

October 3, 2022

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

Father Don Bedore from St. Joseph Catholic 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, 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 September 19, 2022 regular council meeting were presented.

Motion by Jeff Allen seconded by Craig Richards to approve the minutes of the September 19, 2022 regular council meeting. Vote – Unam.

Appropriation Ordinance #997A was presented.

Motion by Craig Richards seconded by Barb Wilkinson to approve Appropriation Ordinance #997A. Vote – Unam.

Mayor Green welcomed Mark Leasure, GMS, Inc. Land Surveyor and Project Manager. Mr. Leasure introduced himself and Isaac Rusco and explained that they are beginning to do the preliminary work for the aerial photography that will be used in the City's drainage study. He noted that they will be setting approximately 45 control points around town for the study. Mr. Leasure updated the Council on the progress of the 8<sup>th</sup> Street and Crescent Avenue projects. He feels that progress is moving along nicely with all the utilities having been placed, and the curb and gutter is mostly finished along 8<sup>th</sup> Street. It is anticipated that 8<sup>th</sup> Street will be paved within the next two weeks. Mr. Leasure also informed the Council that a letter from GMS Engineer David Frisch, payout requests for GMS and Nowak Construction, and the 8<sup>th</sup> Street KDOT Cost Share Program Request for Reimbursement had been emailed to the City Clerk. Those items were provided in the packet. Mr. Leasure explained that approval of these items could be made during this meeting. City Clerk Ruth Becker indicated that, although Council members had access to the payout requests, that the supplemental invoices to justify the amount of the payout had not yet been presented by GMS. Consensus of the Council was to postpone approval of the documents until invoices had been received. Mayor Green thanked the gentlemen from GMS for their attendance and their report.

Included in the packet was *Ordinance No. 1244*, an ordinance establishing the American Rescue Plan Act (ARPA) Fund for the City of Scott City, Kansas. City Administrator Brad Pendergast noted that, although the City Council voted to create this fund several months ago, City staff had been advised by Dirks, Anthony, and Duncan auditor Mathew Medill, that the creation of a new fund needed to be made by ordinance.

Motion by Craig Richards seconded by Jeff Allen to approve *Ordinance No. 1244*, an ordinance establishing the American Rescue Plan Act (APRA) Fund for the City of Scott City, Kansas. Vote – Unam.

Provided in the packet was *Ordinance No. 1245*, an ordinance establishing the Kansas Fights Addiction Fund for the City of Scott City, Kansas. The City may use these funds subject to the agreement between the Kansas Attorney General, the Kansas Association of Counties, and the League of Kansas Municipalities. The fund shall be utilized for projects and activities that prevent, reduce, treat, or mitigate the effects of substance abuse and addiction or to reimburse the City for previous expenses related to substance abuse mitigation or arising from covered conduct. The monies for this fund are to be kept in a separate bank account with all earned interest being receipted into the Kansas Fights Addiction Fund. Interest earned must also be used for authorized expenses.

Motion by Josh Gooden seconded by Barb Wilkinson to approve *Ordinance No. 1245*, an ordinance establishing the Kansas Fights Addiction Fund for the City of Scott City, Kansas. Vote – Unam.

*Ordinance No. 1246*, an ordinance amending Title 9, Chapter 1, Section 13, Subsection 4, Part A and Title 9, Chapter 1, Section 41 of the codification of the ordinances of Scott City, Kansas relating to flat fee building permits and adopting Title 9, Chapter 1, Section 42 of the codification of the ordinances of Scott City, Kansas relating to flatwork construction in excess of a certain square footage, was presented in the Council packet. City Administrator Brad Pendergast noted that the only difference from the draft ordinance presented at the last regular council meeting is that the penalty for violating the building codes is more clearly defined as a Class C violation and that each day a violation occurs or remains shall be a new and separate violation.

Motion by Josh Gooden seconded by Jeff Allen to approve *Ordinance No. 1246*, an ordinance amending Title 9, Chapter 1, Section 13, Subsection 4, Part A and Title 9, Chapter 1, Section 41 of the codification of the ordinances of Scott City, Kansas relating to flat fee building permits and adopting Title 9, Chapter 1, Section 42 of the codification of the ordinances of Scott City, Kansas relating to flatwork construction in excess of a certain square footage. Vote – Unam.

Included in the packet was *Ordinance No. 1247*, an ordinance adding Title 6, Chapter 1, Section 5 to the city code, City of Scott City, Kansas, to add offense requiring that a driver of a commercial vehicle must have a Commercial Class Driver's License (CDL) to operate a commercial vehicle. City Attorney Rebecca Faurot explained that Police Chief David Post had noted that driving a commercial vehicle without a CDL was not addressed in the recently adopted 2022 Standard Traffic Ordinance (STO). City Attorney Faurot explained that, although officers currently have the authority to ticket a driver of a commercial vehicle for driving without a license, the penalty does not directly affect the CDL. By supplementing the STO with the verbiage in this ordinance, the penalty would more directly affect the ability to hold a CDL.

Motion by Josh Gooden seconded by Craig Richards to approve *Ordinance No. 1247*, an ordinance adding Title 6, Chapter 1, Section 5 to the city code, City of Scott City, Kansas, to add offense requiring that a driver of a commercial vehicle must have a Commercial Class Driver's License (CDL) to operate a commercial vehicle. Vote – Unam.

Provided in the packet was *First Amendment to the Fixed Base Operator Lease and Management Agreement* between the City of Scott City and WTH Aviation Services, LLC (WTH). This amendment modifies paragraph 12d of the original agreement, listing the minimum vehicular equipment required to be provided as one vehicle capable of towing aircraft. WTH had experienced difficulty in insuring the intended 2004 Ford Focus as a courtesy car. The agreement specifies that the City has purchased the vehicle from WTH in the amount of \$500 to be used as a courtesy car. The City will provide the necessary insurance on the vehicle, while WTH provides routine maintenance and repair to keep the courtesy car in operation. City Administrator Brad Pendergast informed the Council that the Airport Commission members are in favor of this amendment.

Motion by Jeff Allen seconded by Josh Gooden to approve *First Amendment to the Fixed Base Operator Lease and Management Agreement* between the City of Scott City and WTH Aviation Services, LLC.

City Administrator Brad Pendergast informed the Council that all requirements had been met by A+ Aviation, Scott City Municipal Airport's former Fixed Base Operator (FBO), for the lump sum payout of \$10,000 as part of the FBO's original *Release and Termination Agreement* between the City of Scott City, Kansas, and A+ Aviation, LLC.

Motion by Jeff Allen seconded by Craig Richards to approve the lump sum payout of \$10,000 as stipulated in the *Release and Termination Agreement* between the City of Scott City, Kansas, and A+ Aviation, LLC. Vote – Unam.

Also provided in the packet was *School Resource Officer Memorandum of Understanding* between the City of Scott City and Scott County USD 466. This document lays out the chain of command for having an officer in the schools and outlines each party's responsibilities regarding cost, equipment, etc.

Motion by Josh Gooden seconded by Jeff Allen to approve the *School Resource Officer Memorandum of Understanding* contingent upon the approval of Scott County USD 466. Vote – Unam.

Scott County Fire Chief Jeff Mayer was present to update the Council on the arrival of the Wet Rescue Fire Truck that was ordered in September 2021. Included in the packet was the final invoice from Weis Fire & Safety Equipment, LLC for \$104,942.44 with Change Orders #1-3. The final payment was initially slated to be \$80,492. *Change Order #1*, which added items such as additional shelving, lightning, sound options, and winches at each end of the truck, totaled \$20,750.44 had been previously approved at the February 7, 2022 Council meeting. *Change Order #2*, in the amount of \$2,500, added a thermal imaging camera system, allowing firefighters to see through smoke or in the dark. *Change Order #3*, in the amount of \$1,200, added a foam fire suppression system.

Motion by Josh Gooden seconded by Jeff Allen to approve the expenditure of \$3,700 in additional change orders for the Wet Rescue Fire Truck, leaving the total balance due of **\$104,942.44**, which includes the original balance due of \$80,492.00, previously approved *Change Order #1* in the amount of \$20,750.44, *Change Order #2* in the amount of \$2,500.00, and *Change Order #3* in the amount of \$1,200.00, to be paid out of the Fire Equipment Fund. Vote - Unam.

Scott County Development Committee (SCDC) Director Katie Eisenhour was present to gain input from the Council regarding the upcoming renewal of the Neighborhood Revitalization Plan (NRP). Mrs. Eisenhour reminded the Council that the NRP is an agreement between the three taxing entities—USD 466, Scott County, and the City of Scott City. She stated that SCDC acts as an agent to facilitate the adoption of the plan while the Scott County Appraiser's office implements the plan as adopted. After a lengthy discussion, the consensus of the Council was to authorize Mrs. Eisenhour to author a plan that would provide a 10-year NRP for residential, commercial, and industrial applicants within the 3-mile extraterritorial zone, while providing a 7-year NRP for the remainder of Scott County applicants. She indicated that a meeting of the three entities involved would likely happen sometime in late October as a special meeting, in order to submit the NRP to the State by a target date of November 21, 2022 for an NRP with an effective date of January 1, 2023.

City Administrator Brad Pendergast discussed altering the City's current Curb & Gutter Cost Sharing program. Consensus of the Council was to change only the portion of the cost share and to not set caps on either properties or property owners. It was also decided that there would not be a new line item with a designated amount to spend each year. After looking at the current cost of concrete construction, Mr. Pendergast and Public Works Superintendent Terence Appel concluded the average cost for a linear foot of concrete to be approximately \$20. It was proposed to the Council that the cost share amount would be \$20/linear foot (up from \$16/linear foot) or 50% of the total cost, whichever is less.

Motion by Josh Gooden seconded by Barb Wilkinson to alter the current Curb & Gutter Cost Share program policy to reimburse applicants the lower amount of \$20/linear foot or 50% of the total cost of the project. Vote – Unam.

Council member Barb Wilkinson inquired if the updated policy could be posted on the website and the City's Facebook page. City Administrator Brad Pendergast answered in the affirmative.

Western Kansas Groundwater Management District #1 Manager Katie Durham was scheduled to speak but has rescheduled for the next meeting. Mayor Green noted that he, Public Works Superintendent Terence Appel, and City Administrator Brad Pendergast had met with Mrs. Durham recently. He stated that she would like to see more City involvement on a formal basis regarding the conservation of water.

Included in the packet was a draft ordinance prohibiting private water wells within the corporate city limits. There was some discussion debating the reason behind the ordinance. It was mentioned that this ordinance would not reduce the amount of water being used within the city limits because people with wells would continue to use the same amount of water from the same water source. Mayor Everett Green explained that such an ordinance demonstrates to the public that the City is doing their part to make people aware of the need to conserve water. City Administrator Brad Pendergast added that individuals with existing private wells have water rights that would be grandfathered in for the time being. It was mentioned that the ordinance should have a clause added allowing the City to have abatement authority to cap wells as deemed necessary. City Attorney Rebecca Faurot noted that the penalty portion of the ordinance could be expanded to define which class of violation would be assessed to individuals who are in violation of the ordinance. She also noted that it would be worthwhile to consider adding a statement noting that each additional day an individual is in violation would be considered a new, and separate, violation.

Consensus of the Council was to direct City Administrator Brad Pendergast and City Attorney Rebecca Faurot to update the draft ordinance and to have it ready in ordinance form to be presented at the next regular meeting.

Included in the packet for its annual review was *Municipal Water Conservation Plan for the City of Scott City*. It was determined that water rates listed in the plan need to be updated, as the rates have been changed since the last version of the plan was revised. Changes will be made, and the document will be presented for approval at the next regular meeting.

Under the open agenda, SCDC Director Katie Eisenhour brought up a point about the Neighborhood Revitalization Plan that she had neglected to mention in her earlier report. The current version of the NRP is transferrable from builder to initial owner, but that transferability could cease with the new plan. Consensus of the Council was to encourage Mrs. Eisenhour to keep the transferability of the NRP as part of the plan, if possible.

Pool Manager Marci Patton was not in attendance. Mrs. Patton plans to present the End of the Year Report to the Council in November.

Building Inspector Lloyd Foster was not in attendance.

Police Chief David Post reported that the Impala still has had no update on when parts will be received or when the vehicle can be repaired. In addition to the Impala, Sergeant Schmitt's vehicle received approximately \$4,600 in damage when it was backed into.

Police Chief Post reported on staff changes at the Police Department. Officer & K-9 Handler Luke Hayes submitted a letter of resignation effective at the end of his October 11, 2022 shift. He will be transferring to the Sheriff's Office. Police Chief Post indicated that he has established a deadline of 5:00 p.m. the following Wednesday for those interested in becoming the new K-9 Handler. He indicated that he will choose someone that he believes will be loyal and demonstrate a sincere commitment to K-9 Officer Enoch, who likely has at least 6 more years before he retires. Enoch has worked with 2 officers so far in his short career. Police Chief Post has hired a part-time dispatcher to fill-in during the absence of one of the full-time dispatchers. Mary Kirk has been employed at the Law Enforcement Center as a jailer for a short time but has 7 years' experience as a dispatcher in Wichita County.

Council member Barb Wilkinson thanked Chief Post and his officers for the job they did the day of the Whimmydiddle. She mentioned that she had heard many positive comments in the community.

Public Works Superintendent Terence Appel mentioned that there has been quite a lot of overtime in his departments lately, especially in the Parks Department. He noted that to water city parks and islands, and to stay within compliance of the City's watering restriction ordinance, his crew needs to get started watering at 6:00 a.m. so that they can be finished watering by noon. He informed the Council that Patton Park is the only park whose sprinkler system is on a timer. Palmer Park and Maddux Park both must be manually operated. His crew tends to focus on park activities in the morning and street and water projects later in the day. He indicated that he would like to install a sprinkler system at Maddux Park, and to extend the water line at Palmer Park to enable a separate valve so that the pool water and park water could operate independently of each other.

When asked why employees that come in early to water don't leave earlier in the day, Mr. Appel stated that dismissing employees early in the day would leave the crew short to perform necessary street & water duties. He noted that not all the overtime in his departments was in the Parks department. He pointed to a minimum of 16 hours each weekend for on-call pay, which is usually paid out as overtime. Plus, he indicated that there had been an unusually high number of "emergency" call-outs during this period, as well. Extra time needed to pour cement was also listed as a justification for overtime hours.

Public Works Superintendent Terence Appel addressed the drainage project on the west side of town. He noted that the pipe needed to finish the project has arrived, but he is still waiting on rock. He also informed the Council that he and his crew are clearing a lot near the City Shop to make a pit for street sweeper debris. They have been burning trees, shrubs, and railroad ties to try to clean the area enough that city residents are deterred from dumping their limbs when they cannot make it out to the landfill.

City Clerk Ruth Becker announced that she had received 16 responses from employees on whether they would prefer to have a Christmas party or additional Chamber Bucks in lieu of a Christmas party. Some individuals expressed no preference, so their votes counted for each option. 12 employees stated that they would prefer additional Chamber Bucks, 8 employees preferred to have a party. Of those 8 employees, 6 stated that they would be willing to contribute a dish to supplement a catered main course. Consensus of the Council was to honor the majority's wishes and provide additional Chamber Bucks in lieu of the Christmas Party. Mayor Green reminded the Council that, regardless of which option had been chosen, each Council member would forego receiving one meeting's pay in December to help cover the cost.

Mrs. Becker informed the Council that the League of Kansas Municipalities' Legislative Dinners would soon be held in neighboring communities. She provided a list of the sessions in the Council packet and offered to register anyone wishing to attend, noting that the City would cover the fees to attend.

City Administrator Brad Pendergast had nothing additional to report.

City Attorney Rebecca Faurot had nothing additional to report.

Mayor Green indicated that he had nothing to report.

Motion by Josh Gooden seconded by Bo Parkinson for the Council 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, City Administrator, City Attorney, Police Chief and City Clerk with the open meeting resuming in the Council room at 9:20 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 Barb Wilkinson to approve an additional 140 hours from the Sick Leave Bank to be added to an employees leave time. Vote – Unam.

Motion by Josh Gooden seconded by Bo Parkinson for the Council 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, City Administrator, & City Attorney with the open meeting resuming in the Council room at 9:36 p.m. Vote – Unam.

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

Motion by Josh Gooden seconded by Jeff Allen for the Council 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, City Administrator, & City Attorney with the open meeting resuming in the Council room at 9:42 p.m. Vote – Unam.

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

Motion by Josh Gooden seconded by Craig Richards to terminate the employment of Building Inspector Lloyd Foster without cause, effective immediately. Vote – 4-yes, 1-no, Bo Parkinson. Motion passes.

Due to the lateness of the meeting, the Council did not take a break.

Motion by Josh Gooden seconded by Jeff Allen to adjourn at 9:43 p.m. Vote – Unam.

Everett M. Green  
Mayor

Ruth Becker  
City Clerk