

June 6, 2022

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

Present were Council President Josh Gooden, Council members Jeff Allen, Kelly Funk, Bo Parkinson, Barb Wilkinson, Adam Winter, City Administrator Brad Pendergast, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the May 16, 2022 regular council meeting were presented.

Motion by Barb Wilkinson seconded by Jeff Allen to approve the minutes of the May 16, 2022 regular council meeting. Vote – Unam.

The minutes of the May 20, 2022 special council meeting were presented.

Motion by Adam Winter seconded by Jeff Allen to approve the minutes of the May 20, 2022 special council meeting. Vote – Unam.

Appropriation Ordinance #993A was presented.

Motion by Adam Winter seconded by Barb Wilkinson to approve Appropriation Ordinance #993A. Vote – Unam.

Provided in the packet was *Ordinance #1236*, an ordinance authorizing the operation of golf carts on the streets within the corporate limits of the City of Scott City. City Administrator Brad Pendergast indicated that he had made changes to the draft presented at the last meeting based on the Council's and Police Chief's input. He noted that the ordinance is now virtually identical to the recently passed ordinance allowing the use of UTV's on city streets. The main exception is that golf carts will be required to display a "Slow-Moving Vehicle" emblem on the rear of the vehicle.

Motion by Adam Winter seconded by Jeff Allen to authorize the Mayor's signature upon his return on *Ordinance #1236*, an ordinance authorizing the operation of golf carts on the streets within the corporate limits of the City of Scott City, as presented. Vote – Unam.

Included in the packet was *Ordinance #1237*, and ordinance establishing a VIN Fund for the City of Scott City, Kansas. At the Council meeting on June 7, 2021, the Council heard a request from Police Chief David Post requesting to create a VIN (Vehicle Inspection Number) Fund as allowable by state statute K.S.A. 8-116a. At that time, the Council agreed to create a fund which would be used to receipt and expense monies for VIN inspections, but also to allow the receipt and expenditure of monies for urinalysis (UA) tests. It was determined during the City's recent financial audit that the fund needed to have been created by ordinance, and therefore the City's auditing firm, Dirks, Anthony & Duncan, requires that an ordinance be passed to rectify the oversight. Discussion about the fund included: the amount of money in the fund, what monies get receipted into the fund and what types of items are expensed out of the fund, and could any

other similar expenditures, such as UTV revenues and expenses, be added to the fund. Consensus of the Council was to direct City Administrator Brad Pendergast to research the amounts both spent from the Police Department and receipted into the General Fund for similar-type transactions and to report back at a future Council meeting.

Motion by Adam Winter seconded by Barb Wilkinson to authorize the Mayor's signature upon his return on *Ordinance #1237*, and ordinance establishing a VIN fund for the City of Scott City, Kansas, as presented. Vote – Unam.

Council President Josh Gooden introduced Mathew Medill, auditor with Dirks, Anthony & Duncan, who performed the City of Scott City's 2021 annual audit. A copy of *The City of Scott City, Kansas Financial Statement For the Year Ended December 31, 2021* was included in the packet.

Mr. Medill informed the Council that the letter included in the financial statement entitled *Independent Auditor's Report* summarized that there was a budget violation in the General Fund in the amount of \$143,995. The reason for the violation was that due to unforeseen capital outlay expenditures reducing the cash balance in the Water Fund, it was unable to pay the portion of the debt payoff as budgeted. Mr. Medill pointed out that he and his firm suggest that in any future years that debt is being paid off early, that the budget should build in a higher cushion in the funds bearing the cost of the payoff.

Mr. Medill took a moment to address the newly passed ordinance regarding the VIN Fund. He informed the Council that the creation of this fund does not allow a transfer out of the fund, meaning that if the fund were ever to be terminated, the funds would need to be spent to zero and then the fund be discontinued through the adoption of a resolution.

In briefly reviewing the financial statement, Mr. Medill pointed out the following areas of interest:

- Mr. Medill indicated that the City of Scott City is responsible for the preparation and fair presentation of the financial statement and that each January the City adopts a resolution setting out finding and determination of the governing body requesting a waiver of the generally accepted accounting principles. He also indicated that it is the responsibility of the auditing firm to express an opinion on the financial statement based on their audit.
- The financial statement confirms \$652,464 in outstanding encumbrances.
- The City (Municipal Court) holds \$39,689 in agency funds—monies that do not belong to the City but are held by the City to pay back court bonds.
- The City transacted three budgeted transfers as allowed by state statute.
- In the “Long-Term Debt” section, Mr. Medill noted that although the KDHE Public Water Supply Loan (KPWSLF) was issued in the amount of \$6,100,000, there were no expenses or receipts that occurred in 2021, so there was no balance in 2021. Expenses and drawdown requests have occurred only since the beginning of 2022. Upon completion of the water system improvement project, KDHE will recalculate a final amortization schedule based on the amassed disbursements to the City less any principal already paid.
- Two capital improvement projects are currently underway – the Airport Taxiway project and the Water System Improvements project.
- Mr. Medill reminded the Council that each year the audit addresses “related parties.” The audit mentions that the City purchases its insurance from the Rodenbeek & Green Agency, which amounted to \$143,890 in 2021. Mayor Everett Green is the Agency Principal of the Rodenbeek & Green Agency.

- Regarding the 2023 Budget preparation, Mr. Medill strongly encouraged the City Council to hold a public hearing for the “Intent to Exceed the Revenue Neutral Rate (RNR)” even if there is no intent to exceed the RNR. Having the hearing to exceed the RNR protects the City if something goes wrong in the planning stages of the budget.
- Mr. Medill informed the Council that it is highly likely that the next year’s audit (possibly the next two years) could see a “single audit,” due to the amount of federal money the City has and will continue to receive. Any fiscal year during which more than \$750,000 in federal money is spent requires a special single audit, which will likely be an additional week of the audit specific to the use of federal funds.

Motion by Barb Wilkinson seconded by Jeff Allen to approve *The City of Scott City, Kansas Financial Statement For the Year Ended December 31, 2021* as presented by Auditor Mathew Medill with Dirks, Anthony & Duncan. Vote – Unam.

Scott Recreation Commission (SRC) Director Kylie Stoecklein officially announced that she would be stepping down from the role of Director the following day. She introduced the new SRC Director Cody Brittan and indicated that she would still be available to assist during the transition. Mrs. Stoecklein updated the Council on the activities of the SRC since their last meeting. Youth soccer recently ended and, even though there were several events rescheduled due to high winds, the season was a great success. The Fitness Center operations are going well also. The SRC has added additional equipment and has begun to offer more fitness classes. As of May 31, 2022, the SRC is up to 215 memberships. Baseball and Softball programs have begun, with 188 participants in four separate leagues. Co-ed slow pitch softball has been very popular with three teams for the middle school age group and six teams for the high school age group. There are 67 participants that have signed up to play Tee-Ball this year. Adult Co-ed softball is slated to begin in July. Finally, Mrs. Stoecklein reminded the Council that SRC has hosted the 2nd annual “Safe Kids’ Day” in the SRC parking lot and that it was very well received. Part of the event included a modified “Bike Rodeo.” Everyone involved had a great time.

City Administrator Brad Pendergast reminded the Council that, at the last regular Council meeting, the Council had awarded Lot 7, Block 6 in I.L. Eastman’s Addition to Tim & Cathy Graff for \$3,100 after having advertised the lot for sale in the Scott County Record. A second lot was also advertised, Lot 8, Block 6 in I.L. Eastman’s Addition. Council had directed Mr. Pendergast to offer the lot to Ruben Brokofsky, who had bid \$2,100 per lot for a total of \$4,200 for both lots. It was unclear in the way the bid was presented whether Mr. Brokofsky would take only one lot or if he desired them both. After a discussion with Mr. Brokofsky, it was determined that he had wished to purchase the lots together. Council then discussed whether the lot should be awarded to the sole remaining bidder on the lot, Jay O’Brien, who was present in the audience. There was discussion if the \$1,000 bid initially offered by Mr. O’Brien was adequate, and discussion on the low elevation and required amount of dirt work that would need to be completed to raise the lot to a level that it could be made usable without the high probability of flooding. Also discussed was the possibility of rebidding the sale of the lot. After discussion ceased, Barb Wilkinson moved to advertise in the Scott County Record to accept bids on the property for another two weeks. The motion did not receive a second. Discussion ceased. No action was taken.

Western Kansas Groundwater Management District No. 1 (WKGMD#1) Manager Katie Durham was present to seek support for a proposed Local Enhanced Management Area (LEMA) in District

No. 1. She indicated that WKGMD#1 has recently been sponsoring Public Outreach meetings for the purpose of educating the public of the benefits of having a LEMA in place and seeking support from as many individuals and entities as possible. Mrs. Durham indicated that District No. 1 is a 5-County area which includes Wallace, Greeley, Wichita, Scott, and Lane Counties. Currently, the only county in District No. 1 with a LEMA is Wichita County and that they are in their first year in the program. Ideally, the other four counties would adopt a LEMA as well for the conservation of water provided by the Ogallala Aquifer, which provides 30% of the irrigated land in the United States with water. The proposed LEMA would consist of a 5-year plan which would contain a maximum reduction in water use of 25%. Typical reductions range from 5%-19%. The plan would apply only to irrigation water rights only, not municipal or stock water rights. If all counties within District No. 1 were to participate in a LEMA, WKGMD#1 would be the 2nd district (out of 5) in the state of Kansas to have full participation in their district's LEMA. Mrs. Durham proceeded to address the Council regarding the history of the program and explained how the program reaches the allocations set for each LEMA. She noted that input is based on each individual water right group and that they are proposing to allow water users participating in a LEMA to have the ability to "bank" a certain amount of unused water for future use to attempt to eliminate the "use it or lose it" mentality regarding water use. Even though the WKGMD#1 board already has the authority to implement this proposed LEMA, they are encouraging people to ask many questions so that they may gain the support of the people of District No. 1 and gain input into what individuals want to see implemented in the plan. Council members inquired if a LEMA does not impact municipal water use, if the support of the City would contribute to the efforts of the WKGMD#1. Council member Bo Parkinson stated that it is the City's responsibility to support such efforts to ensure that water rights will be available for all in the future, even if the City is not immediately affected. Mrs. Durham indicated that the City does have 3 water rights—one is vested, meaning that it was established pre-1945, so that water right would not have anything to do with LEMA, but the other two (golf course and school district) would be part of the LEMA and would have to comply with water conservation policies as set by the LEMA.

Motion by Adam Winter seconded by Jeff Allen to authorize Mayor Everett Green to draft a letter of support for a proposed LEMA in Scott County, part of the Western Kansas Groundwater Management District No. 1. Vote – Unam.

Council President Gooden welcomed David Frisch, GMS Inc. Engineer, via Zoom. Mr. Frisch briefly discussed the following GMS-assisted projects:

- **K96 Water Improvement Project** - plans are in place to "final out" the project, with final pay and drawdown requests being provided to the City for inclusion with the June 20, 2022 Council packet. A "Notice of Final Payment" has been sent to the Scott County Record for publication on June 9 and June 16, 2022 notifying vendors of the June 26, 2022 deadline to submit invoices for labor, materials, or other supplies related to the K96 Water Improvement Project.
- **Water Improvement Project/Well** - GMS is working to complete the process of redrilling the Lawrence well. Initial paperwork was submitted to KDHE in August 2021. Mr. Frisch contacted KDHE to see where the City is in the process. If things go according to plan, authorization to convert the well from agricultural use to municipal use could happen as early as the end of June 2022.
- **Water Improvement Project/Tank** – Preliminary structural foundation design by DWA Structural Engineers out of Wichita will be used by the tank design contractor, who will

ultimately be responsible to finalize the foundation design. Drawings are expected to be provided to KDHE by the beginning of July for review. Mr. Frisch anticipates that approval will be received from KDHE in late August or early September. GMS will put the project out for bids soon after receiving said approval. Construction of the tower is expected to begin in late 2022 or early 2023. The project will be bid out in three bid schedules: the pipeline portion, the tank portion, and the well portion.

- **Crescent Street/8th Street Extension** – Plans have been issued to City staff. Both projects will be put out for bids in conjunction with each other, although each portion will have its own bid schedule. “Advertisement for Bids” was sent to the Scott County Record for publication on June 9, June 16, and June 23, 2022. Bids are due at City Hall on Tuesday, July 5, 2022 by 5:00 p.m. and will be opened during the Council meeting that evening. GMS Engineer Dave Frisch will be present in person for the bid opening. Bid tabulations need to be sent to KDOT for review, so construction will likely begin mid to late August.
- **Drainage Study** – It is too late in the season to do the aerial photography, but surveying work will begin this summer.
- **Senior Housing & SCIP North Industrial Park** – no requests have been made and no additional work has been completed.
- **K96 / KDOT Portion** – KDOT has not reported when they will complete their portion of the project.

Council President Gooden thank Mr. Frisch for his report.

There was nothing to report under the open agenda.

Pool Manager Marci Patton was not in attendance. Council President Josh Gooden reminded the Council and those in attendance that the pool would be closed the following Saturday, June 11, 2022 for the Scott City Swim Meet.

Building Inspector Lloyd Foster was not in attendance. Nothing was reported on his behalf.

Police Chief David Post provided an update for the City Council. College intern Dulce Ayala joined him. Police Chief Post reported that the new 2022 Silverado had arrived but at a higher cost than what was quoted by J&R Car & Truck Center in January. The invoice produced at the delivery of the pickup was for \$43,376 whereas the bid approved in January was for \$40,156. He explained that J&R Car & Truck Center was unable to produce the exact pick up that was bid due to a style change by the manufacturer. A copy of the bid that was approved at the January 17, 2022 council meeting was provided in the packet as well as a copy of the new invoice. Police Chief Post reminded the Council that this pick up was to be purchased using ARPA funds as approved at the October 4, 2021 council meeting. He also mentioned that because this truck was purchased with federal dollars, the truck may never be sold unless the money is returned to the federal government. It will need to be labeled as such so that any change in ownership does not occur. Also, any equipment that needs to be added to the truck will need to be labeled as well. This point had been discussed at length during the duration of the City’s audit.

Motion by Jeff Allen seconded by Adam Winter to approve the Purchase of the police department's new 2022 Silverado at the newly invoiced price of \$43,376 using ARPA funds to cover the cost. Vote – Unam.

Police Chief Post relayed that the truck is currently in Holcomb being outfitted by JR Audio. The cost for outfitting the truck is \$6,464, which is above the bidding threshold, so Police Chief Post requested Council's approval on the invoice as presented in the packet. He noted that the Police Department has a credit with JR Audio, but he would like to use that credit toward outfitting the Traverse that was ordered earlier in the year, since it will not be paid for out of the ARPA fund.

Motion by Jeff Allen seconded by Adam Winter to approve the payment of the JR Audio invoice in the amount of \$6,464 with the payment to be made from the ARPA fund.

Police Chief Post was pleased to announce that they hired a ninth Police Officer. Trey Davidson will be joining the Scott City Police Department on June 13. He will be hired at Step/Grade G3. Officer Davidson comes from the Valley Falls Police Department and has recently graduated from the Kansas Law Enforcement Training Center. The Valley Falls Police Department could, therefore, request reimbursement for training expenses incurred by Officer Davidson. Police Chief Post pointed out that any reimbursement made to Valley Center could also be paid out of the ARPA fund with Council's approval. Officer Davidson has six years' experience in the Air Force and will spend his first 8 weeks with the Scott City Police Department doing field training.

Two candidates for the School Resource Officer (SRO) position were interviewed on May 20, 2022. The panel of interviewers consisted of Police Chief Post, Sergeant Colton Schmitt, Sergeant Jason (Jay) Poore, and all three school principals: Matt Bayer (High School), Jana Irvin (Middle School), and Dr. Shawn Roberts (Elementary School). The panel selected Scott City Police Officer Bailey White for the position. Police Chief Post noted that Officer White has a bachelor's degree and took education classes at college. She also has experience working in the schools as a paraprofessional with extensive experience with children with special needs. Officer White will attend SRO training later in the month and once school starts in the fall, she will rotate among all three schools.

The 2012 Chevy Colorado has been retired from the Police Department fleet. All decals have been removed and it has been detailed to be temporarily used as a courtesy vehicle at the airport. Once the vehicle is no longer needed at the airport, Police Chief Post plans to request to sell the vehicle on Purple Wave.

Police Chief Post reported that no one responded to the request for the ad for abatement mowing. He has spoken with Hometown Hauling to discuss abatement mowing and cleaning. Police Chief Post recommended that the Council allow him to contract with Hometown Hauling for abatement mowing and cleanup.

Motion by Jeff Allen seconded by Adam Winter for Police Chief Post to negotiate a contract with Hometown Hauling for abatement mowing and cleanup, to be effective on June 21, 2022. Vote – Unam.

On a related matter, the Police Department has handled several complaints about bindweed within city limits. Intern Dulce Ayala has issued 19 letters to property owners regarding the bindweed. It was noted that the County's noxious weed department will not spray within the city limits. Police Chief Post noted that he has spoken with Chris Lebbin with Lebbin Lawn & Tree and found that they would be willing to spray for bindweed in specified locations. His cost to spray for bindweed is \$12.50/1,000 square feet, which correlates to roughly \$65 for a 5,000 square foot lot. Police Chief Post requested that he be allowed to pay Lebbin Lawn & Tree to deal with the problematic bindweed situation, which would be handled in the same manner, and paid out of the same line account, as abatement mowing. Payment would be made from Special

City Projects, Contract Grounds Maintenance, and the charge would be assessed to the property owners' tax roll.

Motion by Bo Parkinson seconded by Adam Winter to allow Police Chief Post to contract with Lebbin Lawn & Tree for the control of bindweed within the city limits of Scott City, at a cost of \$12.50/1,000 square feet and to follow the same procedures as abatement mowing. Vote – Unam.

The “Cops Behind Bars” fundraiser for Western Kansas Child Advocacy Center (WKCAC) was a huge success. The weather was perfect, and attendance was high. The dunk tank was the most popular attraction by far. It is estimated that, with the support of the entire community, approximately \$20,000 was raised for the WKCAC. Police Chief Post expressed gratitude for all sponsors and patrons, Scott Rec Sports Bar, and especially Officer Whitney Savolt who was instrumental in pulling this project together.

Police Chief Post reported that a generous donor has made it possible for the Police Department to cover the cost of immunizing and spaying/neutering abandoned/surrendered dogs prior to them being adopted out. He requested that the Council consider waiving any adoption fees to assist in getting dogs adopted with no up-front costs. City Clerk Ruth Becker informed the Council that the only fee that is currently assessed when a dog is adopted is a deposit to ensure that the animal becomes spayed or neutered. Once proof of sterilization is provided to City Hall, the money is refunded. Therefore, if the animal were spayed or neutered prior to adoption because of this donation, there would be no fees that needed to be waived.

Police Chief Post reported that the Police Department has completed their Special Traffic Enforcement Program (STEP) enforcement, which was sponsored by KDOT. The completion of the program qualifies police departments for grant money that can be used to purchase needed equipment. The enforcement for this program was completed during normal patrol to alleviate overtime expenses. During the two-week duration of the program, Scott City Police Department made 212 traffic stops, issuing 24 citations, 187 warnings, and 1 DUI arrest.

Parks Superintendent Terence Appel reported that he has been very pleased with the crew of seasonal help for this summer. They are all hardworking and pleasant to be around.

Mr. Appel requested to open bids for a 90” mower deck attachment for a Bobcat. Council President Gooden announced that there was only one bid to be opened. The bid was from White Star Machinery out of Garden City in the amount of \$6,478.04. Council member Jeff Allen questioned whether there were other bid processes that the City could use to procure more bids. City Administrator Brad Pendergast replied that there are procurement companies that will assist in obtaining bids, but he would have to do some research on the matter.

Motion by Adam Winter seconded by Bo Parkinson to accept the bid from White Star Machinery in the amount of \$6,478.04 for a 90” mower deck attachment for a Bobcat. Vote – Unam.

Street, Water, & Sewer Superintendent Terence Appel requested to open bids for the Chip Sealing of City Streets. Council President Josh Gooden stated that there was only one bid to open. The bid was from B & H Paving in Scott City to chip seal approximately 130,000 square yards of city streets at \$1.29 per square yard including the cost of oil and using City-supplied CMA sand, bringing the estimated total of the bid to \$167,700.

Motion by Jeff Allen seconded by Adam Winter to accept the bid of approximately 167,700 to chip seal 130,000 square yards of City streets from B & H Paving of Scott City. Vote – Unam.

City Administrator Brad Pendergast presented a quote from J & J Drainage for materials to correct an ongoing drainage issue in the amount of \$10,636.28. It is estimated that it will take approximately 7 weeks for the pipe to be delivered. This cost, along with an inlet costing approximately \$3,300 will bring the total cost of the project to roughly \$14,000. Mr. Pendergast indicated that GMS is happy with the plan that has been put into place. The construction will be performed by the City crew.

Motion by Jeff Allen seconded by Barb Wilkinson to approve the purchase of the materials from J & J Drainage in the amount of \$10,636.28. Vote – Unam.

City Clerk Ruth Becker requested assistance in determining the date of the 2023 Budget Workshop. She indicated that last year's workshop had been held on Tuesday, June 15, within days of the arrival of City Administrator Brad Pendergast. Mr. Pendergast indicated that June 15 would be an ideal day to hold the workshop because he will have had the opportunity to check the latest CPI figures for budgeting salary lines and because the County Treasurer will have provided the assessed valuation figures to the City by that date. After brief discussion, consensus of the Council was to hold the Budget Workshop on Wednesday, June 15, 2022, at 6:00 p.m. in the basement meeting room at City Hall. Mrs. Becker stated that she would arrange for a meal similar to what was served at last year's meeting.

City Administrator Brad Pendergast had nothing else to report.

City Attorney Rebecca Faurot was not in attendance.

The Council took a short break.

Council President Gooden called the meeting back to order.

Motion by Barb Wilkinson seconded by Adam Winter 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 Council & City Administrator, with the open meeting resuming in the Council room at 9:20 p.m. Vote – Unam.

The Council came out of executive session.

Council President Gooden called the meeting back to order.

No action was taken.

Motion by Adam Winter seconded by Jeff Allen to adjourn at 9:21 p.m. Vote – Unam.

Josh Gooden
Council President

Ruth Becker
City Clerk