

October 17, 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 Jeff Allen (by Zoom), Josh Gooden, Bo Parkinson, Barb Wilkinson, 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.

The minutes of the October 3, 2022 regular council meeting were presented.

Motion by Barb Wilkinson seconded by Josh Gooden to approve the minutes of the October 3, 2022 regular council meeting. Vote – 6-yes, 1-abstain, Adam Winter.

Appropriation Ordinance # 997B was presented.

Motion by Josh Gooden seconded by Armando Tarango to approve Appropriation Ordinance # 997B. Vote – Unam.

Included in the packet was *Ordinance #1248*, an ordinance restricting the installation of non-public domestic water wells within the corporate city limits of the city. City Administrator Brad Pendergast noted that the version of the ordinance varies slightly from what was presented at the last regular meeting, specifically leaving out any mention of capping or condemning any wells. He explained that the penalty clause stating that “each day a violation occurs or remains shall be a new and separate violation” (up to \$1000 per day) should be enough of a deterrent to avoid violations against the ordinance and that if evidence is found that an existing well is harming the public water supply, the City already has the authority to cap a well in that instance. Council members Josh Gooden and Armando Tarango expressed opposition to prohibiting private wells within the city limit, stating that water usage will not increase simply because residents are not part of the public water supply. Council member Bo Parkinson indicated that the cost of drilling a well (\$30,000-\$40,000) already acts as a deterrent. Mayor Everett Green indicated that as the levels of our water dwindle, potentially to an emergency level, this ordinance would prevent individuals with the means to drill a well from doing so, and would, therefore, better protect the remaining water supply. Council member Jeff Allen asked what prompted this ordinance to be brought up for the Council’s consideration. Mayor Green indicated that he and Mr. Pendergast had attended a meeting regarding water usage with Western Kansas Groundwater Management District #1 (GMD1) Manager Katie Durham and other officials from across the state. It was suggested during that meeting that City governments consider prohibiting private wells within the city limits as a measure to protect the cities’ water supply. GMD1 Manager Katie Durham spoke from the audience to inform the Council that domestic wells are not subject to water rights, so the decision to allow new wells remains with cities and KDHE. The consensus of the Council was to table this discussion to the next meeting and to renumber this ordinance when placed on the agenda for consideration at the November 7, 2022 meeting.

Included in the packet was *½% Sales Tax Committee-2021*. Mayor Green noted that the appointments had been overlooked this time last year, so he would need to appoint five individuals to the committee in staggered terms beginning in 2023. Mayor Green expressed appreciation that all five individuals currently serving had agreed to serve another term. Mayor Green’s appointments for the 2023 *½% Sales Tax Committee* are as follows:

Craig Richards	(Council Member)	1-Year Term	2023
Nichole O’Brien	(City Resident)	1-Year Term	2023
Janelle Woods	(City Resident)	2-Year Term	2023-2024
Ali Cline	(City Resident)	2-Year Term	2023-2024
Kelly Funk	(Council Member)	2-Year Term	2023-2024

Motion by Josh Gooden seconded by Armando Tarango to accept the Mayor’s recommendations to the *½% Sales Tax Committee*. Vote – Unam.

Provided in the packet was *Application for Change in Zoning & Application for Conditional Use Permit* for Jeff & Marie Allen. City Administrator Brad Pendergast explained that the Planning & Zoning Commission had met the prior Thursday to discuss the applications as presented to them. The first application was to change the zoning at the address described as 509 S. Jackson Street from R-1 to C-2. The Commission had voted to recommend that the City Council approve the *Application for Change in Zoning* by ordinance. Also included in the packet was *Ordinance No. 1249* (to be renumbered as *No. 1248* upon approval), an ordinance changing the zoning classification of certain land located within the City of Scott City, Kansas, legally described as Lots Eight (8) and Nine (9) in Block Three (3) of the Fairlawn Subdivision to the City of Scott City, Kansas, from R-1 to C-2.

Motion by Josh Gooden seconded by Adam Winter to follow the recommendation of the Planning & Zoning Commission and to approve *Ordinance No. 1248*, an ordinance changing the zoning classification of certain land located within the City of Scott City, Kansas, legally described as Lots Eight (8) and Nine (9) in Block Three (3) of the Fairlawn Subdivision to the City of Scott City, Kansas, from R-1 to C-2. Vote – 5-yes, 1-abstain, Jeff Allen.

City Administrator Brad Pendergast explained that the Planning & Zoning Commission had also recommended that the City Council approve the *Application for Conditional Use Permit* for the same location. *Ordinance No. 1250* (to be renumbered as *No. 1249* upon approval), an ordinance granting a conditional use permit for certain land located within the City of Scott City, Kansas, legally described as Lots Eight (8) and Nine (9) in Block Three (3) of the Fairlawn Subdivision to the City of Scott City, Kansas, granting a conditional use permit to allow use as a travel trailer or RV camp allowing only three hook-ups or parking spots, was presented in the packet.

Motion by Josh Gooden seconded by Barb Wilkinson to follow the recommendation of the Planning & Zoning Commission and to approve *Ordinance No. 1249*, an ordinance granting a conditional use permit for certain land located within the City of Scott City, Kansas, legally described as Lots Eight (8) and Nine (9) in Block Three (3) of the Fairlawn Subdivision to the City of Scott City, Kansas, to allow use as a travel trailer or RV camp allowing only three hook-ups or parking spots. Vote – 5-yes, 1-abstain, Jeff Allen.

Due to unforeseen circumstances, Fixed Base Operator (FBO) WTH Aviation Services, LLC will update the Council about the Scott City Municipal Airport at the next regular meeting on November 7, 2022.

Western Kansas Groundwater Management District #1 (GMD1) Manager Katie Durham was present to update the Council. She noted that they are making progress on the proposed four-county LEMA, with the first public hearing being held earlier in the day at the William Carpenter Building at the fairgrounds with a second hearing scheduled in November. She expressed her appreciation to the Council for the Letter of Support for the LEMA and to City Administrative Brad Pendergast for his words of encouragement and support. Mayor Green indicated that one of the topics that had arisen during discussions between himself and Mrs. Durham was the desire to see a more open dialogue between GMD1 and the Council representatives on the Water Commission, Josh Gooden and Bo Parkinson. Mrs. Durham agreed to include Council representatives Gooden and Parkinson in dialogue with not only herself, but with the Scott County representative to the GMD1 Steve Compton.

Mrs. Durham updated the Council on the updated Hangar Lease agreement. She has been more focused on the LEMA for the past few weeks but hopes to return the revised lease agreement to the City by the end of the week for Council's review. Mrs. Durham expects that the agreement is still on track to begin at the beginning of the new year. Mayor Green thanked Mrs. Durham for her report.

Included in the packet was a draft of *Municipal Water Conservation Plan for the City of Scott City, October 2022*. City Administrator mentioned that the water and sewer rates had been updated and that a few other changes had been made as recommended by Council members.

Motion by Jeff Allen seconded by Barb Wilkinson to approve the changes made to the *Municipal Water Conservation Plan for the City of Scott City, October 2022*. Vote – Unam.

Scott County Development Committee Executive Director Katie Eisenhour offered to switch places on the agenda so that GMS, Inc. (GMS) Engineer Sam Wood could give his update via Zoom. Mayor Green thanked Mrs. Eisenhour and welcomed Mr. Wood via Zoom for updates. Mr. Wood informed the Council that 8th Street is expected to be completed later in the week. He indicated that the first Pay Applications had been provided to the City, which demonstrated the breakdown in cost among the three schedules for the 8th Street and Crescent Avenue project. He also noted that the GMS engineering invoice for the project through August had been sent to the City in the prior week for payment.

Motion by Josh Gooden seconded by Armando Tarango to approve the applications for payment to Nowak Construction in the amount of \$232,885.18 for Schedules 1 & 3 and \$78,834.42 for Schedule 2 of the 8th Street Extension and Crescent Avenue projects noting that the City would receive an 80% reimbursement from KDOT for Schedule 2 work in the amount of \$63,067.54 and to pay \$17,573.15 in engineering fees to GMS, Inc. Vote – Unam.

Mr. Wood explained that City Clerk Ruth Becker had assisted in providing contact information to GMS so that they could contact individuals at locations where they need to place panel points for survey work. The survey work should begin soon.

Council member Josh Gooden inquired when the newly acquired well would be drilled and Council member Armando Tarango asked when the decision about the design of the new water storage tank would be made. City Administrator Brad Pendergast explained that both of those

projects are still awaiting the bidding process, so both projects are still a while out. Mayor Green thanked Mr. Wood for his report.

Scott County Development Committee (SCDC) Executive Director Katie Eisenhour addressed the Council regarding the upcoming renewal of the Neighborhood Revitalization Plan (NRP). She first summarized the current NRP and compared it with the proposed plan as it stands after discussion among the three entities. Mrs. Eisenhour indicated that Council member Josh Gooden has spent a great deal of time negotiating with County Commissioner Perry Nowak. The two gentlemen have been instrumental in creating the proposed NRP. Similarities between both plans include: NRP will be eligible for Residential, Commercial, Industrial, and Agricultural applicants; participation in the rebate program ceases when an owner fails to pay taxes in a timely manner; a property is valued prior to development and establishes a base appraisal amount--all taxing entities will continue to receive all of this tax base; and the tax rebate will apply only to the portion of the improvement (increased assessed valuation). Major differences in the proposed NRP include moving from a 5-year to a 10-year plan; application must be made at the time improvements begin instead of a deadline of 1 year from the issuance of a building permit; instead of an increased appraised value of ~\$40,000, the applicant must now provide documentation of a minimum of \$15,000 of expenditures for the improvements; and improvements used to convert a single family dwelling into a multi-family dwelling would not be eligible for the plan. Further discussion included whether specific areas could be singled out to incentivize rehabilitation and whether to opt for a 95% rebate instead of 75%. Mayor Green thanked the Council for their involvement in the discussion and also noted that Council member Josh Gooden is owed a great deal of gratitude for his participation and negotiations with the other taxing entities to make this plan a success. A final draft will be presented to each taxing entity following the upcoming meeting on October 25, 2022 in the Court Room at the Scott County Courthouse with Scott County, USD 466, and City of Scott City, to be facilitated by SCDC.

Under the open agenda, Council member Armando Tarango stated that a newly installed light at 6th and Court is much too bright and inquired if Wheatland Electric could install a new or different bulb or, if not, could the light be taken down? Police Chief David Post commented that an alley in that area is the most traveled alley in the city. Mayor Green agreed and stated that safety is the main priority. City Administrator mentioned that he will look into the possibility of shading the light to make it functional but less intrusive.

Included in the packet was *Monthly Inspection Report* that reflects permits pulled as of October 14, 2022. City Administrator Brad Pendergast noted that not much has changed from the report addressed at the September 19, 2022 meeting. He informed the Council that he has been doing some inspections, but not all of his inspections have been transferred onto the sheet.

Police Chief David Post informed the Council that he, Sergeant Colton Schmitt, and Detective Jay Poore visited with Officer Trey Davidson who had expressed interest in becoming Officer Enoch's new handler. Chief Post explained that Officer Davidson had listed becoming a K-9 Handler among his long-term goals during his initial employment interview and that he views that goal as a rare opportunity. Police Chief Post believes that Officer Davidson will remain loyal to the K-9/Handler relationship and will remain dedicated to Enoch. Officer Davidson has offered to adopt Enoch upon the K-9 officer's retirement from the police force. Therefore, Officer

Davidson has been selected to be Enoch's handler. They will go to San Antonio, Texas for K-9 Handler training which includes 3-weeks' worth of training in narcotics detection. The first day of training will be October 31; the two officers will return before Thanksgiving. Upon their return, they will begin a partnership with Lane County.

The police and dispatchers have begun participation in a mental health program as part of the police department's Employee Assistance Program. The program offers up to four sessions per year, as needed, since officers and dispatchers operate in highly stressful situations. Police Chief Post noted that his employees are excited to have this opportunity. The only cost to the City for utilizing this benefit is the copay amount not covered by the City's Blue Cross & Blue Shield health insurance plan.

In the following week, Sergeant Schmitt will be attending an *Advanced Leadership and Supervision* course in Hutchinson. The three-day course is provided for free with a grant awarded to the Hutchinson police department. The City will incur only the cost of meals, travel, and lodging.

Police Chief reminded the Council of the benefit in Patton Park for Kristi Conine on Saturday, October 22, 2022 from 11:00 a.m.-3:00 p.m. There will be a hamburger feed, silent auction, and bake sale to raise proceeds for Kristi's family.

Public Works Superintendent Terence Appel was not in attendance. City Administrator Brad Pendergast informed the Council that the City crew has been working on landscaping in front of City Hall and has been helping Nowak Construction on the 8th Street project. Mr. Appel had provided the *Water Pumping Logs* for 2021 & 2022 for the Council Packet for review in his absence.

City Clerk Ruth Becker informed the Council that the Clerks department had been short-staffed for this week and the week prior. She mentioned that the investment report to be prepared for this council meeting had not yet been completed and that bank statements had just been reconciled earlier in the day. All other financial reports included in the packet have been reconciled but have not yet been "approved" by the City Treasurer. Mrs. Becker stated that she feels all reports are accurate and that if City Treasurer Renee Cure finds that any changes are needed, those changes will be included in the packet for the next Council meeting.

City Administrator Brad Pendergast reported that he, Mayor Green, and City Clerk Ruth Becker had attended the League of Kansas Municipalities' annual conference and felt that there were some good sessions to choose from such as *Conducting Effective Workplace Investigations* and *Housing Incentives*.

Mr. Pendergast noted that inspections are going well despite being busy attending multiple meetings.

City Administrator Brad Pendergast has contacted Kyle Evans, the individual with whom the City contracts for mowing at the airport. The two men will re-negotiate Mr. Evans' contract to incorporate more areas needing to be mowed according to FAA guidelines.

City Attorney Rebecca Faurot reported to the Council that the attorney with whom the Scott City Municipal Court has contracted for providing indigent defense services has left the field to become a truck driver. She indicated that the City would need to bring on another individual to provide those services. She plans to solicit interest in the position but suspects that interest will be low at

the rate that the City currently pays to its indigent defense attorneys. Mrs. Faurot will report back at the next Council meeting.

Mayor Everett Green informed the Council that he enjoyed being able to visit with other mayors and council members when attending the League Conference during the past weekend. He stated that when visiting with people from other communities, a person comes to realize that the challenges a City faces are not necessarily unique to that City—that other cities are often realizing the same struggles. The need to find a qualified building inspector is one of those challenges. When brainstorming with Mr. Pendergast, an idea formed on how the City could potentially hire a full-time employee with an engineering background to not only conduct inspections as the City Inspector, but also to work directly with the engineers that the City hires for its larger projects. The idea is that, since someone in that type of position is working on multiple projects, the salary for that position could be paid out of already-budgeted funds depending on the work that is being performed, therefore eliminating the need to increase the mill levy. By having a resident engineer on staff, some of the engineering fees that are paid out to larger engineering firms could be eliminated on smaller projects by utilizing the skills of the City's personnel. Mayor Green and Mr. Pendergast will be meeting with GMS engineer David Frisch to gain his insight on this option. Mayor Green believes that this will not be a deterrent for GMS, but rather the creation of a new partnership from which everyone involved will benefit.

Motion by Josh Gooden seconded by Armando Tarango that the City Council recess into executive session to discuss the potential acquisition of real property pursuant to the preliminary discussion of the acquisition of real property exception K.S.A. 75-4319(b)(6), retaining the Mayor, Council, City Attorney, City Administrator, Police Chief, and City Clerk, with the open meeting resuming in the Council room at 9:05 p.m. Vote – Unam.

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

Financial and quarterly reports were provided for Council's review.

The Council took a short break.
Mayor Green called the meeting back to order.

Motion by Adam Winter seconded by Josh Gooden to adjourn at 9:12 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk