

May 2, 2022

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

Steve Payne, Associate Minister at the First Christian 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, 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 April 18, 2022, regular council meeting were presented.

Motion by Barb Wilkinson seconded by Josh Gooden to approve the minutes of the April 18, 2022, regular council meeting. Vote – Unam.

Appropriation Ordinance #992A was presented.

Motion by Craig Richards seconded by Adam Winter to approve Appropriation Ordinance #992A. Vote – Unam.

Beefiesta BBQ Feed – Thursday, July 14, 2022 @ 6:00 p.m. information and request for sponsorship was provided in the packet.

Motion by Josh Gooden seconded by Armando Tarango to provide a \$150.00 donation to the Beefiesta Committee for the 47th Annual Beefiesta planned for July 14, 2022. Vote – Unam.

Mayor Green announced that the next item on the agenda is a discussion regarding Scott City Municipal Airport's Fixed Base Operator (FBO), A+ Aviation Services (A+ Aviation).

Motion by Josh Gooden seconded by Adam Winter that the City Council recess into executive session to consult with the City Attorney regarding legal advice pursuant to the attorney-client privilege exception, K.S.A. 75-4319(b)(2) retaining the Mayor, City Council, City Administrator, City Attorney, and City Clerk with the open meeting resuming in the Council room at 7:48 p.m. Vote – Unam.

The Council came out of executive session.

Mayor Green called the meeting back to order.

Mayor Green mentioned to all present that the Airport Commission members had recently unanimously voted to recommend to the City Council that the FBO agreement between the City of Scott City and A+ Aviation be terminated. He then invited individuals to speak to the Council regarding their experiences with A+ Aviation.

City Resident and former A+ Aviation employee Alan Yeager spoke briefly in favor of A+ Aviation employee and Airport Assistant Manager/Mechanic Al Sibi and his wife, Office Manager Natalee Sibi. Mr. Yeager indicated that Mr. Sibi taught him while he was employed at the airport and that it seemed as if the Sibis did everything "by the book." He recommended to the Council, that if the FBO agreement were to be terminated, that the Council consider keeping the Sibis on staff at the airport.

Brian Vulgamore also spoke in support of retaining the FBO agreement with A+ Aviation. Mr. Vulgamore thanked the Airport Commission for their work leading to their decision to recommend termination of the agreement and stated that he knows that everyone involved in this decision has the best intentions for the City of Scott City and the Scott City Municipal Airport. He noted that, although he had heard negative comments about A+ Aviation, he personally had not had any negative experiences. He extended his support to the FBO's current and former employees, including John Holzmeister, Al Sibi, Natalee Sibi, and Ben McNary, stating that they had a difficult job with staff turnover, and needing to bring in new mechanics and management. He also mentioned that a common topic of negativity regarded the community hangar. Mr. Vulgamore indicated that it is difficult to balance the positive effect of having a full community hangar space with having enough space and time to perform maintenance. He noted that A+ Aviation has a 5 ½ year positive track record with any negativity occurring only recently, so he would recommend giving them a little more time to prove themselves again.

A+ Aviation/Airport Manager John Holzmeister addressed the Council by stating that they have served Scott City Municipal Airport for nearly six years, and that they have put their "heart and soul" into the role of FBO for the City of Scott City. He explained that it has been difficult to maintain quality mechanics at the airport, and he felt that it was by the "grace of God" that they were able to find not only Al Sibi, but another mechanic who is slated to be in Scott City by the end of May. Mr. Holzmeister simply asked for the chance to demonstrate what the FBO can do once they are fully staffed. He mentioned that many of the complaints at the airport stem from their attempts at positive change, to provide additional security to the airport in the form of cameras and bars on windows. Mr. Holzmeister indicated that, with the amount of quality tools and equipment on-site, extra measures needed to be taken to protect these types of assets. Users of the airport seemed resistant to these changes, although no one was personally affected by these changes. Mr. Holzmeister's final request was for a little more time to prove themselves, especially now that additional help is on the way.

Mayor Everett Green asked for further comment. No one else spoke on the matter.

Mayor Everett Green invited Airport Commission Chairman Andy Hineman to address the Council. Mayor Green expressed his appreciation of Mr. Hineman and the Airport Commission for their due diligence in addressing the current situation. Mr. Hineman reiterated that everyone in attendance at the meeting undoubtedly has the best interest of the airport in mind during these discussions and he expressed appreciation for A+ Aviation's commitment to not only their role as FBO but to the City of Scott City. Airport Commission Chairman Hineman informed the Council that the commission had met several times over the past few months to discuss what was being presented to them as shortcomings of the services that have been provided by the FBO. At a meeting more than 30 days ago, on March 23, 2022, a letter was presented to FBO manager John Holzmeister outlining areas of the FBO agreement that were found to be lacking. Mr. Hineman indicated that the Airport Commission feels that A+ Aviation's image has recently not been popular with pilots who have indicated that they wish to leave the community so that they can find services that are not being adequately provided by the current FBO. For this reason, the Airport Commission unanimously voted to recommend to the City Council to terminate the FBO agreement between the City of Scott City and A+ Aviation. Mr. Hineman informed the Council that 5 of the 6 commission members were present for the vote, and noted that before the vote, commission members solicited feedback from pilots and others who use the airport, finding that there was more negative feedback than positive. Mr. Hineman closed his remarks by stating that

local pilot, Bryan Kough, who was not in attendance, had asked him to relay that he wanted to express his support for A+ Aviation.

Mayor Everett Green addressed the Council and others in attendance to state that it is the role of the Airport Commission to advise the Council on all matters concerning the airport up to and including million-dollar improvement projects. He stated that he encouraged the Council to consider the Airport Commission's recommendation carefully. Mayor Green then provided the following options that the Council could take regarding the Airport Commission's recommendation:

- Vote to terminate the FBO agreement pursuant to the terms of the agreement
- Vote to conduct a "fact-finding mission" to further investigate claims being asserted
- Vote to extend the current 30-day probation period already in place
- Enlist the assistance of legal counsel before proceeding

Motion by Josh Gooden seconded by Jeff Allen that the City Council recess into executive session to consult with the City Attorney regarding legal advice pursuant to the attorney-client privilege exception, K.S.A. 75-4319(b)(2) retaining the Mayor, City Council, City Administrator, City Attorney, City Clerk, and Airport Commission members Andy Hineman, Randal Loder, Kyle Spencer, and Pat Ryan, with the open meeting resuming in the Council room at 8:30 p.m. Vote – Unam.

The Council came out of executive session.

Mayor Green called the meeting back to order.

Motion by Armando Tarango seconded by Josh Gooden to terminate the Fixed Base Operator (FBO) Agreement between the City of Scott City and A+ Aviation Services without cause giving 90 days as allowed by the terms of the agreement. Vote – Unam.

Mayor Green suggested to the Council that they authorize City Administrator Brad Pendergast to work with A+ Aviation during the transitional period to the end of the 90 days to alleviate any technical issues that might arise. Consensus of the Council was to authorize City Administrator Brad Pendergast to work with A+ Aviation throughout this period of transition.

City Administrator Brad Pendergast informed the Council that he had received a quote from Building Solutions through EBH Engineer Darin Neufeld for the Ag Solutions portion of the Construct Taxiway project. The total cost of the project is \$49,707.50. Mr. Pendergast encouraged the Council to extend the same cost share option that was extended to Frontier Ag in the past when their taxiway was constructed in which the City paid 55% of the cost, while Frontier Ag paid 45%. For the Ag Solutions taxiway, the City's cost share amount would total \$27,339.13 while Ag Solution's cost share amount would total \$23,368.37. Ben McNary with Ag Solutions confirmed that they were ready to contribute their 45% toward the project. A preconstruction meeting for the project is scheduled for 10:30 a.m. on May 5, 2022. If approved by Council, construction is expected to begin in 2 weeks or less.

Motion by Jeff Allen seconded by Adam Winter to enter into a cost-share agreement with Ag Solutions for the construction of a taxiway for the Ag Solutions portion of the Construct Taxiway project, with the City's portion not to exceed \$27,339.13 and the remaining \$22,368.37 to be paid by Ag Solutions. Vote – Unam.

Mayor Everett Green requested that City Administrator Brad Pendergast begin working with the Airport Commission to create a Request for Proposal (RFP) to begin the search for a new Scott City Municipal Airport FBO.

Motion by Adam Winter seconded by Armando Tarango to authorize City Administrator Brad Pendergast to work with the Airport Commission on the creation of a Request for Proposal in the City's search for the next Fixed Base Operator. Vote – Unam.

Included in the packet was *Property Detail Information* for a property on north Russell Street. City Administrator Brad Pendergast informed the Council that city residents Tim & Cathy Graff had expressed interest in purchasing the property located at Lot 7, Block 6 in the I.L. Eastman's addition. He noted that the Graff's had offered \$2,000 for the lot, which is adjacent to a lot that they had purchased in 2017. Mayor Everett Green stated that because the offer of \$2,000 was significantly lower than the 2022 appraised value of \$10,500 and that one of the individuals wishing to purchase the lot is a current City employee, he felt it important that the property be advertised for sale since accepting the offer outright without public notification would likely not be well-perceived by the public. Street, Water, & Sewer Superintendent Terence Appel was asked if he knew of any reason that the City should retain ownership of the lot in question. Mr. Appel's response was that it is too small to use for City business and that there is a nearly identical lot just to the east of this lot that the City could advertise for sale as well.

Motion by Josh Gooden seconded by Barb Wilkinson to advertise for sealed bids for two City lots located at Lots 7 & 8, Block 6 in the I.L. Eastman's addition to the City, to be bid together or separately, due to City Hall by 5:00 p.m. on May 16, 2022, stating that the City reserves the right to refuse any or all bids. Vote – 6-yes, 1-abstain, Jeff Allen.

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

- **K-96 Water Improvement Project** – Paving of the trenches still needs to be complete. Options for paving include using cold patch, 4" concrete, or 6" hot mix asphalt. Because it had been expected that KDOT would be following along closely behind with their K-96 portion of the project, the paving portion was not included in the project as awarded to Pate Construction (Pate), who completed the rest of the project. It was noted that GMS received 2 bids for 6" asphalt and, at the recommendation of the Mayor and City staff, the project was awarded to Pate, who can supply and lay the asphalt; a two-year warranty that would be applicable would likely be more than enough time for KDOT to finish their portion of the project.
- **Water Improvement Project** – DWA Structural Engineers from Wichita still have not been able to provide a timeline for completion of the drawings for the foundation of the water storage tank. When the time comes to bid out the water tower portion of the project, there will be two alternatives on which to bid.
- **Water Well** – Division of Water Resources (DWR) previously was unable to locate a permit for the existing well. However, on April 18, 2022, DWR gave approval for the change in point of diversion that had been submitted earlier, which means that the well can be re-drilled in a new location with DWR's approval. Even though this task can happen at any time, Mr. Frisch indicated that they have put a "hold" on this for now so that this can be bid out as part of the whole project. The change of use from an agricultural well to a municipal well has not yet been approved. This process can take up to one year, but because the process was started last August, Mr. Frisch is hopeful that this can happen soon.

- **Crescent Avenue** – Mr. Frisch indicated that previously approved drawings had to be revised, and that City staff has approved the revisions. He recommended that a curb and gutter contractor be hired to do the curb and gutter work because the area is extremely flat, and they will need to be able to tie into existing curb & gutter and flatwork on the east end. GMS would like to bid out this project in connection with the 8th Street project.
- **8th Street Extension Project** – KDOT has recently approved the final drawings with no revisions, so GMS will begin work to finalize the preparation of the bid form and the project specifications. Both the Crescent Avenue project and the 8th Street Extension project will go out for bid as soon as the bid preparation is complete. Mr. Frisch believes that by this time next month, drawings will be made available to contractors to get 8th Street done. Utilities will need to be in place before the curb & gutter is constructed, which may slow the Crescent Avenue project slightly.
- **Drainage Study** – The aerial mapping is still slated for the fall, but surveying could begin as early as next week.

Mayor Green thanked Mr. Frisch for his report.

Under the open agenda, Council member Jeff Allen reminded all in attendance of the Shriners' Parade to be held on Saturday, May 7, 2022 at 1:30 p.m.

Pool Manager Marci Patton was not in attendance.

Building Inspector Lloyd Foster was not in attendance.

Police Chief David Post reported that expenses for Officer Luke Hayes to attend K-9 Handler training had been reimbursed using donated police funds held at the Scott Community Foundation. The reimbursement totaled approximately \$3,100.

Police Chief Post informed the Council that the Law Enforcement Center had provided tours for the high school civics class.

The Council was briefed on a recent threat case at the high school that required extensive investigation. At the request of school administration, an officer was stationed at the school the previous Wednesday and Thursday. Police Chief Post was asked if it was still the plan to have a full-time School Resource Officer (SRO), to which he replied that the salary for a 9th officer has been budget for 2023, and that officer would be at the school full time when that hire takes place.

The Police Department will participate in Safe Kids' Day to be held at the Scott Recreation Commission (SRC) building and Palmer Park on Saturday, May 7, 2022, and will provide traffic control for the Shriners' parade later that afternoon.

Police Chief Post notified the Council that the officers would be holding a 6-hour, in-house, taser training on May 10, which will be taught by Sergeant Jay Poore.

Parks Superintendent Terence Appel updated the Council on the progress at the pool. He indicated that they are working hard to make sure the pool is ready by opening day by putting the finishing touches on the new pool filter project.

Mr. Appel noted that progress is still being made on the Patton Park Restrooms and the hope is that construction will be complete before the May 19, 2022, dedication. The event, known as the Patton Park Restroom Open "OutHouse", will be held from 5:00 to 7:00 p.m. Free-will donations will be accepted. Baby changing stations, stall partitions, and toilet paper holders will be installed

in the upcoming week. The focus for the immediate future is on the front two bathrooms; back bathrooms will be opened for larger events only.

Street, Water, & Sewer Superintendent Terence Appel commented that the City crew just completed their first day of Spring Clean Up Week. He also noted that the company hired by Pate Construction to complete the asphalt work on K-96, McCormick Excavation & Paving out of Stratton, Colorado, should be ready to begin work on Wednesday of this week. The quote for the work to be done was provided to the Council. The cost for 6" of asphalt along K-96, along with removal of the current trench material and other project costs, totals \$194,664.80. Mayor Green informed the Council that during the discussion about the best option to proceed with the paving of K-96, Mr. Appel and his crew expressed a willingness to maintain cold-patch fixes until KDOT can complete their portion of the project. Mayor Green expressed his appreciation for Mr. Appel and his crew for always being willing to step up to help when needed. Mr. Appel was asked about salvaging the crushed concrete that would be removed from the trenches; he indicated that the crushed concrete will be returned to the landfill.

City Clerk Ruth Becker extended an invitation to the *National Day of Prayer Scott City Event*, details of which were included in the packet. The event will be held at 12:00 noon on Thursday, May 5, 2022 in the sanctuary at First Baptist Church, 803 S. College Street.

City Administrator Brad Pendergast reviewed the *2023 Budget Preparation Timeline* which was presented in the packet. Mr. Pendergast recommended that the budget workshop with the Council and department heads be held on Wednesday, June 15, 2022, at 6:00 p.m. so that he can have an updated CPI figure for COLA before the workshop. This will also allow time to input changes into the computer program before the 2nd Council meeting in June or 1st meeting in July.

Mr. Pendergast spoke about the K-96 paving project with McCormick Excavation & Paving indicating that the quote of \$194,664.80 was significantly lower than a previously proposed quote.

Included in the packet was *Kansas Department of Transportation Application for Highway Access* as submitted to the City for approval by Donny Huber on behalf of HG Land, LLC. The application requests the relocation of an existing exit onto US-83 at 1211 Main Street (former Dairy Queen) for the construction of a Scooter's Coffee shop. A brief discussion was held.

Motion by Barb Wilkinson seconded by Jeff Allen to authorize City Administrator Brad Pendergast to sign in support of the *Kansas Department of Transportation Application for Highway Access* as submitted for drive-thru access at Scooter's Coffee. Vote – Unam.

Mr. Pendergast informed the Council that auditors from Dirks, Anthony, and Duncan will be in City Hall the following week, May 9-May 13, to perform the City's annual audit. He also noted that he and City Clerk Ruth Becker would join auditors Mathew Medill and Rachael Thooft at a budget training presented by the Department of Administration in Garden City on May 10.

City Attorney Rebecca Faurot presented *Indigent Defense Agreement*, an agreement between the City of Scott City, Kansas, and Kenneth W. Estes, to retain an attorney licensed in the State of Kansas to represent indigent defendants who qualify for court-appointed attorneys in the Municipal Court of the City, which was included in the packet. Mrs. Faurot explained that the attorney that had been providing services decided not to renew her contract and noted that Mr. Estes was the only attorney to express interest in providing indigent defense for the Scott City Municipal Court.

Motion by Adam Winter seconded by Jeff Allen to approve *Indigent Defense Agreement* between the City of Scott City, Kansas, and Kenneth W. Estes, for the term beginning May 1, 2022, and ending April 15, 2023. Vote – Unam.

City Attorney Faurot had nothing else to report.

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 9:33 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk