

May 20, 2022

The City Council of Scott City met in special session on the above date at 12:00 p.m. in City Hall.

Present were Mayor Everett Green, Council members Craig Richards, Jeff Allen, Kelly Funk, Bo Parkinson, Barb Wilkinson, Adam Winter, City Attorney Rebecca Faurot, City Administrator Brad Pendergast, and City Clerk Ruth Becker.

Others present were: Police Chief David Post and Intern Dulce Ayala; Airport Commission Chair Andy Hineman; Airport Commission members Randal Loder, Pat Ryan, and Kyle Spencer.

Mayor Green asked Police Chief David Post to update the Council on the agenda item regarding the creation of a 911 Fund in the City's budget. Police Chief Post began by introducing Dulce Ayala, a senior at Washburn University, who will be interning with the Police department over the summer. Council members welcomed Ms. Ayala.

Police Chief David Post explained that whenever people incur a 911 fee on their cell phone statements, those fees are collected in the state of Kansas by the 911 Coordinating Council (911 Council) to then be disbursed back to local dispatch centers across the state to help with offsetting the cost of operating these centers. When the 911 Council was established in 2011, state statute directed that money from the 911 Council was to be distributed to counties where dispatch centers were established, even though, at the time, there were approximately 30 cities who oversaw the day-to-day operations of the dispatch centers. Scott City was one of those cities. In 2014, state statute more specifically dictated that the money be directed to the Public Safety Answering Point (PSAP), the dispatch center, instead of automatically being sent to counties. Police Chief Post noted that he and other City officials met with Scott County officials in the prior week to request not only access, but also control over the 911 funds as directed by state statute. He mentioned that there are a total of eight categories for which these funds may be used, and that inappropriate use of these funds by any agency could result in penalties to the City, because the City operates the dispatch center or PSAP. In a discussion with individuals on the 911 Council, members determined that they had been in violation of state statute because they had been sending the funds to the wrong entity.

Ordinance # 1235, an ordinance establishing a 911 Fund for the City of Scott City, Kansas, was provided to Council members. Police Chief David Post informed the Council that if the ordinance passes, the first disbursement into the City's 911 Fund is expected to be made in June 2022. Approximately \$60,000 per year is expected to be receipted each year into this fund, but there will also be a cost of approximately \$18,600 per year to participate in the program. City Attorney Rebecca Faurot stated that she had reviewed the proposed ordinance and had found it acceptable.

Motion by Craig Richards seconded by Barb Wilkinson to approve Ordinance #1235, an ordinance establishing a 911 Fund for the City of Scott City, Kansas, and to authorize the opening of a new bank account solely for the purpose of receipting and expending 911 funds for the objectives set forth in Ordinance #1235 and by state statute. Vote – Unam.

Mayor Green reminded the Council that, at the May 16 Council meeting, it had been discovered that there had been a miscommunication regarding the Kansas Public Water Supply Loan Fund

(KPWSLF) drawdown request, specifically to a change order by Core & Main for the materials acquisition portion of the K96 Water Improvement project. At that meeting, Street, Water, & Sewer Superintendent Terence Appel had questioned whether materials that had been returned were included in the change order. At the time, GMS Engineer Ken White had not been made aware of the return of any materials or the effect that these materials had on the change order. Mr. White had vowed to look at the situation and have a revised change order and drawdown request ready to present to the Council at the next regular Council meeting. However, since that meeting, it has been determined via discussions that Mr. White had with Pate Construction and Core & Main personnel, that a credit on the City's Core & Main account will be held and used for materials acquisition for other portions of the City's Water System Improvement projects, which will also be eligible for KPWSLF reimbursement. Therefore, Mr. White had advised Mr. Appel and City Administrator Brad Pendergast to move forward with the change order and the drawdown request as presented at the May 16 regular Council meeting. City Administrator Brad Pendergast recommended that the Council approve the change order and drawdown request at this time.

Motion by Adam Winter seconded by Barb Wilkinson to approve the Core & Main change order and the entirety of KPWSLF Drawdown Request #4 in the amount of \$430,672.26. 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, City Council, City Attorney, City Administrator, City Clerk, and Airport Commission members Andy Hineman, Randal Loder, Pat Ryan, and Kyle Spencer, with the open meeting resuming in the Council room at 12:35 p.m. Vote – Unam.

The Council came out of executive session.
Mayor Green called the meeting back to order.

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, City Council, City Attorney, City Administrator, City Clerk, and Airport Commission members Andy Hineman, Randal Loder, Pat Ryan, and Kyle Spencer, with the open meeting resuming in the Council room at 12:45 p.m. Vote – Unam.

The Council came out of executive session.
Mayor Green called the meeting back to order.

Motion by Jeff Allen seconded by Adam Winter to authorize the City Attorney and City Administrator to negotiate an exit agreement with A+ Aviation for the early termination of the Fixed Base Operator (FBO) agreement with the City of Scott City, with the agreement to include details of fuel buyout and other logistical considerations to be made effective as soon as possible. Vote – Unam.

Motion by Adam Winter seconded by Jeff Allen to adjourn at 12:50 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk