

November 21, 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 the First United Methodist Church was present to lead the Council and others present in prayer.

Present were Mayor Everett Green, Council members Jeff Allen, Kelly Funk, 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 November 7, 2022 regular council meeting were presented.

Motion by Barb Wilkinson seconded by Josh Gooden to approve the minutes of the November 7, 2022 regular council meeting. Vote – Unam.

Appropriation Ordinance # 998B was presented.

Motion by Josh Gooden seconded by Adam Winter to approve Appropriation Ordinance # 998B. Vote – Unam.

Mayor Green opened the public hearing for the 2023 Neighborhood Revitalization Plan (NRP). No comments were made by Council members or audience members.

Scott County Development Committee (SCDC) Executive Director Katie Eisenhour was present for her quarterly update to the Council. She began by mentioning that work on the 2023 Neighborhood Revitalization Plan began in August 2022 and is expected to be an extraordinary tool for the community. She thanked the Mayor and City Council members for the roles each of them played in the creation of the plan and explained that a “huge debt of gratitude” is owed to Council President Josh Gooden for his dedication in negotiating an exceptional plan.

Mrs. Eisenhour stated that the first full week in December will be a busy one for SCDC. They will be hosting *Market Day* for the Youth Entrepreneur class at the High School on Thursday, December 7. She is also seeking adult volunteers to assist with *Reality U*, a program that will be offered to SCHS sophomores and SCMS 8th graders to help them experience real-life as adults. The program will be held on December 9, 2022. Mrs. Eisenhour also notified the Council that she has been working with City Administrator Brad Pendergast on a project called Scott City Connected which utilizes an online community known as Televēda for the Scott City community. Although Televēda’s focus is on the aging community, people of all ages can use the format to engage with others in the community. Scott City Connected is being funded in part with a \$5,000 grant from Blue Cross & Blue Shield of Kansas. SCDC and the City will partner with other non-profit organizations such as the Chamber of Commerce, the Scott County Arts Council, and Scott County Historical Society. Kick-off is scheduled for December 8.

SCDC Executive Director Katie Eisenhour mentioned that she is planning to apply for the City’s 1/2% Sales Tax Grant. She plans to use any funds awarded by the committee to update the

Community Profile brochure that was last updated in 2019. She noted that many changes have occurred since the document had been updated. She informed the Council that there are several parties interested in areas of the SCIP North and that GMS, Inc. is working to complete the plat for the industrial park. She also mentioned that she met with Project Enterprise earlier in the day and stated that she is still in contact with a developer having ties to Scott City who is interested in developing here. Mayor Green thanked Mrs. Eisenhower for her report and all her work on the NRP.

Mayor Green opened the following bid for the demolition of the structure at 506 W. 8th Street:

Jones Construction – Leoti	\$8,200
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The bid states that they will demo and clear the house, trees, and concrete on the lot at 8th and Glenn Street. The lot will be leveled after demo operation.

Motion by Josh Gooden seconded by Jeff Allen to accept the bid of \$8,200 for Jones Construction to demolish and clear the structure, trees, and concrete at 506 W. 8th Street with a deadline of April 1, 2023 for completion of the project. Vote – 6, yes – 1, abstain – Kelly Funk.

Included in the packet was *Resolution 2022-05*, a resolution establishing an account for the City of Scott City in the Kansas Municipal Investment Pool (KMIP). City Treasurer Renee Cure addressed the Council regarding the option to participate in the KMIP. She explained that, on the previous Monday, bids for a CD renewal were opened with bids lower than expected from each of the City's designated depository banks, with the highest bid for a 3-month term CD at 3.21% interest. Mrs. Cure had been made aware of the KMIP and provided each of the banks an opportunity to match the current rate of 3.63%. None of the banks were able to meet the KMIP rate. According to a Kansas statute, cities may choose to use the investment pool if no financial institution will pay the minimum investment rate offered by the pool. Mrs. Cure indicated that if the City were to adopt *Resolution 2022-05*, City money could be invested with the municipal investment pool and could potentially provide a better rate of return on the City's investments. Discussion included whether the City, a taxpayer-funded entity, should invest money outside of its local designated depository banks. It was also noted that, as City Treasurer, Renee Cure is responsible to see that the City's investments have the best rate of return possible.

Motion by Armando Tarango seconded by Kelly Funk to approve *Resolution 2022-05*, a resolution establishing an account for the City of Scott City in the Kansas Municipal Investment Pool. Vote – 3, yes – Armando Tarango, Kelly Funk, Barb Wilkinson – 4, no – Josh Gooden, Bo Parkinson, Adam Winter, Jeff Allen. Motion failed.

Mayor Everett Green informed the Council that he and City Administrator Brad Pendergast had had a discussion regarding an increase to the bid requirement threshold of \$5,000. Mayor Green noted that when he came onto the Council in 2001 the bid threshold was already \$5,000. It has been suggested that the City's current bid threshold requirement is making it more difficult for local businesses to remain competitive with larger out-of-town businesses. Furthermore, the City cannot legally set a margin on bids, meaning that if a local business bids within a certain amount or percentage of an outside vendor, that the local business could be awarded the bid at the higher rate. City Administrator Brad Pendergast noted that there is a statutory limit of \$20,000 for a bid requirement threshold and that the Council could adopt a resolution to set the threshold up to that

amount. Mr. Pendergast indicated that department heads would still have to define specifications and would be required to work with the City Administrator to solicit quotes from local vendors, regardless of the threshold set by Council. He also mentioned that he had visited with Dirks, Anthony, and Duncan auditor Mathew Medill about this topic. Mr. Medill suggested that the Council could specify in a resolution that the threshold for bids applies only to equipment if that is the desired outcome. Council member Bo Parkinson inquired if a threshold limit of \$20,000 is set by resolution, could the resolution also include the option to accept bids for items expected to be bid at amounts lower than the threshold. City Attorney Rebecca Faurot indicated that such a clause could be included in the resolution to allow lower cost items to be bid out at the discretion of the Council. Consensus of the Council was to direct the City Administrator and City Attorney to draft a resolution setting the bidding threshold for equipment at \$20,000 leaving the option open to bid out equipment expected to be below the threshold.

Included in the packet was a draft of *Ordinance No. 1250*, an ordinance prohibiting private wells within the city limits. City Administrator Brad Pendergast informed the Council that he had visited with representatives from KDHE. It was explained to him that local ordinances can be more stringent than state laws, and that the law at the local level must be obeyed by residents. Also, during a conversation with attorneys with the League of Kansas Municipalities (LKM), it was suggested that if the City wishes to “grandfather in” wells currently in use within the city limits, that the wells be registered or permitted in some way to ensure that if the property on which the well is located changes ownership, its eligible status could be withdrawn. Council member Josh Gooden, who had previously expressed his opposition to the prohibition of private wells, stated that he had visited with water officials in Hays, and he now sees value in prohibiting the use of private wells. Council member Barb Wilkinson also expressed that she was in favor of prohibiting the use of private wells to help prevent the possibility of contamination to the public water supply. Council member Bo Parkinson asked if current wells within the city are required to comply with the City’s water conservation ordinance prohibiting the watering of vegetation during the hours of noon to 7 p.m. from May 1 through September 30. It was pointed out that users of domestic wells without water rights should comply with the conservation plan of the City, but that non-domestic wells with water rights cannot be made to comply with the conservation plan. Mayor Green pointed out that an ordinance would prevent future private water rights. In addition, Mr. Pendergast informed the Council that there are grant opportunities to incentivize a reduction in water use. Consensus of the Council was to proceed with revising the draft ordinance to include items mentioned in the discussion for review at a future Council meeting.

GMS, Inc. engineer Sam Wood was present by Zoom to update the Council on current and upcoming City projects. Mr. Wood notified the Council that he had gone over the final punch list with Nowak Construction and verified that all items for the 8th Street Extension and Crescent Avenue projects had been completed. He confirmed the list with Street, Water, and Sewer Superintendent Terence Appel. The final payment and retainage amount to Nowak Construction will be presented at a December Council meeting. Mr. Wood indicated that the final payment will include a change order to adjust the quantity of asphalt needed for the project. GMS is still planning to set markers and to perform the drainage study fly-over within the new few weeks. The Mayor and Council thanked Mr. Wood for his update.

Under the open agenda, Scott City resident Byron Bland briefly addressed the Council. He expressed concern that, if a time were to come that city residents could no longer afford to pay for water, the prohibition of private water wells could be detrimental to the city. Mayor Green and Council members expressed appreciation for Mr. Bland's input.

Council member Jeff Allen asked if the issue with the streetlight at 6th and Court Street had been resolved. Council member Armando Tarango indicated that nothing had been done and he would like to see the light removed. He wanted to make a motion that the light be removed but was reminded by Mayor Green and City Attorney Rebecca Faurot that the City Council should not take binding action during an open agenda item. Mr. Tarango asked for the issue to be placed on the agenda for the next Council meeting.

Council member Armando Tarango mentioned that he was approached by a resident of Ward I who wanted to know if anything could be done about the feral cat population. When asked, Police Chief David Post stated that cats could not be housed at the pound because it is licensed only for dogs, but he offered to loan out traps at no cost to people who want to catch and release the animals.

Presented in the Council packet were the monthly inspection reports. City Administrator Brad Pendergast noted that no changes had been made to the reports, but that he was planning to get the sheets updated the following Wednesday. He stated that he is working to get things ready for a new building inspector. He reminded the Council that he had begun the advertising process and asked if the Council wanted to be involved in the interview process. He stated that, since the individual in the building inspector position would be a department head, final approval of an applicant would need to be obtained by the Council. Consensus of the Council was to have Mr. Pendergast and Mayor Green narrow down the applicants and present their choice of candidate for Council approval.

Police Chief David Post informed the Council that Enoch and K9 Handler Officer Trey Davidson had returned from training the previous week and that the two officers performed a random search at the high school on their day off.

Police Chief Post noted that he and City Administrator had hired Brecken Dunagan as a full-time dispatcher. She will begin on December 12, 2022 and will be placed at E3 on the City's Step & Grade pay plan.

Police Chief Post informed the Council that he will be out of the office for a week beginning next Friday. He will return on December 5. In his absence, Sergeant Colton Schmitt will be Acting Police Chief.

Parks Superintendent Terence Appel reported a tree had recently been removed from Patton Park and that the City crew had been working on Christmas decorations.

Street, Water, & Sewer Superintendent Terence Appel had nothing else to report.

City Clerk Ruth Becker reported that she had attended training in Wichita during the previous week, and she still needs to complete some of the online material offered as a hybrid-style course.

City Administrator Brad Pendergast stated that he is still waiting for final October CPI figures for the Midwest Region to use for the Cost-of-Living Adjustments (COLA) for the beginning of the 2023 budget year. Currently, the National figure is 7.7%, while the figure for the Midwest Region is hovering around 8%.

Mr. Pendergast reiterated that the job-posting for the Building Inspector position has been published and that he has been working on interview questions. He plans to meet with GMS engineer David Frisch for assistance.

City Administrator Brad Pendergast will meet with Blue Cross & Blue Shield agent Adrian Caro on Wednesday, November 30, 2022 at 11:00 a.m. He invited department heads and Council members to attend, being careful not to have enough members to need to call a special meeting.

City Attorney Rebecca Faurot had visited with City Administrator Brad Pendergast regarding Indigent Defense applicants. Together, they reached the decision to delay presenting a candidate to the Council until they had had a chance to gain feedback from some of the entities who had worked with each of the candidates, so they have put the search on a brief hold until she can visit with these individuals.

City Attorney Faurot mentioned that she and Police Chief Post would like to accept “Food for Fines” during the holidays, likely for a period of no more than two weeks. The idea is that individuals paying fines could pay for part or all of their fines by donating food, which would then be delivered to Hope’s Closet for those in need.

Motion by Armando Tarango seconded by Jeff Allen to approve the participation of the City of Scott City in “Food for Fines,” with details to be left to the discretion of the Police Chief and City Attorney. Vote – Unam.

Mayor Green called for any discussion or public comment regarding the approval of 2023 Neighborhood Revitalization Plan (NRP) before taking a vote. SCDC Director Katie Eisenhour pointed out details in the interlocal *Agreement Adopting Scott City & Scott County Neighborhood Revitalization Plan – January 1, 2023 to December 31, 2027* that were not listed in the NRP itself, specifically relating to the transition from the current plan to the new plan. The first thing mentioned was that ALL projects from January 1, 2022 to December 31, 2022 would qualify for the 2023 NRP because the current plan allows up to one-year to apply for the NRP. Projects begun in 2021, but not completed in 2022, will also be eligible for the 2023 NRP. Finally, all twelve Moderate Income Housing (MIH) homes in the 500 Block of Chestnut will be eligible for the 2023 NRP. However, application for all these projects must be made no later than January 31, 2023 to be eligible for the rebate.

Motion by Josh Gooden seconded by Jeff Allen to approve the City’s participation in the 2023 Neighborhood Revitalization Plan and to authorize the Mayor’s signature on *Agreement Adopting Scott City & Scott County Neighborhood Revitalization Plan – January 1, 2023 to December 31, 2027* . Vote – Unam.

Mayor Green closed the public hearing for the 2023 Neighborhood Revitalization Plan.

Financial & Investment Reports were included in the packet for review.

Mayor Green had nothing additional to report.

Motion by Bo Parkinson seconded by Adam Winter 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 8:41 p.m. Vote – Unam.

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

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 8:44 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk