

August 1, 2022

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

Pastor Matthew Koterba from Holy Cross Lutheran 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, City Administrator Brad Pendergast, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the July 18, 2022 regular council meeting were presented.

Motion by Adam Winter seconded by Jeff Allen to approve the minutes of the July 18, 2022 regular council meeting. Vote – 5-yes, 1-abstain, Bo Parkinson.

Appropriation Ordinance #995A was presented.

Motion by Jeff Allen seconded by Josh Gooden to approve Appropriation Ordinance #995A. Vote – Unam.

Included in the packet was a draft of *Scott City Municipal Airport Fixed Base Operator Lease and Management Agreement* between City of Scott City and WTH Aviation Services, LLC (WTH Aviation). City Administrator Brad Pendergast noted that he had received this draft from City Attorney Rebecca Faurot over the weekend and that he had sent this to Warren Harkness (WTH Aviation) earlier in the day for his review. He had not yet received any feedback from Mr. Harkness. Council members inquired if there were any differences between this agreement and the prior agreement with A+ Aviation. Mr. Pendergast noted that there were many differences based on discussions with the Airport Commission and the proposal made by WTH Aviation. He noted that, contingent on approval of an agreement at the next regular council meeting, the agreement will become effective on September 1, 2022 with a term of one year ending on August 31, 2023. After the conclusion of the first term, the agreement will renew automatically unless either party provides a written notice to the other party at least 60 days prior to the end of the annual lease term. The length of the term may be increased by amendment in the future. Monthly payment of \$6,000 will be processed and approved to be distributed to WTH Aviation at the beginning of the month for which services will be provided. Mr. Pendergast explained that WTH Aviation is a new company and needs to receive compensation at the beginning of the month to be able to have the capital needed to operate. He also noted that interim airport manager Ben McNary will work with Mr. Harkness during the transition. It was the consensus of the Council to wait until the next regular meeting on August 15, 2022 to further discuss and potentially approve the agreement, giving Mr. Harkness time to review the agreement as well.

Provided in the packet was a letter and statement from KDHE-Public Water Supply Revolving Loan program, requesting payment of interest and fees accrued through August 1, 2022 (\$5,219.40) prior to the repayment of the loan for KPWSLF Project No. 2982. The letter stated

that the City had the option to either pay the fees by August 26, 2022 or capitalize the amount into the loan balance which would increase the outstanding balance.

Motion by Josh Gooden seconded by Bo Parkinson to pay the interest and fees incurred through August 1, 2022 for the loan for KPWSLF Project No. 2982 out of the Water Fund and to not roll the amount into the loan. Vote – Unam.

Mayor Green welcomed David Frisch, GMS Inc. Engineer, via Zoom. Earlier in the day, Mr. Frisch had provided a copy of *City of Scott City - 8<sup>th</sup> Street Extension*, a cost tabulation sheet including costs for the construction of 8<sup>th</sup> Street, including water & sewer infrastructure, curb & gutter and asphalt, and for the curb & gutter installation on Crescent Avenue. Mr. Frisch reminded the Council that when the bids for the projects were initially opened on July 5, 2022, only Schedule 1, Utility Installations, received a bid in the amount of \$233,137.50. That amount remains unchanged. Schedule 2, Asphalt Street & Curb Installation (8<sup>th</sup> Street) and Schedule 3, Crescent Ave. Curb Installation received no bids. After receiving approval from KDOT, GMS engineers negotiated with Nowak Construction (Nowak), who was the sole provider of a bid on the project. Nowak Construction plans to subcontract with APAC Kansas, Inc. out of Hays for the asphalt work on the projects and Eberle Construction out of Oakley for the curb & gutter work. The total amount of the negotiated cost for the entire project is \$734,436.00; the breakdown is as follows:

• Bid Schedule 1	8 <sup>th</sup> Street Utility Installation	\$233,137.50
• Bid Schedule 2	8 <sup>th</sup> Street Asphalt, Curb & Gutter	\$454,118.30
• Bid Schedule 3	Crescent Avenue, Curb & Gutter	<u>\$ 47,180.20</u>
		<u>\$734,436.00</u>

Mr. Frisch reminded the Council that the only portion of this project that is eligible for the 80% cost share awarded by KDOT is Bid Schedule 2. The City’s cost for that portion of the project is slated to be \$90,823.66. KDOT’s portion of the cost share totals \$363,294.64. The utility installation on 8<sup>th</sup> Street and the curb & gutter on Crescent Avenue is not eligible for KDOT reimbursement, but the cost would likely be covered with special assessments to property owners and/or developers. Overall, the bid amount came in under the engineers’ estimate of \$742,140.00 by \$7,704.00. It was Mr. Frisch’s recommendation that the Council award the bids for each portion of the project, contingent upon receiving final approval from KDOT.

Motion by Josh Gooden seconded by Jeff Allen to award the bid for the 8<sup>th</sup> Street/Crescent Avenue project to Nowak Construction in the amount of \$734,436.00, contingent upon approval from KDOT. Vote – Unam.

GMS engineer David Frisch noted that Nowak appears eager to begin this project and mobilization is expected to begin as soon as possible after receiving KDOT approval. It is expected to take at least 20 days for Nowak to obtain the necessary bonds and insurance required for the project and to get a contract ready for signatures. It is anticipated that this project will have a fall 2022 completion date.

Mayor Green thanked Mr. Frisch for his report.

Under the open agenda, Mayor Green extended a compliment expressed to him by a citizen regarding how nice the street striping and painting looks. Mayor Green asked Street, Water, & Sewer Superintendent Terence Appel to extend the appreciation to his crew.

Pool Manager Marci Patton and Assistant Pool Manager Jessica Berry were present to update the Council on activities at the pool. Mrs. Patton was excited to announce that Wednesday, August 10, 2022 would be a fun, activity-filled family night with a Mermaid theme. Their facebook post about the event has been liked and shared many times as anticipation builds. The pool will close on Friday, August 12 with the day closing out with a party for the Scott City Police Department. Mrs. Patton requested on behalf of USD 466 Superintendent Jamie Rumford to allow the use of the pool, the parking lot, and Palmer Park on Friday, August 19, 2022 for a staff party prior to the start of school. Mrs. Patton indicated that several of her guards will be able to work that evening so that the school district can have their party.

Motion by Jeff Allen seconded by Josh Gooden to allow the pool to re-open for a party for USD 466 staff and families on August 19, 2022 and to allow the party to extend into the parking lot and Palmer Park. Vote – Unam.

Pool Manager Marci Patton reported that the 2<sup>nd</sup> session of Red Cross lessons went very well with over 50 participants. She was pleased with the outcome. She plans to present the end of the year pool report later in the year, once all revenue and expense figures are finalized.

Mayor Green thanked Mrs. Patton and Mrs. Berry for a successful pool season.

Building Inspector Lloyd Foster was not in attendance, but City Administrator Brad Pendergast informed the Council that monthly Permit/Inspection reports would be added to the packets for the 2<sup>nd</sup> meeting of each month, beginning with the August 15, 2022 Council packet.

Police Chief David Post began his report by informing the Council that Dispatcher Jessica Eckert had submitted a letter of resignation. The letter thanked the Council for the opportunities she was given while working for the Scott City Police Department and informed the Council that her last shift would be August 14, 2022. Police Chief Post noted that Ms. Eckert has also worked as his administrative assistant and had been with the Scott City Police Department for seven years. Amber Poore, who currently works as a part-time dispatcher, will step into the full-time dispatch position upon Ms. Eckert's departure. It has not yet been determined who will fulfill the duties of the administrative assistant role. Mrs. Poore has over 6 years of experience in dispatching and holds several certifications that will make her an asset to the department. Police Chief Post noted that Mrs. Poore will begin her full-time duties at Grade/Step G4 on the Pay Plan and will serve in a TAC position; her first day will be on or before August 16, 2022.

Police Chief David Post drew the Council's attention to the estimate provided by J R Audio for the light package to be installed on the newly acquired Traverse. Police Chief Post noted that the City currently holds a credit with J R Audio of \$2,050 that has been applied to this invoice upon Council's approval.

Motion by Josh Gooden seconded by Jeff Allen to authorize Police Chief David Post to have the new Traverse outfitted with the light package as outlined in the estimate provided by J R Audio, with a cost not to exceed \$6,300.00, which includes a \$2,050.00 credit, making the light package for the Traverse impracticable to bid. Vote – Unam.

Police Chief Post requested that School Resource Officer (SRO) Bailey White be granted an exception to the current policy that City employees can clock in and out only from specified City locations. Officer White will often begin and end her shifts during the school year at one of three schools that she will serve. Police Chief Post asked for Council to consider allowing her to use Time & Attendance (a web-based time clock application) while at the schools. City Clerk Ruth Becker clarified that the current policy is to allow employees to clock in and out from approved

City locations only. She informed the Council that, if each of the schools maintains a static IP address, she could add those addresses to the list of approved IP addresses with Council approval, allowing Officer White to use Time & Attendance while at the schools.

Motion by Adam Winter seconded by Jeff Allen to allow the schools to be added to the list of approved IP addresses, allowing the SRO to utilize the Time & Attendance application to clock in and out as needed. Vote – Unam.

Police Chief Post informed the Council that the Police department would be at the airport the following evening to participate in AirMed Training and that he and Sergeant Jason (Jay) Poore would be in Hays the following Wednesday to learn more about the accreditation program that the Police department will be implementing. Officer Trey Davidson has completed his field training and will begin working solo.

Police Chief Post notified the Council that he and City Administrator Brad Pendergast had sought bids for car washes for the Police department fleet. The Wag-N-Wash offered unlimited car washes and dog washes for Enoch for an annual fee of \$900.00. The Bay Station offered a package that would equate to 2 car washes per vehicle per month for \$1,350.00. The Council was informed that the Police department opted to accept the bid from the Wag-N-Wash.

As discussed earlier in the meeting by Pool Manager Marci Patton, Police Chief Post clarified that the Police department would be having a pool party after the pool closes on August 12. Municipal Court Clerk Patricia Barbosa, who has experience in the dispatch department, will cover the dispatch duties during the duration of the party. The Sheriff's Office will cover inside the city limits so everyone in the police department will be able to attend.

Parks Superintendent Terence Appel requested to advertise for a new mower. He informed the Council that he would like to supplement a 2006 mower which has over 600 hours on its current motor. He estimates that a new mower that meets his specifications would cost approximately \$15,000.00. Mr. Appel indicated that since they have had only one employee in the Parks department, there is a surplus in the Parks department budget.

Motion by Jeff Allen seconded by Adam Winter to authorize Parks Superintendent Terence Appel to advertise for bids for a new mower in the Parks department, with bids being due back to City Hall by 5:00 p.m. on August 15, 2022. Vote – Unam.

Street, Water, & Sewer Superintendent Terence Appel informed the Council that his crew has been painting crosswalks and hydrants around the city, and that they have begun work on the drainage project. Patching of city streets is expected to occur in the fall.

Reports from the City's water sampling have been received. Two samples showed a trace of lead, but nowhere near the level for concern, while the vast majority of the samples showed no traces of lead. Mr. Appel indicated that the two home samples in which traces of lead were detected were a very short distance from each other and in an area where the homes are older. He suspected that there may still be some lead pipes in those homes. The highest reading for copper in the samples was around 200, with no cause for concern until reaching 1300. Mr. Appel was pleased with the results he received.

Mr. Appel reported that he had received some requests to remove plants in the bulb-outs at City Hall, First National Bank, and Rodenbeek & Green as the dry summer has not allowed the plants to thrive and maintain a pleasant appearance. He requested that the City crew be allowed to remove the plants in these areas and brick in the area. Consensus of the Council was to replace the plants with brick in these specific bulb-outs. He also noted that a bulb-out at 8<sup>th</sup> & Main Street has been

causing some drainage issues and requested permission to remove the bulb-out and return the corner to a continuation of the normal curb & gutter.

Motion by Josh Gooden seconded by Barb Wilkinson to allow the City crew to remove the bulb-out on the west side at 8<sup>th</sup> & Main Street and to finish the corner by continuing with curb & gutter. Vote – Unam.

City Clerk Ruth Becker requested to alter the procedure for processing end of month checks, including those for vendor checks and payroll checks. She mentioned that the current practice of expensing the funds in one month and posting the funds into the next month often causes issues with reconciliation when assistance is needed from the software technical support team. She mentioned that new support team members who are unfamiliar with the City's current procedure often are unable to assist without first creating an even larger problem. Those technicians who are familiar with the process do not understand the procedure that is used and have requested that the City consider altering the procedure, noting that our process is extremely rare. Two options for remedying the process include:

- All dates posted to the current month (i.e. expensed in August with an August 31 check date) or,
- All dates posted to the future month (i.e. expensed in September with a September 1 check date)

Mrs. Becker informed the Council that, after speaking with City Treasurer Renee Cure and City Administrator Brad Pendergast, the preferable option would be to have all dates posted to the current month. By using this method, the budgets for this year and next year would be unaffected. However, there are some issues that will arise that need to be addressed early on, most of which involve payroll processing. Essentially, even though the budgeted amounts for payroll will remain the same, in effect, on paper, there will be an extra payroll to be reported on employees' W-4s in the year in which the change takes place. State and Federal taxes will be remitted on a different schedule than what is currently used, KPERS/KP&F reporting would be affected. All banking procedures however, including automatic payroll deposits and end-of-month bank transfers, will remain the same. Mrs. Becker noted that every due diligence will be taken to ensure a problem free transition if Council approves the change.

Motion by Barb Wilkinson seconded by Adam Winter to authorize the City Clerk Ruth Becker to modify accounting procedures so that end of the month checks are both expensed and posted within the current month. Vote – Unam.

City Administrator Brad Pendergast updated the Council on the structure located at 707 Glenn Street. A third-party individual had approached Mr. Pendergast asking if he could fix up the structure rather than having the structure removed from the property. Mayor Green noted that the Council had already been through a lengthy process to reach the decision to have the structure removed and that he felt it important to follow through with the decision. Council members expressed concern that if this individual were granted this request and then did not follow through with the upgrades to the structure as stated, then the City would be "right back where we started." Consensus of the Council was to continue with the removal of the structure as planned.

City Administrator Brad Pendergast presented *Memo – Regarding City/County Dispatch Negotiation and City/County 911 Funds* along with several supporting documents. Mr. Pendergast indicated that County Commissioners have requested a change in the percentage of reimbursement for dispatcher salaries and benefits from a 50/50 split to at 35 County/65 City split. He informed

the Council that he had consulted with outside counsel, Steve Hirsch, Oberlin City Attorney, because Rebecca Faurot serves as both City Attorney and County Attorney and so has a conflict of interest in the discussion. Mr. Hirsch has a well-versed background with dispatch; he had assisted Mr. Pendergast when he was in Oakley. Mr. Hirsch stated that he feels that a 50/50 split is appropriate based on the assessed valuation of the County versus that of the City. Council member Bo Parkinson inquired if the desire to change the County's portion of funding the dispatch department has anything to do with the City now receiving 911 funds from the State instead of the funds being remitted to the County. Mr. Pendergast indicated that the County Commissioners had alluded to the 911 funds during these discussions. When asked, City Administrator Pendergast reminded the Council that the 911 Coordinating Council was created in 2011. At that time, all 911 fees collected from cell phone users were distributed to the counties in Kansas. But, in 2014, the statute directed that the 911 funds be directed specifically to the PSAP, or Public Safety Answering Point, also recognized as the dispatch center, which is operated by the City of Scott City, not Scott County. Recently, the 911 Coordinating Council began distributing funds to the City of Scott City, but the County retains a balance of approximately \$280,000.00 in 911 funds. Mr. Pendergast asked for guidance from the Council to provide him with a threshold amount for negotiating with County officials. He recommended to request no less than a 40% reimbursement from the County for dispatch services. Mayor Everett Green reminded the Council that whatever agreement is reached will affect next year's budget. Mr. Pendergast indicated that he felt it was necessary to come to some sort of agreement to avoid driving a wedge between the Sheriff's Office and the Police Department and between the City and the County. After a brief discussion, it became the consensus of the Council to authorize City Administrator Pendergast to negotiate a minimum of a 40 County/60 City split for shared dispatcher salaries and benefits with County Commissioners. Council member Bo Parkinson questioned what would happen if County Commissioners would not agree to the 40/60 split. Mr. Pendergast replied that the discussion would go into arbitration, where he felt confident that the City would prevail in its request.

City Administrator Brad Pendergast informed the Council that the City had received a letter of resignation from City Attorney Rebecca Faurot, who indicated that she would like to continue with conducting the prosecution for the City but felt that she had too much going on to continue to commit to legal representation and advice. Mr. Pendergast noted that the Mayor appoints the City Attorney and he and the Mayor had been discussing options for her potential replacement. Mayor Green explained to the Council that she will leave with no animosity and that she has generously offered to stay on until a replacement has been appointed. She has offered to help with the search for a new City Attorney and would be willing to give up the prosecution aspect if it would aid in the appointment of a new City Attorney.

City Attorney Rebecca Faurot was not in attendance.

Mayor Green had nothing to report.

The Council took a short break.

Mayor Green called the meeting back to order.

Motion by Bo Parkinson 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 Mayor, Council, and City Administrator, with the open meeting resuming in the Council room at 8:50 p.m. Vote – Unam.

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

Motion by Adam Winter seconded by Josh Gooden to adjourn at 8:52 p.m. Vote – Unam.

Everett M. Green  
Mayor

Ruth Becker  
City Clerk