

December 5, 2022

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

Pastor Nathan Haeck with the New Beginnings Church was present to lead the Council and others present in prayer.

Present were Mayor Everett Green, Council members Craig Richards, 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.

The minutes of the November 21, 2022 regular council meeting were presented.

Motion by Armando Tarango seconded by Adam Winter to approve the minutes of the November 21, 2022 regular council meeting. Vote – 5-yes, 1, abstain-Craig Richards.

Appropriation Ordinance # 999A was presented.

Motion by Josh Gooden seconded by Adam Winter to approve Appropriation Ordinance # 999A. Vote – Unam.

Mayor Everett Green invited Council member Josh Gooden to share some discussion points to begin the ongoing conversation regarding future Ordinance #1250, prohibiting private wells within the city limits. Council member Gooden noted that, currently, the Council is planning to grandfather in existing wells within the city limits, but not to allow the exemption to transfer along with the property if the property exchanges ownership. He stated that he feels that would penalize existing well users and would be a detriment to their property values. Council member Gooden also mentioned that perhaps the City Water Department could pay to cap unwanted wells. City Administrator Brad Pendergast noted that he plans to research incentives and possible grants that might be available to property owners who wish to cap wells or participate in other water saving practices. After a brief discussion, the consensus of the Council was to not only grandfather in existing wells, but also to have that allowance be transferable if the property is sold. Mayor Everett Green acknowledged that this topic has been on the agenda for multiple Council meetings but noted that it is important to gain input from individuals in the community, such as Steve Edwards who was present to provide his perspective. Mayor Green stated that it is better to revisit an item like this until Council members feel that those affected by passing an ordinance such as this have been heard. Consensus of the Council was to have an amended draft ordinance for discussion at another future meeting.

Ordinance No. 1251, an ordinance amending Title 1, Chapter 8, Section 1-8-4, Dollar Limits – Public Bidding Procedure, of the Scott City, Kansas City Code to make the purchase bidding threshold \$20,000 and repealing *Ordinance No. 973*, was provided at the Council table for review. The ordinance also indicates that all sales of existing City property in excess of \$500 shall be made to the highest responsible bidder. Mayor Everett Green explained that the \$5,000 bidding threshold that the City currently has is outdated and impractical. Council member Bo Parkinson

expressed concern at the thought that department heads could purchase items up to \$20,000 with no oversight from the City Administrator or Mayor. City Administrator Brad Pendergast informed the Council that department heads would follow internal processes by requesting quotes from vendors for the equipment being sought and would continue to work with Mr. Pendergast on those larger purchases that are not expected to exceed \$20,000, to come to a reasonable decision. Mr. Pendergast also explained to the Council that sealed bids could still be requested by the Council, even if the expected expense is below the \$20,000 threshold. Council members would simply need to make a motion to accept bids for those items. He reminded the Council that the ordinance is written with a \$20,000 threshold because that is the statutory limit.

Motion by Josh Gooden seconded by Armando Tarango to approve *Ordinance No. 1251*, an ordinance amending Title 1, Chapter 8, Section 1-8-4, Dollar Limits – Public Bidding Procedure, of the Scott City, Kansas City Code to make the purchase bidding threshold \$20,000 and repealing *Ordinance No. 973*. Vote – Unam.

Provided in the packet was a photo of the location in the 200 block of 8th Street, for which a streetlight is being requested by USD 466 and the First Baptist Church. The two entities share the use of the parking lot at this location. Currently, there is a pole, but no light.

Motion by Josh Gooden seconded by Bo Parkinson to authorize Wheatland Electric to install a streetlight in the parking lot in the 200 block of 8th Street. Vote – Unam.

Mayor Green inquired if there were any new developments regarding the streetlight at 6th & Court Street. Council member Armando Tarango indicated that, recently, Wheatland Electric had tried a couple different shades to soften the glare of the light. The current shade has made the intensity of the light more bearable, so the residents of that intersection are satisfied.

Included in the packet was *Planning Commission, 10-2-1*. Mayor Green announced that he had been prepared to make appointments to the Planning Commission at this meeting, but one of his prospective appointees has reconsidered his/her appointment. Mayor Green will announce his appointments at the December 19, 2022 meeting.

Scott Recreation Commission (SRC) Director Cody Brittan and Assistant Director Jordan Carter were in attendance to update the Council. Provided in the packet were *Independent Auditor's Report* and *Scott Recreation Commission Financial Statement for the Year Ended June 30, 2022* as prepared by Dirks, Anthony, and Duncan, LLC, certified public accountants and management consultants. It was noted that there were “no red flags” within the audit report. Council members thanked Mr. Brittan and Mr. Carter for providing the audit for their review and had no questions regarding the audit.

Also provided in the packet was *Scott Rec Commission Water Usage/Water Credits Report* for years 2018 through 2022 and minutes excerpts from August 4, 2014 and March 16, 2015 regarding Council's decisions to issue water credits. The minutes of the August 4, 2014 meeting also stated that a plan for water conservation was discussed as being a requirement of the SRC to submit each year, in exchange for receiving water credits. Mayor Green stated that it was evident that water conservation efforts by the SRC were apparent and noted that this had been a very dry year. Mr. Brittan and Mr. Carter explained that more water had been used this year because of the limited precipitation and because they added flag football games at the ball diamonds because it has been

getting dark so early. They requested that the City Council continue to grant the SRC up to \$34,000 in water credits for the 2023 sports season.

Motion by Josh Gooden seconded by Kelly Funk to issue up to \$34,000 in water credits to the SRC in 2023, based on the rate of \$2.72 per thousand gallons of water, to be allocated between the sports complex and the soccer fields (city-owned property) as needed, provided that a plan for water conservation is submitted by the SRC. Vote – Unam.

Mayor Everett Green informed the Council that it is time to appoint a City representative to the SRC Board. He explained that there is currently a large amount in board turn-over. City representative Troy Lewis had expressed to Mayor Green that he would like to remain as one of the City representatives to demonstrate some continuity among the change. Therefore, Mayor Green re-appointed Troy Lewis as a City representative to the Scott Rec Commission (SRC) for a four-year term from December 2022 to December 2026.

Motion by Josh Gooden seconded by Kelly Funk to confirm the Mayor's appointment of Troy Lewis as a City representative to SRC for a four-year term ending December 2026. Vote - Unam.

The Mayor and Council members thanked Mr. Brittan and Mr. Carter for their report.

GMS, Inc. (GMS) Engineer David Frisch was in attendance by Zoom. He began by informing the Council that he plans to retire from full-time work with GMS at the end of 2022, but that he plans to remain on staff part-time for at least one more year, so he will continue to provide services to the City in the future. Mr. Frisch stated that the main focus of his report for this meeting was to finalize paperwork for the completion of the 8th Street/Crescent Avenue project. He reminded the Council that the project was broken down into 3 schedules: 1) Construction of utility infrastructure for the 8th Street extension, 2) Construction of 8th Street including paving, asphalt, and curb & gutter, which is subject to an 80% cost share reimbursement from KDOT, and 3) Construction of curb & gutter on Crescent Avenue. He also reminded the Council that the last time he reported he informed them that both the 8th Street Extension and the Crescent Avenue portions of the projects were completed under the bid amount with a savings to the City between the two projects of \$8,987. Change orders had been presented to the Council earlier in the day.

Motion by Josh Gooden seconded by Adam Winter to approve *Change Order One (1) – FINAL for the 8th Street Extension Project (Schedule 1 & Schedule 3)* reducing the original contract price of \$280,317.70 by \$1,368.00 for a final contract price of \$278,949.70. Vote – Unam.

Motion by Josh Gooden seconded by Armando Tarango to approve *Change Order One (1) – FINAL for the 8th Street Extension Project (Schedule 2)* reducing the original contract price of \$454,118.30 by \$7,619.00 for a final contract price of \$446,499.30. Vote – Unam.

GMS Engineer David Frisch notified the Council that Nowak Construction submitted requests for payment including all three schedules. For Schedules 1 & 3, the final payment due of \$46,064.52 includes the previously withheld retainage amount of \$13,947.49. Mr. Frisch recommended approving payment for Schedules 1 & 3 together.

Motion by Josh Gooden seconded by Adam Winter to approve *Application and Certificate for Payment No. Two (2) for Schedules 1 & 3* in the amount of \$32,117.03 and *Application and Certificate for Payment No. Three (3) for Schedules 1 & 3* for the release of the retainage amount of \$13,947.49, with the final payment to Nowak Construction totaling \$46,064.52. Vote – Unam.

Mr. Frisch moved forward with the final two pay applications as presented by Nowak Construction for Schedule 2 of the project, noting that the final payment due of \$367,664.88 includes the previously withheld retainage amount of \$22,324.97.

Motion by Josh Gooden seconded by Adam Winter to approve *Application and Certificate for Payment No. Two (2) for Schedule 2* in the amount of \$345,339.91 and *Application and Certificate for Payment No. Three (3) for Schedule 2* for the release of the retainage amount of \$22,324.97, with the final payment to Nowak Construction totaling \$367,664.88. Vote – Unam.

Mr. Frisch stated that GMS would submit the *Cost Share Program Request for Reimbursement, City of Scot City* to KDOT Representative Michelle Needham for reimbursement in the amount of \$294,131.91. A payment of \$63,067.54 has already been submitted to and received from KDOT on this project.

Also included in the packet was *Certificate of Substantial Completion* for the 8th Street Extension project. The certificate establishes a 2-year warranty period on the construction of the street as of the date that the street was first used for its intended purpose. The warranty begin date is stated to be October 21, 2022 with an end date of October 21, 2024. Consensus of the Council was to authorize the Mayor's signature on the document.

Other items briefly addressed by Mr. Frisch include:

- **Industrial Park** – GMS has calculated the lot configuration at the SCIP-North industrial park. They are working with Pro-Stake out of Garden City to prepare a final plat to be presented to the Council. GMS has also sent out a preliminary utility plan to Street, Water, and Sewer Superintendent Terence Appel and City Administrator Brad Pendergast for their review. Discussion was held regarding the drilling of the new well and options for the placement of the well.
- **Drainage Study** – Most of the surveying has been completed. GMS is almost ready to begin the aerial photography portion of the study, which will likely be conducted the week of December 19 – December 23, 2022. This study will be used, in part, to aid in grading at the SCIP-North industrial park.
- **Water Project** – GMS is on track to submit documents for the construction manual to KDHE within the next week. Mr. Frisch remains optimistic that the water project will be put out for bid at the first of the year (2023) and that bids will likely be opened at the first meeting in February 2023. Construction is expected to begin on the projects on April 1, 2023. Mayor Everett Green will reach out to the railroad, as the City's insurance agent) to let them know to expect a Spring 2023 start date. Mr. Frisch reminded the Council that this project will also be bid out in three schedules:
 - **Schedule 1** – Installation of water lines
 - **Schedule 2** – Construction of the elevated water tower
 - **Schedule 3** – Drilling of the well

Mayor Everett Green thanked Mr. Frisch for his report and expressed his gratitude that Mr. Frisch will continue to work with the City even though he will be semi-retired in 2023.

Under the open agenda, Council member Kelly Funk stated that he had visited recently with some City employees who were wanting to have Christmas parties in their departments. He asked the Council if there is no expense to the City, would they consider allowing the individual departments to hold their own Christmas parties. Consensus of the Council was that Christmas parties of this type would not be discouraged.

Mayor Everett Green announced that it is time to advertise for pool managers and lifeguards. Mayor Green noted that advertising decisions for City employees are now left to the City

Administrator. City Administrator Brad Pendergast indicated that advertisements for pool staff will be sent to the Scott County Record.

Included in the Council packet was *Pool Salaries 2006-2022*. City Administrator Brad Pendergast reminded the Council that pool staff is not accounted for in the City's Pay Plan, but that last year the base rates for lifeguards, head lifeguards, manager, and assistant manager were increased to remain competitive in the local job market. An additional \$0.50 per hour for each year of experience and a \$0.50 per hour incentive to be Water Safety Instructor (WSI)-certified was also included in last year's pool salary schedule.

Motion by Craig Richards seconded by Adam Winter to adopt the same pay schedule for pool staff as was used during the 2022 pool season. Vote – Unam.

City Administrator Brad Pendergast updated the Council on the Building Inspector department. Mr. Pendergast is still working to finalize several outstanding permits. Updates will be provided in the packet for the December 19, 2022 regular Council meeting. Council members expressed their delight that the trailer that had been condemned at 707 Glenn Street had been removed.

Police Chief David Post had nothing to report.

Parks Superintendent Terence Appel had nothing to report.

Street, Water, & Sewer Superintendent Terence Appel notified the Council that he had been contacted by KDOT regarding the "Jake Brake" signs on the edges of town. He was informed that "Jake Brake" is a brand, so they are requiring those signs to be replaced with "Engine Brakes Prohibited" signs. Mr. Appel has ordered and installed the signs. KDOT reported that there had been a complaint on the north end of town regarding the noise made by engine braking. Police Chief David Post indicated that, if caught, officers can issue tickets for \$50 plus court costs for those not obeying the signs.

Mr. Appel informed the Council that the City crew has the sand truck ready to go in case of icy weather, and that cement work is being done on 12th Street.

City Clerk Ruth Becker had nothing to report.

City Administrator Brad Pendergast reported that he had been working on the City employees health insurance renewal and that he had not yet been informed whether the City qualifies for the Kansas Municipal Insurance Trust (KMIT) large group plan, but the renewal for the current Blue Cross & Blue Shield of Kansas plan looks encouraging. He indicated that the increase for next year over this year is approximately 6%, but he has been informed that other city's insurance rates are rising by as much as 20%. Mr. Pendergast included *ASO – Summary of Charges, Renewal Benefits, Option A* in the packet for Council's review. He will provide further information on the City's insurance option at the next regular meeting.

Included in the packet was *City of Scott City, 2023 Step & Grade Matrix following applying a 7.4% COLA (PROPOSED 12/5/2022)*. Mr. Pendergast reminded the Council that the 2023 Budget had included a 9.5% increase in salary accounts in anticipation of the Consumer Price Index (CPI) for the Midwest Region for the month of October, as specified in the City's Pay Plan. The cost savings to the City is roughly $\frac{3}{4}$ of a mill in the General Fund and $\frac{1}{10}$ of a mill in the Employee

Benefits fund. Because the City will levy the same amount of taxes, but will save money on employee salaries, the savings would likely roll over to the next tax year, lowering the tax burden for citizens in 2024. Mr. Pendergast stated that he would have everything ready for Council approval at the next meeting.

City Attorney Rebecca Faurot had provided *Indigent Defense Agreement between the City of Scott City, Kansas and Heidi Farnsworth* for the Council packet. Mrs. Faurot noted that the two applicants for the position both had good references but based on recommendations from applicants for the County Attorney position, she recommended that the contract be offered to Ms. Farnsworth. Council member Bo Parkinson noted a discrepancy Part 4: Payment. City Attorney Faurot noted that when rates were increased in subsection (a), the document was updated in one place, but not the other. Regarding fees for cases that are appealed, the document should read . . . City shall pay to Counsel the sum of One Hundred Twenty Dollars (\$120.00) per hour.

Motion by Josh Gooden seconded by Adam Winter to approve *Indigent Defense Agreement between the City of Scott City, Kansas and Heidi Farnsworth* with the rate of compensation for appealed cases to read One Hundred Twenty Dollars (\$120.00) per hour. Vote – Unam.

Mayor Everett Green congratulated Mrs. Faurot on her appointment as the Judge for the 25th Judicial District. Mrs. Faurot indicated that she expects to take the bench at the end of January, and that she has mixed feelings about leaving her current role as she has greatly enjoyed serving as the City Attorney and working with local government. Mayor Green indicated that he had visited with the Kansas Republican Committee Chair and was given the impression that it works well for the City Prosecutor to also be the County Attorney. Mrs. Faurot agreed that there is much more consistency if one person fills both roles. She sees several benefits to that scenario. One benefit is that the City Court Clerk shares the same office, and logistically that works very well. City Attorney Faurot indicated that she had sent out an informational sheet for applicants for her current position that lists stats on the amount of City court cases and explained that it could be an option for the City Attorney and County Attorney to be the same person. Mrs. Faurot has a contingency plan in place in case a replacement is not in place when Mrs. Faurot assumes the bench. Mayor Green congratulated her one last time on her appointment.

The Council took a short break.

Mayor Green called the meeting back to order.

Motion by Josh Gooden seconded by Armando Tarango for the City 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 Attorney, and City Administrator, with the open meeting resuming in the Council room at 8:43 p.m. Vote – Unam.

Mayor Green called the meeting back to order.

No action was taken.

Motion by Josh Gooden seconded by Adam Winter for the City 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 Attorney, City Administrator, and City Clerk, with the open meeting resuming in the Council room at 8:50 p.m. Vote – Unam.

Mayor Green called the meeting back to order.
No action was taken.

Motion by Adam Winter seconded by Armando Tarango to adjourn at 8:51 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk