimum housing code due to the high number of staff hours required to implement such a plan, but the Council did not rule out expanding the building inspection department as a future option to pursuing the implementation of a minimum housing code. Council member Barb Wilkinson asked Mr. Pendergast to check on cities of comparable size to Scott City to see if they have minimum housing codes, and if so, do they have full-time building inspection staff. Mayor Green asked Mr. Pendergast to go further and research cities that are growing the way that Scott City is. City Administrator Pendergast confirmed that he would be looking at comparable cities that are also growing and would report back to the Council in the future.

There was nothing to report under the open agenda.

Pool Manager Marci Patton was unable to attend. City Clerk Ruth Becker reported on her behalf that the three new guards will be receiving their certification training this upcoming weekend in Hays.

Building Inspector Lloyd Foster was not in attendance.

Police Chief David Post informed the Council that the police department has recently increased their presence on 5th Street and Main Street and have performed several traffic stops for speeding and running red lights.

The Scott City Police Department assisted the Garden City Police Department in the arrest of a homicide suspect in Scott City on February 13, 2022.

A vehicle was reported as stolen in the 800 block of Elizabeth Street.

On “job shadow” day, the police department hosted 3 high school juniors. The police department and their students teamed up with City/County Attorney Rebecca Faurot and her 3 juniors, with each entity taking turns hosting all 6 students for an hour each during the day. They received good feedback.

Police Chief David Post informed the Council that his officers had assisted with the Girls’ Wrestling State Send-Off and were planning to do the same for the Boys’ Wrestling State Send-Off.

Police Chief Post reported on department training: Officer Jared O’Dea will spend four days in Hutchinson receiving firearms instructor training, Officer Luke Hayes will soon be attending five weeks of dog handler training in Topeka, and Officer Bailey White will be graduating from the Kansas Law Enforcement Training Center (KLETC) on April 8, 2022.

Parks Superintendent Terence Appel reported that work has begun at the pool. The concession stand is being moved to the north in the middle of the building to allow room to house the pool’s new filtration system on the south end of the building.

Street, Water, & Sewer Superintendent Terence Appel reported that EBH Engineer Darin Neufeld plans to attend the next regular Council meeting on March 7, 2022 to discuss a City Connecting Link Improvement Program (CCLIP) application for repairs to K96 and US83. If approved, the City’s cost share of a \$1 million award would be \$50,000.00.

Mr. Appel indicated that his crew has been assisting Pate Construction with water line locates on the east end of town. They will continue with location of water lines when the weather warms up again. He indicated that they are recording the location of each water line as it is located.

Street, Water, & Sewer Superintendent Terence Appel asked for guidance from the Council at what rate to hire seasonal help in the public works department. He reminded the Council that all lifeguards’ hourly rates were increased by \$3.00 per hour. Mr. Appel requested that starting pay for seasonal workers in the public works departments be \$15.00 per hour.

Motion by Armando Tarango seconded by Jeff Allen to authorize Street, Water, Sewer, & Parks Superintendent Terence Appel to hire seasonal employees at a starting rate of \$15.00 per hour. Vote – Unam.

City Clerk Ruth Becker had nothing to report.

City Administrator Brad Pendergast had nothing additional to report.

City Attorney Rebecca Faurot informed the Council of a Restasis Class Action Settlement for the City of Scott City. City Attorney Faurot noted that City Clerk Ruth Becker had asked Blue Cross & Blue Shield representatives to check for any claims filed for Restasis by Scott City employees between May 1, 2015 and July 31, 2017. Mrs. Faurot requested permission to file a claim form for a settlement if any claims had been made during this date range.

Motion by Craig Richards seconded by Barb Wilkinson to authorize City Attorney Rebecca Faurot to file a claim form for a settlement in the Restasis Class Action Settlement if the opportunity arises. Vote – Unam.

The financial & investment reports were presented.

Mayor Green had nothing to report.

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 9:06 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk