

September 6, 2022

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

Pastor Jeff Goetzinger from First United Methodist Church was present to lead the Council and others present in prayer.

Present were Mayor Everett Green, Council members Craig Richards, Jeff Allen, Kelly Funk, Josh Gooden, Bo Parkinson, 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.

Mayor Everett Green opened the Hearing to Exceed the Revenue Neutral Rate (RNR) for the 2023 budget. Mayor Green announced that there would be two budget related hearings as part of this meeting – the Hearing to Exceed the RNR and the Budget Hearing itself. He asked for Council members or members of the public to express any concerns or opinions about the proposed 2023 City of Scott City Budget. Two people spoke to the Council: Craig Ramsey and Reid Frolich. Mr. Ramsey spoke first. He stated that he had attended the budget hearing for Scott County earlier in the day as well and stated that he knows that serving on the City Council is a tough job and that he appreciates all that the Council does for the City. He expressed concern regarding not only a 7.5% increase in the County's budget, but also the 7.15% increase to the City's budget. He asked the Council to not tax the community members "out of a place to live" noting the recently increased residential appraised valuations, increased water and sewer rates, and a 9.5% proposed Cost-of-Living Adjustment (COLA) to salaries in 2023. Mr. Frolich also addressed the Council with his concerns about the Cost-of-Living Adjustment figure in the budget and asked the Council if any of them planned to give their own employees that type of raise. He indicated that the Council should not enact any City policy if they would not be willing to provide the same incentives in their own businesses stating that he does not believe that most private businesses in town are giving 9.5% COLA raises each year. He also mentioned that if the City is going to provide COLA raises each year based on CPI numbers, he would expect to see a lower amount budgeted in years where that CPI is also low. Overall, his message to the Council was that he understands that they need to react to the current situation, but they also need to plan for the future. He mentioned that it is the Council's responsibility to "grow the community," and that Scott City cannot afford to lose people because it is not affordable to live here. When taxes increase, the people who are paying the price are the very people who are running the community. No others spoke on the matter. Mayor Everett Green closed the Hearing to Exceed the RNR.

Presented in the packet was Resolution 2022-04, a Resolution of the City of Scott City, Kansas to levy a property tax rate exceeding the revenue neutral rate. The RNR, as provided by the Scott County Clerk in June 2022, was calculated as 64.869 mills, whereas the mill levy for the proposed 2023 budget is expected to be 69.508 mills.

Motion by Josh Gooden seconded by Kelly Funk to approve Resolution 2022-04 allowing the City of Scott City to levy a property tax rate exceeding the RNR of 64.869 mills as calculated by the Scott County Clerk. Roll Call vote was as listed:

Governing Body Member	Yes	No	No Vote
Craig Richards	X		
Jeff Allen	X		
Kelly Funk	X		
Josh Gooden	X		
Bo Parkinson	X		
Barb Wilkinson			X
Adam Winter		X	
Armando Tarango	X		
TOTAL	6	1	1

City Administrator Brad Pendergast spoke at the request of Mayor Green regarding the budgeted COLA increase. Mr. Pendergast noted that, although the salary line budgets currently reflect a 9.5% increase for COLA, the current CPI is 8.6% and he expects that will continue to drop. Mayor Green further explained that it is best practice when creating any budget to budget for the worst with the intention not to spend it all. He also explained to the audience that the City has historically not been seen as a “competitive” employer, so in 2020, with much thought and consideration, the Council adopted a new Pay Plan to stay competitive not only in Scott City, but also in the surrounding communities. One of the deciding factors when adopting the Pay Plan was the knowledge that it is more economically efficient to retain employees rather than to train new employees. He also assured those in attendance that the Council considered the COLA component to the Pay Plan very carefully. Council member Bo Parkinson thanked Mr. Ramsey and Mr. Frolich for voicing their concerns.

Mayor Everett Green opened the 2023 Budget Hearing and announced that any comments or questions regarding the 2023 Budget would be heard until the hearing closes at the end of the council meeting.

The minutes of the August 15, 2022 regular council meeting were presented.

Motion by Adam Winter seconded by Josh Gooden to approve the minutes of the August 15, 2022 regular council meeting. Vote – 4 yes – 3 abstain, Craig Richards, Jeff Allen, Armando Tarango.

Appropriation Ordinance # 996A was presented.

Motion by Josh Gooden seconded by Adam Winter to approve Appropriation Ordinance # 996A. Vote – 6 yes, 1 abstain, Jeff Allen.

Presented in the packet was *Proclamation* in which Mayor Everett Green proclaimed the week of September 17-23, 2022 as Constitution Week. Present for the reading of the proclamation were Regent Marian Nolan, Scott City; Registrar Carley Hazelton, Garden City; and Past Regent and State Chair Dixie Drake, Garden City who were representing the Daughters of the American Revolution. Marian Nolan spoke briefly about the history behind the proclamation. Mayor Green

read the proclamation aloud to those in attendance and thanked the Daughters of the American Revolution for their attendance.

Presented in the packet was *Charter Ordinance No. 15*, exempting the City of Scott City, Kansas from the provisions of K.S.A. 12-1696, 12-1697, and 123-1698 and providing substitute and additional provisions on the same subject, relating to the levy of a Transient Guest tax and providing for purposes for expenditures of such funds and repealing *Charter Ordinance No. 8*. City Administrator Brad Pendergast reminded the Council that, during the Budget Workshop, the topic of increasing the Transient Guest tax had been discussed. Increasing the tax rate from 5% to 6% would allow the City to better serve the businesses of Scott City that rely heavily on revenue generated by individuals traveling through Scott City and to be able to provide financial relief to those entities and organizations who sponsor programs which attract out-of-town visitors. He reminded the Council that the Transient Guest tax revenues took a large hit with the introduction of Covid-19 in 2020 and now that there are more events being scheduled, it is difficult to fund these events because the revenues are not where they need to be. When asked by Council members if a higher transient guest tax rate would act as a deterrent to bring people to Scott City, Mr. Pendergast indicated that statistically it does not deter visitors, and that a 6% tax rate would be more consistent with the tax rates of nearby, similarly sized, communities. He also noted that this tax would not affect the taxes of Scott City residents as this tax is collected from travelers at local hotels, who remit the tax to the State of Kansas for distribution back to the community from which it originated. Council member Jeff Allen asked if this is a situation that needs to be addressed on an annual basis. City Administrator Brad Pendergast noted that he will continue to watch the rates of neighboring communities, and will address a change if warranted, but that it would not be necessary to address this topic on an annual basis.

Motion by Josh Gooden seconded by Jeff Allen to authorize the Mayor's signature on *Charter Ordinance No. 15*, exempting the City of Scott City, Kansas from the provisions of K.S.A. 12-1696, 12-1697, and 123-1698 and providing substitute and additional provisions on the same subject, relating to the levy of a Transient Guest tax and providing for purposes for expenditures of such funds and repealing *Charter Ordinance No. 8*. Vote – Unam.

Included in the packet was *Tree Ordinance Draft*. City Administrator Brad Pendergast explained that the draft ordinance is a combination of a tree ordinance that he created in Oakley combined with a tree ordinance for the City of Garden City. He noted that the draft is not written in ordinance form and he requested input from the Council before moving forward. He expressed that this draft is broader than what was requested because it deals not only with dangerous trees, but trees in general, giving the City increased authority to handle tree issues. Some of the items discussed were: allowable height of trees protruding over streets, distance from street corners and fire hydrants, distance from curbs and sidewalks, condemnation and removal of hazardous trees, removal of stumps, arborists' licensing and insurance requirements, and enforcement of policies. Consensus of the Council was to ask City Administrator Brad Pendergast to write the draft into ordinance form for potential approval at the next regular meeting.

City Clerk Ruth Becker informed the Council that she had been approached to ask the Council to return to the practice of having a City employee Christmas Party. She noted that it had been mentioned that several employees like the idea of having a meal catered at a neutral location, not necessarily a restaurant, with the main dish being provided and employees furnishing a side dish

and/or desert. Mayor Green asked Mrs. Becker to poll City employees to gain their input on the matter. She will report back to the Council at the first meeting in October.

City Clerk Ruth Becker requested guidance regarding the practice of issuing \$5.00 gift cards on an employee's anniversary. An email from City Treasurer Renee Cure was provided in the packet for Council's review. Mrs. Cure had recently attended a continuing education course which informed that gift cards (cash gifts), no matter how small the amount, are never excluded from being taxed. Mrs. Becker inquired if the Council wished to continue the practice of gifting a \$5.00 gift card at an employee's anniversary, which would now need to be taxed at payroll, or discontinue the practice. Mayor Green asked the Council to consider this topic and be ready to discuss at a future regular meeting.

Mayor Green informed the Council that the League of Kansas Municipalities is now collecting registrations for voting delegates and alternates for the Annual Business Meeting & Convention of Voting Delegates on Monday, October 10, 2022. He noted that Scott City's population allows for two voting delegates and two alternates. He informed the Council that he, City Administrator Brad Pendergast, and City Clerk Ruth Becker were the only City officials who had registered for the conference. Because only three individuals will be attending the conference, the Council needs to select two voting delegates and one alternate delegate.

Motion by Josh Gooden seconded by Adam Winter to register Mayor Everett Green and City Administrator Brad Pendergast as voting delegates, and City Clerk Ruth Becker as an alternate voting delegate for the 2022 Business Meeting & Convention of Voting Delegates to be held on October 10, 2022. Vote – Unam.

Scott Recreation Commission (SRC) Director Cody Brittan was present to update the Council. He was accompanied by Jordan Carter. Mr. Brittan had provided an SRC update which was provided in the packet. He informed the Council that SRC had completed installation of two new score booths and four new dugouts at the ball fields and had completed repairs to several sidewalks. They plan to paint the concession stand to be ready for the start of the SCHS Baseball/Softball season next spring. Summer SRC programs have ended, and they are gearing up for youth flag football and volleyball. Girls' volleyball clinics are planned for September and October. Adult ladies' volleyball will begin in September. Fitness Center memberships remain steady. Mr. Brittan expressed his amazement at how much the fitness center is being used at all times of the day, with the peak usage times during the lunchtime hours and evening hours. He reported that the fitness center now has a new power/squat rack. As of August 10, water usage for the SRC is just over 7 million gallons due to the lack of rainfall and extreme heat. Mr. Brittan indicated that they are limiting their watering of the sports complex and soccer fields to three times a week in an effort to remain under the 10 million gallons referred to in their water conservation plan. Mr. Carter indicated that since there are still two months to be billed, they will likely exceed the 10 million gallons even with reduced watering moving forward. Mayor Green thanked Mr. Brittan and Mr. Carter for their report and welcomed Mr. Brittan to his new role as director.

Mayor Green noted that, since this meeting is being held on a Tuesday, allowing the City to observe Labor Day on Monday, GMS Engineer David Frisch had a scheduling conflict and was unable to attend.

Under the open agenda, Council member Craig Richards explained to the Council that when the City began using Time & Attendance software for employees to clock in and out, Travel & Tourism Coordinator Jenn Turner did not have an on-site supervisor who could approve her leave requests or her timecard overall. Transient Guest Tax Committee member Craig Richards took on the role as Time & Attendance supervisor. Mr. Richards requested that City Administrator Brad Pendergast act as her supervisor since he works more directly with Mrs. Turner and can verify her hours. Mr. Pendergast was not yet employed by the City at the implementation of the software and was agreeable to the arrangement.

Motion by Craig Richards seconded by Armando Tarango to re-assign the role of Time & Attendance Supervisor for Travel & Tourism Coordinator Jenn Turner to City Administrator Brad Pendergast. Vote – Unam.

Also under the open agenda, First United Methodist Church Pastor Jeff Goetzinger requested on behalf of Golden Rule Preschool (housed within the church) that the City install “Kids at Play” signs or stop sign near the entrances around the building to slow traffic at pick-up and drop-off times. The question arose whether preschools qualify as “school zones” in the same way that elementary schools are zoned for traffic control. Police Chief David Post indicated that he would research it.

Pastor Goetzinger also mentioned that the corner lot on which he lives is very congested with cars parked along both corners of his property (near the middle school). He expressed concern with not being able to see pedestrians or other vehicles as he is backing out of his driveway. Pastor Goetzinger requested that the corner at 9th & Ora be painted yellow to prohibit parking at that corner. Mayor Everett Green expressed that the City has to be careful when acting on such a request because the Council may unknowingly set standards that were never meant to be set. Because it had been noted that most of the cars parked in the area belong to teachers, Mayor Green requested the Pastor Goetzinger speak directly with Middle School Principal Jana Irvin who may be able to persuade teachers to park elsewhere. He also requested that Police Chief David Post assess the issue.

Pool Manager Marci Patton was not in attendance. The pool has been closed for several weeks and there is currently nothing to report. Mrs. Patton plans to update the Council with the Year-End report closer to the end of the year.

Building Inspector Lloyd Foster was not in attendance. Council member Kelly Funk reported that he had had a plumbing emergency recently on a Saturday morning. Mr. Foster was called for an inspection, and he promptly arrived. Council member Funk expressed his gratitude.

Police Chief David Post had provided *Council Meeting/Dept Update dated 9/6/22* in the Council packet. He indicated that he would like to see a change in the Temporary Business License requirement that all temporary vendors must pay a fee to obtain a permit. He would like the Council to address the need to charge vendors of farm-fresh produce (watermelons, corn, etc.). He indicated that at a fee of \$25 per day plus a \$50 background check fee, individuals would have to sell a lot of produce for them to make a profit. He would like to see vendors who are selling agricultural products be exempt, much in the same way that an organized farmers’ market is exempt by City code. After a brief discussion, it was determined that the Council will make a decision at another meeting.

Police Chief Post also was pleased to announce that the SCPD had been asked to provide training at the USD 466 Faculty & Staff Orientation. Detective Poore was on a panel, along with other community partners, to train on mandated reporting. Police Chief Post also participated by providing Violent Intruder training. Both trainings received positive feedback from the participants.

Parks Superintendent Terence Appel was absent. Assistant Parks Superintendent Reggie Ford reported on his behalf. Mr. Ford stated that since the City currently does not have an active Parks employee, the Street department has been completing the necessary tasks in the parks.

Street, Water, & Sewer Superintendent Terence Appel was absent. Assistant Street, Water, & Sewer Superintendent Reggie Ford reported on his behalf. He indicated that they have been very busy doing different types of maintenance. The crew has been working on road repair to prep for the upcoming chip and crack sealing projects. The 8th Street Extension project is proceeding nicely. Nowak Construction completed the water lines earlier in the day; they plan to pressure test the lines the following day. If the pressure is appropriate, water testing will follow. The construction of the sewer lines will begin soon.

City Clerk Ruth Becker requested that if any Council members desiring to attend Earles Engineering & Inspection's Annual Appreciation Dinner in Kansas City on Saturday, October 8, 2022, to please let her know so she can RSVP on their behalf.

Mrs. Becker also reminded the Council that the WKREDA Dinner, sponsored by Scott County Economic Development, hosted by Executive Director Katie Eisenhour, will be held the following evening, September 7, 2022 @ 6:00 p.m.

City Administrator Brad Pendergast informed the Council that Fixed-Base Operator (FBO) WTH Aviation Services had experienced difficulty with ensuring the car intended to be used as an airport courtesy car due to the fact that most insurance companies do not like to insure unknown drivers. Mayor Green noted that Warren Harkness had reached out to him, as an insurance agent, for assistance. He offered a possible solution, that the City could purchase the 2004 Ford Focus and insure it with EMC under the City's policy. The purchase price of \$500 was agreed upon. The FBO will be responsible for any or all maintenance on the vehicle.

City Administrator Brad Pendergast noted that, during this time of transition at the airport, revenue from fuel sales is still being remitted to the City, since there is still City-purchased fuel available. When the tanks need to be refilled, measurements will be taken to verify the amount of fuel the FBO will reimburse the City before ordering any new fuel.

Mr. Pendergast also noted that he is working on a possible revision to the Sewer Rate Adjustment policy now that the City has been using this system for several months. There appear to be a few kinks that need to be addressed.

City Attorney Rebecca Faurot explained *Agreement for Inmate Medical Costs First Amendment—Effective August 1, 2022* an agreement between Scott County, Scott County Sheriff, City of Scott City, Scott City Police Department, Scott County Hospital, and Scott City Clinic. Mrs. Faurot indicated that this agreement includes a price increase for caring for inmates at the Scott County Clinic. She noted that the charge has been increased to 30% of the billable costs, unless the services is provided through a Rural Health Clinic, where costs for services are 30% of

the Medicare allowable rate. Scott City Clinic is considered a Rural Health Clinic. City Attorney Faurot noted that, although the prices have increased, it is still less than allowable by state statute. Police Chief Post indicated that the Police Department uses the hospital for services almost exclusively, and since the Scott County Hospital's costs are not changing by much, this agreement would not affect the City a great deal.

Motion by Jeff Allen seconded by Craig Richards to approve the agreement as written and to authorize the Mayor and Police Chief's signatures. Vote – Unam.

Motion by Jeff Allen seconded by Armando Tarango that the City Council 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, City Council, City Administrator, City Attorney, Chief of Police, and Police Sergeant with the open meeting resuming in the Council room at 9:15 p.m. Vote – Unam.

The Council came out of executive session.

Mayor Green called the meeting to order.

Motion by Kelly Funk seconded by Jeff Allen to approve 168 Sick Bank hours for an unspecified employee. Vote – Unam.

Mayor Everett Green asked if there were any questions or comments regarding the 2023 budget. No questions or comments were made.

Mayor Green closed the 2023 budget hearing and announced that the vote to adopt the 2023 budget would take place at the September 19, 2022 regular Council meeting.

Motion by Adam Winter seconded by Armando Tarango to adjourn at 9:16 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk