

August 15, 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 Kelly Funk, Josh Gooden, Bo Parkinson, Barb Wilkinson, Adam Winter, 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 August 1, 2022 regular council meeting were presented.

Motion by Barb Wilkinson seconded by Josh Gooden to approve the minutes of the August 1, 2022 regular council meeting. Vote – 4 yes, 1 abstain – Kelly Funk.

Appropriation Ordinance #995B was presented.

Motion by Josh Gooden seconded by Adam Winter to approve Appropriation Ordinance #995B. Vote – Unam.

Mayor Green introduced GMS, Inc. Resident Project Representative Mark Hornberger, who was present to update the Council. Mr. Hornberger's update was moved up on the agenda so that he could begin traveling back home to Colorado. Mr. Hornberger met with Street, Water, & Sewer Superintendent Terence Appel throughout the day and worked on plans for the next portion of the water improvement projects; plans and specifications are expected to be submitted to KDHE by the end of the week. Upon KDHE's approval, the project will be advertised for bids. The last time plans were submitted to KDHE for approval, the review process took approximately 2 months. Mr. Hornberger indicated that the project is still on target for a start date of late 2022 or early 2023 as expressed earlier by GMS Engineer David Frisch.

Mr. Hornberger reminded the Council that Nowak Construction Co., Inc. (Nowak) out of Goddard was awarded the bid for all three phases/schedules of the 8<sup>th</sup> Street Extension/Crescent Avenue Curb & Gutter project. Approval for the KDOT portion of the project had been received by KDOT the previous Thursday with contract documents being sent to Nowak last Friday. Nowak has indicated that they would like to begin the work on schedule 1, installation of the water & sewer infrastructure on or around September 12. Schedule 2, installation of the curb & gutter and paving of 8<sup>th</sup> Street will follow. Schedule 3, installation of curb & gutter on Crescent Avenue will also be provided as part of this project. The only portion of the project that will receive any cost share by KDOT is Schedule 2. It is anticipated that all three bid schedules will be completed this fall.

The City Council was also reminded that aerial photography for the drainage study, aka the Stormwater Master Plan, would be conducted in the fall, while the trees have less foliage. Survey work will also be conducted at that time, during which GMS crews will be available to provide other tasks such as inspecting utilities and street construction for the 8<sup>th</sup> Street Project.

Mayor Green thanked Mr. Hornberger for his report and wished him safe travels.

City Administrator Brad Pendergast reminded the Council that there have been several discussions regarding the creation of reserve funds for both the water and sewer utilities and that at the budget workshop in June, Council had agreed to move forward with the creation of a Water Reserve fund and a Sewer Reserve fund. Mr. Pendergast further explained that these funds are considered non-budgeted funds and there is no cause for concern with how these funds will affect the City's budget authority. He likened these funds to savings accounts with money available to use in case of unexpected expenses.

*Ordinance No. 1240*, an ordinance establishing a Water Reserve fund for the City of Scott City, Kansas, was included in the packet. Council member Barb Wilkinson asked why the interest that would be earned by the fund would be receipted into the General fund. Mr. Pendergast explained that the State statute governing the creation of this and other reserve funds dictates that all interest is to be receipted into the General fund.

Motion by Josh Gooden seconded by Adam Winter to authorize the Mayor's signature on *Ordinance No. 1240*, an ordinance establishing a Water Reserve fund for the City of Scott City, Kansas. Vote – Unam.

*Ordinance No. 1241*, an ordinance establishing a Sewer Reserve fund for the City of Scott City, Kansas was provided in the packet.

Motion by Josh Gooden seconded by Adam Winter to authorize the Mayor's signature on *Ordinance No. 1241*, an ordinance establishing a Sewer Reserve fund for the City of Scott City, Kansas. Vote – Unam.

*Ordinance No. 1242*, an ordinance amending Title 6, Chapter 1, Section 6-1-1(A) of the Municipal Code of the City of Scott City incorporating by reference the *Standard Traffic Ordinance (STO) for Kansas Cities, Edition of 2022*: and amending Title 5, Chapter 2, Section 5-2-1 of the Municipal Code of the City of Scott City incorporating by reference the *Uniform Public Offense Code (UPOC) for Kansas Cities, Edition of 2022* was provided in the packet. City Attorney Rebecca Faurot explained that it had been the standard practice of the City Council to adopt the updated editions of the STOs and UPOCs each year that changes had been made to the publications.

Motion by Kelly Funk seconded by Barb Wilkinson to authorize the Mayor's signature on *Ordinance No. 1242*, an ordinance amending Title 6, Chapter 1, Section 6-1-1(A) of the Municipal Code of the City of Scott City incorporating by reference the *Standard Traffic Ordinance (STO) for Kansas Cities, Edition of 2022*: and amending Title 5, Chapter 2, Section 5-2-1 of the Municipal Code of the City of Scott City incorporating by reference the *Uniform Public Offense Code (UPOC) for Kansas Cities, Edition of 2022*. Vote – Unam.

Provided in the packet was *Scott City Municipal Airport Fixed Base Operator (FBO) Lease and Management Agreement between City of Scott City and WTH Aviation Services, LLC*. City Administrator Brad Pendergast began the discussion by stating that he had received input back from Warren Harkness with WTH Aviation Services, LLC (WTH Aviation) and all revisions that were made to the draft presented at the last regular meeting had been passed along to City Attorney Rebecca Faurot. Mrs. Faurot noted that most of the revisions were minor corrections such as grammar and consistency errors but informed the Council of two revisions that were made at the request of the prospective FBO. The first revision was to add a phrase indicating that WTH

Aviation would make “every attempt” to provide maintenance at the airport during the first one-year term. Mr. Harkness was hesitant to agree that he would be able to provide maintenance when it has been very difficult to find qualified mechanics in the past and does not want to be penalized if he is unable to fulfill this requirement of the agreement. A second revision was to alter the dispute resolution to add mediation and arbitration components, in which any decision made in arbitration would be binding. Council members inquired if the Airport Commission agreed with the proposed changes and asked City Attorney Faurot if she would recommend moving forward with the agreement as currently written. Mrs. Faurot explained that, with the addition of the “every attempt” clause to the agreement, it would be difficult to enforce, and recommended that extra language could be added stating that the FBO would be required to produce evidence of due diligence in their efforts to provide maintenance as soon as possible. Mr. Pendergast explained that the Airport Commission had not met to discuss the revisions to the agreement, so he was unsure of their approval.

Motion by Bo Parkinson seconded by Barb Wilkinson to approve the *Scott City Municipal Airport Fixed Base Operator (FBO) Lease and Management Agreement between City of Scott City and WTH Aviation Services, LLC* contingent upon approval of the Airport Commission and upon the inclusion of additional language requiring the FBO to provide evidence of due diligence in their efforts to provide maintenance as soon as possible, becoming effective September 1, 2022. Vote – Unam.

Scott County Development Committee (SCDC) Executive Director Katie Eisenhour was present to update the Council. Mrs. Eisenhour began her update discussing the upcoming renewal of the Neighborhood Revitalization Plan (NRP) which will expire at the end of this year. The NRP is a successful, highly utilized plan. The three taxing entities involved in the creation and implementation of the NRP are the City of Scott City, Scott County, and USD 466. SCDC’s role is to act as the facilitator. Mrs. Eisenhour provided a brief history of how the current 5-year plan came to fruition. She indicated that the SCDC board met recently to discuss the NRP renewal and are recommending a 10-year residential plan and a 5-year plan for commercial, industrial, and agricultural improvements. Mrs. Eisenhour indicated that a 10-year residential plan would help to incentivize new home construction which is desperately needed in Scott City. She asked for the Council’s support in moving forward with the 10-year residential plan and asked City Administrator Brad Pendergast to share his opinion with the Council. He indicated that most surrounding cities are currently implementing a 10-year residential plan. The \$40,000 lower-end threshold helps to incentivize not only new construction, but also larger scale rehabilitation. When the Rural Housing Incentive District (RHID) becomes clearly defined in Scott City, those people who do not reside or who will not build in these designated areas will still have the NRP to fall back on as an additional incentive. People will be eligible for only one or the other, but not both. The group meeting with all three taxing entities is expected to happen in October to ensure that the finished product can be submitted to the State in time for the NRP to be approved with a start date of January 1, 2023.

SCDC Director Katie Eisenhour was sad to report that the funding for the Senior Housing Project was not awarded. Mrs. Eisenhour indicated that Scott City scored extremely low (13 points lower than the next lowest-scoring application) because of perceived “limited proximity to services.” Mrs. Eisenhour explained that the application listed several well-known franchises which provide services, such as Home Depot, without allowing for locally equivalent services, such as Big R, Scott County Lumber, Scott City Ace Hardware, etc.

Mrs. Eisenhower updated the Council on the progress of the US Highway 83 project. She informed the Council that she had received a phone call earlier in the day from a KDOT representative informing her that no project in District 6 would be receiving any funding for improvements in this round of funding. The earliest date that construction could begin on the US Highway 83 portions of the project would be sometime in 2025.

SCDC Director Katie Eisenhower was excited to announce that it is her turn to host the WKREDA (Western Kansas Rural Economic Development Alliance) Quarterly Conference on September 7-8, 2022 at the Western Kansas Child Advocacy Center. She had 12 registrants sign up on the first day; she estimates over 40 participants, including approximately 20 legislators. A Transient Guest Tax grant has helped to fund the conference. Mrs. Eisenhower extended an invitation to the Mayor and Council to attend the dinner on September 7, 2022.

Regarding a potential RHID, Mrs. Eisenhower recently met with a developer in Manhattan who has expressed an interest in developing 22 acres in Scott City. She indicated that this individual has worked with several Scott City people who have helped to make him a success and so would like to give back to the community. However, nothing formal has been agreed upon.

The Moderate-Income Housing (MIH) is moving along nicely. House # 6 of 14 is currently being built. When it is time for the next round of MIH homes to be built, it is anticipated that the cost of these homes will be approximately \$20,000 lower in price.

In closing, Mrs. Eisenhower expressed her excitement about the buildings downtown. The downtown area continues to thrive with “new ownership and new life.”

Allyssa Kough was present to raise awareness for Duchenne Muscular Dystrophy (DMD). She reminded the Council that this time last year the Council was gracious in allowing her to place solar lights along Main Street on September 7 to draw attention to the genetic disorder that affects her son Brody. Since September 7 is World Duchenne Awareness Day, she requested that she be allowed once again to place lights along Main Street to build awareness. This year, she plans to use 3-colored lights to represent the Jett Foundation (Red) which assists people and families impacted by DMD, Brody’s favorite color (Blue), and the national color to symbolize DMD (Green). She also plans to educate the community prior to September 7 with social medial posts and radio spots.

Motion by Kelly Funk seconded by Adam Winter to approve Mrs. Kough’s request to place multi-colored solar lights along Main Street on September 7, 2022 to raise awareness for Duchenne Muscular Dystrophy. Vote – Unam.

Under the open agenda, Mayor Green announced that he has been approached repeatedly regarding a tree at 908 Elizabeth that is causing concern for nearby residents’ personal safety and the safety of their property. Last December, a tree from this address caused significant damage to the neighbors’ property. Topics of discussion about damaged, dead, or diseased trees revealed that, although property values are affected by these types of trees, the City does not currently address trees in any ordinances, unless they are in the City’s right-of-way. City Administrator Brad Pendergast indicated that he had drafted a tree ordinance during his tenure as Oakley’s City Administrator. He would like to address trees in the same manner as other blight and would like to see trees considered in abatement processes. Consensus of the Council was to direct City Administrator Brad Pendergast to draft an ordinance regarding trees as a nuisance or danger.

The *Monthly Pool Update with Figures as of July 31, 2022* was included in the packet for Council’s review. Pool Manager Marci Patton was not present, but Mayor Green reported that he had spoken with her and that the pool had been closed for the season, with the pool re-opening briefly for a special event that was approved by the Council at the last regular meeting. She had indicated that it has been a successful season.

Building Inspector Lloyd Foster was present in the audience but did not address the Council. The *Monthly Inspection Report with Permits Pulled through August 11, 2022* was included in the packet for Council’s review.

Police Chief David Post reported that law enforcement officers attended an active shooter training at Scott Community High School earlier in the day. The course was instructed by members of the Garden City Police Department. The course was attended by 21 officers from the Scott County Sheriff’s Office, Kansas Wildlife & Parks, Kansas Highway Patrol, and Scott City Police Department. There were many teacher and student volunteers who took part in the training making it all seem very realistic. Common consensus of those who participated was that it was a very valuable training and that they would like to see this training continue on a yearly basis.

Police Chief Post noted that training would continue the following day with a two-hour session with City Attorney Rebecca Faurot on report writing.

On Friday, August 19, 2022, the Police Department will assist with faculty orientation for USD 466. They will lead sessions on mandated reporting and active shooters. Officer Bailey White will begin her duties as School Resource Officer (SRO) when school begins. Due to her increased duties and certifications, Police Chief Post promoted her to Officer II with a 2% pay increase over her current hourly wage.

Parks Superintendent Terence Appel reported that the crew was prepared for the Lake Scott Car Club Rod Run to be held in Patton Park during the upcoming weekend.

Mr. Appel requested to open bids for a mower for the Parks department. Specifications were for a 60-inch zero-turn commercial mower with side discharge and a bagger attachment with automatic dump. Minimum specifications included 31-35 HP gas engine, semi-pneumatic front tires, mulch blades, adjustable suspension seat, and a warranty. Mayor Green opened sealed bids from five vendors:

• Kanamak Equipment – Garden City	Hustler/Kawasaki FX 1000	\$16,154.00
• Millrods, LLC – Scott City	Bad Boy w/Bagger	\$13,023.00
	Bad Boy w/Mulch Kit	\$10,923.00
• American Implement – Scott City	John Deere Z960M ZTrak	\$20,200.00
	John Deere Z970R ZTrak	\$23,200.00
• Central Power Systems – Garden City	29.5HP /Z781KWTI-60	\$14,554.61
• Absolute Comfort – Scott City	Grasshopper 735BT	\$21,561.25
	Grasshopper 335B	\$17,910.00
	Husqvarna Z560X	\$19,052.99

Mr. Appel requested some time to review the bids stating that he would have his recommendation by the end of the meeting.

Street, Water, & Sewer Superintendent Terence Appel informed the Council that the 12<sup>th</sup> Street lift station has two working pumps now that they have been repaired by Johnson Electric Motor in Great Bend.

Mr. Appel notified the Council that Brian Vulgamore has purchased the old Brandfas Trailer Park (Glenn Street between 8<sup>th</sup> and 9<sup>th</sup> Streets) and is in the process of cleaning it up. He intends to place approximately 10 new trailers on these lots and is planning to provide water service to all homes with a single 2" meter.

The City crew plans to begin patching the streets with cold mix north of 7<sup>th</sup> Street and east of 5<sup>th</sup> Street in preparation for next summer's crack sealing /chip sealing projects. The crew remains busy with cleaning of sewer lines and storm drains as well as keeping weeds mowed down.

City Clerk Ruth Becker reminded the Council that the 1<sup>st</sup> regular meeting in September would be on Tuesday, September 6, 2022 due to the observance of Labor Day.

Mrs. Becker also informed those who had registered for the Kansas Open Meetings Act and Kansas Open Records Act (KOMA/KORA) training scheduled for August 24 in Scott City that it has been cancelled. Although the number of registrations surpassed the required threshold of 10, it was determined that it would not be cost effective for their presenters to make the trip to Scott City for 12 registrants. Those who had registered are encouraged to register for the Virtual Class on August 31. The League of Kansas Municipalities has waived the fee for the class and the KOMA and KORA manuals will be provided free of charge to anyone wishing to change their registration.

City Clerk Ruth Becker reminded Council members that there is still time to register for the League's annual conference to be held in Overland Park in October.

City Administrator Brad Pendergast informed the Council that he had had a spur of the moment meeting with Garden City City Manager Matt Allen and SCDC Director Katie Eisenhour earlier in the day regarding the disappointing news regarding the lack of progress on the US Highway 83 passing lane project. Earlier in the day, Mr. Allen had submitted a Notice of Intent to apply for the *Safe Streets for All* study along with Finney County, City of Scott City, and Scott County with an emphasis on the US Highway 83 corridor. Safe Streets for All is a federal grant opportunity that came about as part of the Bipartisan Infrastructure Law (BIL) which provides studies to make street and roads safer. The intent of this is to reach out to other communities along the US Highway 83 corridor (Decatur County, Logan County, Haskell County, and Seward County) to get them on board to motivate KDOT into viewing this corridor as the primary north/south route across the western part of the state. If the application is successful, the BIL would cover 80% of the funding needed to proceed with the studies with the local match being covered in full or in part by KDOT. The distribution of each community's portion of the funding would be relative to the scope and complexity of the work to be done in the community. The Notice of Intent that was filed earlier in the day presents no financial obligation to the City of Scott City at this time. Currently, the City of Garden City is working with Wilson & Company, an engineering firm out of Salina, for their portion of the study, and if the City of Scott City moves forward with this effort, Mr. Pendergast recommends using Wilson & Company as well to maintain consistency across the studies. They

are known to be very familiar with KDOT projects. SCDC Director Katie Eisenhour voiced that the actual application, if the Council should choose to pursue this effort, is due on September 15, 2022.

City Administrator Brad Pendergast informed the Council that he had sent the Notice of Hearing to Exceed Revenue Neutral Rate and Budget Hearing to the Scott County Record earlier in the day for publication prior to the September 6, 2022 hearing date. A printed copy of the notice was provided for each Council member. Mr. Pendergast added that his most recent check of the Consumer Pricing Index (CPI) for the Midwest Region revealed that the CPI had dropped to 8.6%. He also pointed out a few changes from the last budget draft in the Airport Sinking and Airport Enterprise funds.

Mr. Pendergast informed the Council that he had been working with SCDC Director Katie Eisenhour and her summer intern Dalsey Cupp on creating a new brand for the City of Scott City. He showed the Council the mock-ups that Ms. Cupp had created. He also provided a brief “tour” of the new website.

Motion by Josh Gooden seconded by Adam Winter to adopt the new logo along with the tagline “Vibrant Today, Brighter Tomorrow” which can be used in conjunction with the existing City seal. Vote – Unam.

City Attorney Rebecca Faurot thanked the Mayor and Council for the opportunity to work as the City Attorney. She stated that she is in no hurry to step down and will continue to fulfill her role as City Attorney until a replacement has been named.

The financial & investment reports were presented.

Mayor Green had nothing additional to report.

The Council took a short break.

Mayor Green called the meeting back to order.

Parks Superintendent Terence Appel was prepared to recommend a mower to the Council. He recommended awarding the bid to Kanamak Equipment out of Garden City for the Hustler/Kawasaki FX 1000 at a cost of \$16,154.00. He indicated that this mower was the lowest cost mower that met all the specifications provided to vendors.

Motion by Barb Wilkinson seconded by Adam Winter to accept the bid of \$16,154.00 from Kanamak Equipment for the Hustler/Kawasaki FX 1000 mower. Vote – Unam.

Motion by Adam Winter seconded by Barb Wilkinson to adjourn at 9:02 p.m. Vote – Unam.

Everett M. Green  
Mayor

Ruth Becker  
City Clerk