

March 21, 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 from 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, Josh Gooden, 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 March 7, 2022 regular council meeting were presented.

Motion by Barb Wilkinson seconded by Armando Tarango to approve the minutes of the March 7, 2022 regular council meeting. Vote – 5-yes, 1-abstain, Josh Gooden.

Appropriation Ordinance #990B was presented.

Motion by Adam Winter seconded by Armando Tarango to approve Appropriation Ordinance #990B. Vote – Unam.

Provided in the packet was *Annual Insurance Renewal Proposal-Package Policy Effective 4/1/2022-4/1/2023* provided by The Rodenbeek & Green Agency. Everett Green temporarily recused himself as Mayor and took the podium as the insurance representative to the City of Scott City to present the City's insurance package.

Mr. Green began by noting that the overall premium has increased by approximately 4.8% from the 2021 renewal, but that the blanket property coverage has also increased by approximately \$2.88 million to a total of \$13.31 million.

The Council was reminded that the City's EMC insurance policy is part of a *Municipality Safety Group in Kansas* which provides insurance to several Kansas cities. The group receives dividends back when the group's overall claim history is favorable. The City has received dividend checks back for the last several years (since 2011), totaling over \$158,000. The dividend check for the 2020/2021 plan year was \$21,956.

Mr. Green indicated that the CHUBB liability insurance policy for airport liability has a slightly different effective date of 4/15/22-4/15/23 and mentioned that it alone would not cover the airport, but that A+ Aviation, the airport's Fixed Based Operator (FBO), is also required to maintain operations and hangar liability insurance. Individuals who lease hangar space also hold their own insurance policies.

Mr. Green informed the Council that all fire equipment and inventory had been removed from coverage. Council member Craig Richards asked how much the removal of the fire department from the City's insurance had reduced the City's premium. Mr. Green indicated that the reduction was approximately \$4,000. He also noted that he had verified that Scott County had assumed responsibility to provide insurance coverage for all fire department inventory since the January 1, 2022, transfer of all fire department inventory to Scott County.

Everett Green also stated that he had been in contact with Don Osenbaugh who was able to provide a quote from Kansas Municipal Insurance Trust (KMIT) for Workers' Compensation insurance. The quote of \$16,130 has been prorated for a term of April 1, 2022 – December 31, 2022, which indicates that the terms will renew on an annual basis at a different time frame than all other City insurance. Council members asked insurance agent Everett Green if he would recommend splitting out the City's insurance coverage. He recommended continuing with EMC for all the City's property & liability insurance.

Council President Josh Gooden asked the Council for any further discussion on the City's insurance renewal with Rodenbeek & Green Agency for the coming year. No further discussion was had.

Motion by Armando Tarango seconded by Jeff Allen to accept Rodenbeek & Green Agency's 4/1/2022-4/1/2023 insurance renewal from EMC in the amount of \$155,476.00 which covers the City's property, liability, and workers' compensation. Vote – Unam.

Motion by Jeff Allen seconded by Craig Richards to accept Rodenbeek & Green's recommendation for the CHUBB policy for airport liability and hangarkeeper's liability insurance to cover Scott City Municipal Airport in the amount of \$3,120, effective 4/15/22-4/15/23. Vote – Unam.

Everett Green resumed his role as Mayor.

Provided in the packet was a letter and proposal from Municom, LLC dated November 17, 2014, to assist the City in meeting its continuing disclosure obligations with respect to the City's tax-exempt debt obligations currently outstanding. Also included in the packet was an offer to extend the initial agreement. The term of the agreement shall be from the date of acceptance of the extension offer until December 31, 2025. Municom, LLC's annual fee for providing the aforementioned services, including required filings for all of the City's currently outstanding issues, shall not exceed \$1,200.

Motion by Josh Gooden seconded by Jeff Allen to approve the extension of Municom, LLC's services to ensure continuing disclosure obligations with respect to the City's tax-exempt debt obligations currently outstanding, in the amount of \$1,200 per year for reporting years 2021 through 2025. Vote – Unam.

Provided to the Council was a drawing of the proposed apron and taxiway requested to be built by Ag Solutions. Ag Solutions representative Ben McNary was present to offer information and answer questions regarding the proposed apron and City-owned taxiway. EBH engineer Darin Neufeld was also present by Zoom to assist the Council. City Administrator Brad Pendergast began the discussion by explaining that the Airport Commission had met on March 18, 2022, and had approved the plan and recommends to the Council to move forward with the project. Mr. Pendergast noted that he would like to offer Ag Solutions a site lease agreement using the Frontier *Ag Hangar and Hangar Site Lease Agreement* as a template, since their operations would be similar. He also mentioned that when Frontier Ag constructed their taxiway at a cost of \$104,000, the City contributed approximately \$57,000 toward the project because the taxiway qualified as a "common use" taxiway which could be used by not only Frontier Ag, but also other pilots using Scott City Municipal Airport. Mr. Pendergast indicated that he would work with City Attorney Rebecca Faurot in drawing up an agreement between the City and Ag Solutions.

Motion by Jeff Allen seconded by Adam Winter to authorize City Administrator Brad Pendergast and City Attorney Rebecca Faurot to move forward with the creation of an agreement between the

City and Ag Solutions, and to authorize EBH engineer Darin Neufeld to contact Building Solutions to obtain a quote for the construction of an apron and taxiway at Scott City Municipal Airport. Vote – Unam.

Included in the packet was *Sewer Rate Adjustment Policy* authored by City Administrator Brad Pendergast. Mr. Pendergast informed the Council that the City's sewer rates will be "refreshed" based on water usage during the months of December-February effective with the billing due April 15. He indicated that he was informed by Utility Billing Clerk Cathy Graff that there are several individuals who had severe water leaks during that time frame and that their utility bills would likely be very high for the next year as a result. Therefore, Mr. Pendergast created this policy to adjust the sewer rates for individuals who have demonstrated that their water leaks have been fixed if they meet a certain water usage threshold. He noted that if the Council were to approve the policy, he would also create a corresponding form with which customers could apply for a reduction in their sewer rate. He noted that this policy would be a "complaint-based" policy, explaining that it would be the customer's responsibility to initiate a review of a customer's sewer rate.

Motion by Adam Winter seconded by Barb Wilkinson to approve the *Sewer Rate Adjustment Policy* as presented and to authorize City Administrator Brad Pendergast to create a form for customer-initiated reviews of sewer rates. Vote – Unam.

Scott City Housing Authority (SCHA) Project Manager Ardith Scammehorn was present to update the Council on Pine Village Apartments. Mrs. Scammehorn mentioned that she did not have much new to report since her last visit but wanted to inform the Council that the conversion of a regular unit into an accessible unit, as discussed at her last visit, had to be put on hold because she has been unable to contract with a plumber who has time to fit the project into his/her schedule. However, that apartment will not remain vacant. The individual who was planning to move into the finished accessible apartment has decided not to relocate. Another individual will soon be moving into the apartment as it is currently. Once that occurs, Pine Village will have zero vacancies.

Mrs. Scammehorn noted that she is working on her annual report to the USDA and that she is close to submitting the report.

The last item that she wished to bring to the Council's attention was the need to purchase a new lawn mower, likely before the start of summer. She indicated that she had already reached out to a vendor to procure said mower. Mayor Green explained to Mrs. Scammehorn that since the SCHA is part of the City of Scott City, she would have to follow the same bidding procedures as all other City departments if the cost of the mower is expected to exceed \$5,000. She was instructed to contact City Clerk Ruth Becker for assistance with the process, if needed.

Mayor Green thanked Mrs. Scammehorn for her report.

Mayor Green welcomed David Frisch, GMS Inc. Engineer and Mark Hornberger, GMS Inc. Resident Project Representative. Mr. Frisch began his update by introducing his wife Becky who had accompanied him from Colorado Springs to visit Scott City. Mayor Green and Council members welcomed Mrs. Frisch. David Frisch then proceeded to update the Council on the following projects:

- 8th Street Extension & Crescent Avenue – Mr. Frisch linked these two projects together during his discussion because he believes that GMS, Inc. may be able to facilitate a

coordination of the two projects with the contractor selected to construct these two areas. He feels that the Crescent Avenue project is ready to move forward, followed by the 8th Street extension. Mr. Frisch mentioned that all specs had been provided to Street, Water, & Sewer Superintendent Terence Appel.

- K96 Water Line Replacement – Mr. Frisch asked Mr. Hornberger to update the Council on this project. Mr. Hornberger reported that all main line work is expected to be completed by the end of the month, and that work will continue to tie-in water lines to the main line at Russell, Jackson, Kingsley, and Elizabeth Streets this week. Most of the work will be directed to the south of the highway, but they will also work to the north on Jackson Street. Mr. Frisch further reported that he had been contacted by KDOT regarding their upcoming re-surfacing project which was supposed to follow closely in time behind the completion of the water line replacement project. He indicated that KDOT is now unsure of the start date of their share of the project, but that they are looking at possibly holding off until sometime in the fall. This is causing frustration due to the amount, and cost of, asphalt that KDOT is requiring Pate Construction to use to cover the water lines. Mr. Frisch indicated that KDOT will likely give some concession, reducing required depth from 8” to 6”, and that cost savings are still likely, but not as substantial as earlier anticipated.
- SCIP North – BASE (Building a Stronger Economy) grant awards, to be used for infrastructure, are expected to be announced as early as March 25.

Mayor Green thanked Mr. Frisch and Mr. Hornberger for their updates.

There was nothing to report under the open agenda.

Building Inspector Lloyd Foster was not in attendance. City Administrator Brad Pendergast reported that an application for a variance had recently been filed and that Mr. Foster had obtained *Homeowners' Guide*, a brochure from Hays which helps citizens with basic code compliance questions. Mr. Pendergast and Mr. Foster will work together to create a similar piece of media specific to Scott City for publication on the City's website and distribution at the time permits are obtained.

Police Chief David Post informed the Council that the new Silverado pickup is in Holcomb being outfitted for police use. Sergeant Poore is looking forward to having the truck available.

The Council was notified that Police Chief Post and Sergeant Schmitt conducted some testing and interviewing of police applicants and that they will reschedule an interview for a currently employed applicant who was called away on business.

Police Chief Post was excited to announce that Dulce Ayala has been awarded a summer internship with the Scott City Police Department. Ms. Ayala will graduate next fall with a master's in criminal justice and a minor in leadership studies.

Police Chief Post announced that some officers would be participating with the 4H Shooting Club in a Food Shoot to help provide food for the food pantry at the Ministerial Alliance's Hope's Closet.

Special recognition for Dispatcher/Administrative Assistant Jessica Eckert was mentioned. She has been willing to flip her schedule “on a dime” to assist another dispatcher who is dealing with some family issues. Her willingness to step in has been very much appreciated. The police department also used part-time dispatcher Amber Poore to fill in during the dispatcher shortage. Officer absences continue to be ongoing with officers being away for training. Officer Bailey

White and Officer Luke Hayes have another 3 weeks of training remaining before returning to the police force full-time.

Parks Superintendent Terence Appel informed the Council that the City crew had begun spraying pre-emergent and will continue through the week. He also mentioned that the plumbing for the Patton Park Restroom Project has been temporarily put on hold due to the weather.

Street, Water, & Sewer Superintendent Terence Appel announced that Spring Clean-Up Week will be May 2-6, 2022. Mr. Appel indicated that he is having trouble finding enough dumpsters from Northend Disposal but is hopeful that they will be able to obtain the number needed from Lee Construction. He and City Clerk Ruth Becker will check for pricing and availability of at least seven dumpsters. Any dumpsters procured from Northend Disposal will be held at the City Shop because Northend Disposal cannot guarantee a timely pickup of the dumpsters due to being short-staffed.

City Clerk Ruth Becker had nothing to report.

City Administrator Brad Pendergast provided *Official Statement Regarding Property Value Increases* for Council members to review. This document was written for public distribution to help alleviate panic that many community members are experiencing after receiving their latest property tax information statements. The intent is to post the contents of the statement on the City's website and facebook page and publish it in the Scott County Record. During Mr. Pendergast's explanation of the statement, he also provided *Tax Effect of Property Values 2022 – City of Scott City, KS*. The list of tables demonstrates that with the increased assessed valuation of property within the City, it is estimated that there would be approximately an 18% change in the value of a mill, and that if the City were to levy the exact amount of tax dollars in 2023 as were levied in 2022, there would be an estimated drop of 11.5 mills needing to be levied. Mr. Pendergast explained that based on the housing market, valuations have been low. The appraiser's office is simply trying to bring the valuations up to where they should be. The hope is that, with appropriate property valuations, there will be a slower, but steady, increase in property values moving forward. Council members asked how a property can receive a higher valuation even when no improvements have been made to the property. City Administrator Brad Pendergast explained that valuations are often based on market comparables, and if a taxpayer does not believe that his/her property valuation is appropriate, an appeal can be made to the Scott County Appraiser's office.

City Attorney Rebecca Faurot informed the Council that the City had received another notice of a class action lawsuit – the most recent involving generic Zetia. Mrs. Faurot asked for the Council's guidance on whether to move forward with participation in the lawsuit.

Motion by Josh Gooden seconded by Barb Wilkinson to authorize City Attorney Rebecca Faurot to opt in to the generic Zetia class action lawsuit on behalf of the City of Scott City. Vote – Unam.

City Attorney Rebecca Faurot informed the Council that the agreement for Indigent Defense between the City of Scott City and Lori Jensen will expire on April 15, 2022, but that Ms. Jensen has indicated to Mrs. Faurot that she does not wish to enter into another agreement for the services. Mrs. Faurot stated that the typical rate that has been paid for these services is \$300 per case, but the City may have to consider increasing the fee due to a lack of interest. Mrs. Faurot requested permission to put the information out for consideration to see if anyone responds. Consensus of

the Council was to have City Attorney Rebecca Faurot search for potential attorneys to provide indigent defense services for the City of Scott City.

Motion by Josh Gooden seconded by Jeff Allen that the City Council 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 City Clerk with the open meeting resuming in the Council Room at 8:47 p.m. Vote – Unam.

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

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 8:57 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk