

February 6, 2023

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, Barb Wilkinson, Adam Winter, Armando Tarango, City Administrator Brad Pendergast, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the January 16, 2023 regular council meeting were presented.

Motion by Jeff Allen seconded by Adam Winter to approve the minutes of the January 16, 2023 regular council meeting. Vote – 5, yes – 1, abstain – Armando Tarango.

Appropriation Ordinance # 1001A was presented.

Motion by Josh Gooden seconded by Adam Winter to approve Appropriation Ordinance # 1001A. Vote – Unam.

Included in the Council Packet was a copy of *Ordinance No. 1171*, an ordinance relating to temporary businesses. City resident Edgar Ramos, who operates the Taqueria El Gordo food truck at 1112 South Main Street, was present to request that the hours of operation be extended beyond 9:00 a.m. - 9:00 p.m. as stated in the ordinance. When asked about the reason for his request, he responded that he had been approached and/or phoned by several individuals who expressed that they would like to see him open later in the evenings after sporting events. He explained that he wanted to petition the Council for a change because he wanted to do things “the right way.” Mayor Green and several Council members expressed gratitude for Mr. Ramos’ respectful consideration of the current ordinance. City Administrator Brad Pendergast indicated that this type of change would need to be made by ordinance and stated that a draft ordinance revising the hours of operation for a temporary/transient business could be ready as early as the next Council meeting on February 21, 2023. Council discussion included extending the hours of operation for food vendors, the option to require vendors to petition the Council if they desire longer operating hours, and the possibility of separating the ordinance into sections specific to stationary vendors, such as food trucks, and those vendors conducting door-to-door solicitation. Consensus of the Council was to have an ordinance revising the hours of operation for certain temporary businesses (such as stationary food vendors) by the next Council meeting for approval. Mayor Green thanked Mr. Ramos again for his respectful request.

Scott County Fire Chief Jeff Mayer was present to request that the fire department be allowed to install plumbing and electrical work along the west side of the fire bays at City Hall. He informed the Council that, along with the grant funds received for the purchase of bunker gear, the fire department has also been granted a “bonus” washing machine to handle the laundering of the additional bunker gear. Part of the agreement for accepting the washing machine was the

requirement to make the machine accessible to surrounding community's fire departments. Because the fire department's current washing machine is housed in the basement of City Hall, that machine would not be considered accessible to other agencies. Therefore, Fire Chief Mayer requested to install both machines in the fire bays. This would also allow firefighters to wash both the inner and outer shells of the bunker gear separately, as recommended, but also simultaneously, saving much time.

Motion by Armando Tarango seconded by Jeff Allen to approve the installation of plumbing and additional electrical wiring along the west side of the fire bays at City Hall to house two washing machines for the purpose of providing the Scott County fire department, and the fire departments of surrounding communities, the opportunity to accept the donation of an additional washing machine for bunker gear, with the expense being paid by the Scott County fire department. Vote – Unam.

Provided in the Council packet for approval was *Ordinance No. 1252*, an ordinance amending Title 1, Chapter 6, Section 3, Bonds of Officers, of the Scott City, Kansas City Code. City Administrator Brad Pendergast reminded the Council that they had requested that an ordinance be prepared to remove the requirement for the City to bond the Fire Chief, since the fire department is no longer a City department. Another change addressed by the ordinance is an increase in the bond amount for the Building Inspector position from \$5,000 to \$50,000.

Motion by Josh Gooden seconded by Adam Winter to approve *Ordinance No. 1252*, an ordinance amending Title 1, Chapter 6, Section 3, Bonds of Officers, of the Scott City, Kansas City Code. Vote – Unam.

Mayor Green announced that, while he will make his annual appointments during this meeting, he requested the Council's consideration of the *Agreement for Legal Services* between City of Scott City and Doering, Grisell & Cunningham, P.A. (DGC), naming Jennifer V. Cunningham as City Attorney and City Prosecutor for the City of Scott City. Ms. Cunningham has extensive experience in municipal law and has served as the Assistant City Manager in Garden City, making her a valuable asset to the City of Scott City. She was highly recommended by former City Attorney Rebecca Faurot and Garden City Police Chief Courtney Prewitt. Scott City Police Chief David Post stated that he was impressed with Ms. Cunningham's creative ideas to streamline the interactive processes between the Municipal and District Courts. There was discussion regarding the fees listed on page 2 of the agreement listing not only Ms. Cunningham at \$180/hour, but also James R. Dummermuth at \$180/hour, and Jacob M. Cunningham at \$225/hour. City Administrator Brad Pendergast explained that, although approximately 90% of the City's legal services would be provided by Jennifer Cunningham, it would be possible to utilize the services of Mr. Dummermuth, whose expertise is dealing with housing issues. If a situation arises that Ms. Cunningham or Mr. Dummermuth cannot address, Mr. Cunningham, as a primary partner, may be enlisted to serve the City.

Motion by Josh Gooden seconded by Barb Wilkinson to approve the *Agreement for Legal Services* between City of Scott City and Doering, Grisell & Cunningham, P.A. Vote – Unam.

Mayor Green presented the following appointments, commissions, and committee:

Appointments

City Administrator	Brad Pendergast
City Attorney	Jennifer Cunningham
City Clerk	Ruth Becker
City Inspector	Jerek Wasinger
Municipal Judge	Colton Eikenberry
Parks	Terence Appel
Police Chief	David Post
Street, Water, Sewer	Terence Appel

Commissions

Airport Commission

Jeff Allen
Adam Winter
Andy Hineman
Pat Ryan
Randal Loder
Kyle Spencer

Police and City Inspector Commission

Armando Tarango
Kelly Funk

Street and Parks Commission

Barb Wilkinson
Craig Richards

Water and Sewer Commission

Bo Parkinson
Josh Gooden

Committee

Transient Guest Tax

Barb Wilkinson
Adam Winter
Craig Richards

Motion by Josh Gooden seconded by Jeff Allen to confirm the Mayor's appointments, commissions, and committee as presented. Vote – Unam.

Mayor Green stated the need for the Council to elect a Council president.

Motion by Barb Wilkinson seconded by Kelly Funk for Josh Gooden to serve as Council President. Vote – Unam.

Mayor Green recommended to designate *The Scott County Record* as the City of Scott City's official newspaper.

Motion by Adam Winter seconded by Josh Gooden to approve the Mayor's recommendation of designating *The Scott County Record* as the official newspaper for the City of Scott City. Vote – Unam.

City Treasurer Renee Cure recommended that First National Bank, Security State Bank, and Western State Bank, all of Scott City, be the depository banks for the City of Scott City. Security State Bank will have the City of Scott City's checking account, and all recommended banks will have savings accounts.

Motion by Josh Gooden seconded by Jeff Allen to approve the City Treasurer's recommendations for the depository banks for the City of Scott City. Vote – Unam.

Provided in the packet was *School Resource Officer Memorandum of Understanding* between the City of Scott City and Scott County USD 466. Police Chief David Post explained that this document is essentially the same document that had been presented at the beginning of the 2022-2023 school year, with some clarification regarding policies mentioned within the memorandum having been added at the request of the USD 466 school board.

Motion by Barb Wilkinson seconded by Armando Tarango to authorize Mayor Everett Green and Police Chief David Post to sign the *School Resource Officer Memorandum of Understanding* between the City of Scott City and Scott County USD 466. Vote – Unam.

Provided in the packet was a letter and statement from KDHE-Public Water Supply Revolving Loan program, requesting payment of interest and fees accrued through February 1, 2023 (\$10,981.62) prior to the repayment of the loan for KPWSLF Project No. 2982. The letter stated that the City had the option to either pay the fees by February 24, 2023 or capitalize the amount into the loan balance which would increase the outstanding balance.

Motion by Josh Gooden seconded by Barb Wilkinson to pay the interest and fees incurred through February 1, 2023, in the amount of \$10,981.62, for the loan for KPWSLF Project No. 2982 out of the Water Fund and to not roll the amount due into the loan. Vote – Unam.

GMS Engineer Ken White was present via Zoom to update the Council on the ongoing City projects.

Regarding the water improvement project, GMS is still awaiting KDHE approval to move forward with the bid letting. Mr. White anticipates that KDHE's approval window will allow for an April 3, 2023 bid opening which will include all three phases of the bid – 1) the elevated water storage tank, 2) the water infrastructure leading to the tank, and 3) the diversion of the SCIP North water well.

Mr. White noted that the 8th Street Extension project had been closed out. Discussion was had regarding some issues with the newly constructed street. It was noted that the street is not draining properly and that there is already a large, deep crack in the street that needs to be repaired. Mr. White stated that GMS Engineer Sam Wood has been tasked with having a conversation with Nowak Construction to see that the repair work is completed as is required by the two-year warranty period following the completion of the construction.

GMS Engineer Ken White notified the Council that the “fly-over” portion of the aerial mapping study had been completed. He stated that he was unsure when the final product would be complete. Mayor Green thanked Mr. White for his report.

Under the open agenda, Council member Barb Wilkinson requested that City Administrator Brad Pendergast submit testimony to the League of Kansas Municipalities in favor of Cities’ retaining zoning authority within the 3-mile zone (extra-territorial jurisdiction) outside of a city’s city limits. Mayor Everett Green reiterated this request, noting that Scott County does not have a zoning board, and it would be in Scott City’s best interest to be able to regulate zoning within the 3-mile zone because the area could eventually be annexed into the city limits. Mr. Pendergast agreed to submit testimony on behalf of the City Council.

Council member Jeff Allen asked about the condition of Jackson Street about a block north of K-96 where the pavement ends. He stated that he has had an offer from a citizen to assist with laying larger rock if that would keep the street from becoming muddy and rusty when it rains. City Administrator Brad Pendergast indicated that he has been working with Street, Water & Sewer Superintendent Terence Appel on this street.

Pool Manager Marci Patton was present to recommend the following individuals as lifeguards for the 2023 pool season:

Co-Head Lifeguards

Alli Patton
Eric Shapland

Lifeguards

Alivia Noll
Malorie Cupp
Hailey Shapland
Kennedy Wasinger
Tara Rose
Lanae Haupt
Kinleigh Wren
Reed Batterton
Allison Deines
Ella Frank
Gabby Tucker
Crissa Irvin
Audrey Schwartz

Mrs. Patton noted that she had hired everyone who had applied. The two individuals that will be serving as co-head guards have had experience acting as substitutes in past years. Of the fifteen guards this season, seven will be new guards requiring full lifeguard certification. Some of the returning guards will need to recertify before the season begins. Mrs. Patton and Assistant Pool Manager Jessica Berry have already begun to research training opportunities for pool staff.

Motion by Josh Gooden seconded by Jeff Allen to approve Pool Manager Marci Patton's recommendations for lifeguards for the 2023 pool season and to approve training opportunities at the pool manager's discretion, with mileage being reimbursed for those who need to travel to obtain training. Vote – Unam.

City Inspector Jerek Wasinger provided *Building Inspector Report* in the Council packet regarding backflow testing on sprinkler systems. Mr. Wasinger explained that, based on verbiage on the City's plumbing permits and his experience working with Tatro, he plans to extend his focus on backflow protectors on newly installed sprinkler systems. The City Code currently requires annual inspections of backflow preventors, so Mr. Wasinger wants to research training opportunities for local contractors to become certified to do inspections. Because there are very few plumbers who are currently certified to perform these inspections, the City Code may need to be re-addressed.

Mr. Wasinger announced that he had the opportunity to go on a ride-along with Garden City Building Inspector Gary Alcorn. They inspected multiple types of projects throughout the day, and discussed the permitting software used by the City of Garden City.

Police Chief David Post had nothing further to report.

Park Superintendent Terence Appel addressed the Council regarding the hill at Maddux Park. At the prior Council meeting on January 16, 2023, the Council had agreed to let Mr. Appel and his crew remove the hill due to the difficulty to maintain it; however, after the most recent snowstorm, many City residents approached their Council representatives to express their desire to leave the hill as it is. Mr. Appel agreed to leave the hill in Maddux Park and indicated that he and his crew would do their best to keep it as well-landscaped as possible, but noted that even with the addition of a new sprinkler system in the park, the hill would still not get much water.

Mr. Appel informed the Council that the City crew would soon begin the "zero-scaping" project at City Hall in an effort to conserve water and set a good example of the City acting as a role-model to demonstrate methods other people can use to conserve water.

Street, Water & Sewer Superintendent Terence Appel requested to sell two pieces of equipment on Purple Wave. The City owns a Cimline C series melter that no longer serves its purpose; it does not work well unless the weather is warm. The City also owns a Ditch Witch trencher that is no longer needed.

Motion by Jeff Allen seconded by Armando Tarango to list the Cimline C series melter and the Ditch Witch trencher on Purple Wave. Vote – Unam.

Mr. Appel informed the Council that he had been made aware that KDOT has let for bids on the K-96 projects, so construction should begin on the resurfacing of K-96 in the next couple of months.

City Clerk Ruth Becker reminded the Council that the next regular Council meeting would be held on Tuesday, February 21, 2023 due to Presidents' Day being observed by the City on Monday, February 20, 2023.

City Administrator Brad Pendergast notified the Council that the application to extend the well diversion works for the well in SCIP North has been approved. The extension is valid until December 31, 2023.

Mr. Pendergast also informed the Council that the second round of the BASE (Building a Stronger Economy) grant has been submitted.

Mayor Everett Green informed the Council that newly appointed City Attorney Jennifer Cunningham is planning to attend the February 21, 2023 Council meeting. She is looking forward to meeting everyone.

Mayor Green also informed the Council that several individuals have expressed an interest in having City Council meetings earlier in the evening. Feedback by Council members was that they would also appreciate earlier meetings. City Administrator Brad Pendergast explained that, if the Council desired to change the meeting times, an ordinance would need to be passed authorizing the change. Consensus of the Council was to have an ordinance prepared for approval at the next regular Council meeting.

The Council took a short break.

Mayor Green called the meeting back to order.

Motion by Adam Winter seconded by Armando Tarango to adjourn at 8:29 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk