

February 21, 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 Craig Richards, Jeff Allen, Josh Gooden, Bo Parkinson, Barb Wilkinson, Adam Winter, City Attorney Jennifer Cunningham, City Administrator Brad Pendergast, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the February 6, 2023 regular council meeting were presented.

Motion by Barb Wilkinson seconded by Adam Winter to approve the minutes of the February 6, 2023 regular council meeting. Vote – 4, yes – 2, abstain – Craig Richards & Bo Parkinson.

The minutes of the February 13, 2023 special council meeting were presented.

Motion by Jeff Allen seconded by Bo Parkinson to approve the minutes of the February 13, 2023 special council meeting. Vote – 4, yes – 2, abstain – Craig Richards & Adam Winter.

Appropriation Ordinance # 1001B was presented.

Motion by Barb Wilkinson seconded by Adam Winter to approve Appropriation Ordinance # 1001B. Vote – Unam.

Mayor Everett Green addressed all in attendance as he opened the Public Hearing for Crescent Avenue Street Assessments. He informed them that the hearing would remain open for public comments until the end of the meeting. *Notice of Public Hearing*, as published in the Scott County Record on January 26, 2023, had been provided in the Council Packet.

Included in the Council Packet was *Ordinance No. 1253*, an ordinance amending Title 1, Chapter 5, Subsection B of the Scott City, Kansas City Code pertaining to the scheduling of regular Council meetings and repealing the existing Title 1, Chapter 5, Subsection B of the Scott City, Kansas City Code and Ordinance No. 855. City Administrator Brad Pendergast noted that City Attorney Jennifer Cunningham had reviewed the ordinance and had found no issues.

Motion by Jeff Allen seconded by Josh Gooden to approve *Ordinance No. 1253*, an ordinance amending Title 1, Chapter 5, Subsection B of the Scott City, Kansas City Code pertaining to the scheduling of regular Council meetings and repealing the existing Title 1, Chapter 5, Subsection B of the Scott City, Kansas City Code and Ordinance No. 855, changing the time of regular Council meetings to 6:30 p.m. Vote – Unam.

Provided in the Council packet was *Ordinance No. 1254*, an ordinance amending Title 3, Chapter 3, Section 5, Subsection B of the codification of the ordinances of Scott City, Kansas relating to temporary businesses. The proposed ordinance would change the hours of operation for stationary food vendors to 9:00 a.m. to 12:00 a.m. Council member Jeff Allen proposed that food vendors

be allowed to open early enough to serve breakfast. Consensus of the Council was to edit the hours of operation to allow for the serving of breakfast. City Administrator Brad Pendergast noted that soon he anticipates having a separate ordinance specific to food vendors.

Motion by Jeff Allen seconded by Bo Parkinson to approve *Ordinance No. 1254* as discussed and edited to change hours of operation for stationary food vendors to 7:00 a.m. to 12:00 a.m.

Vote – Unam.

Lease of Hangar Space, between the Western Kansas Groundwater Management District No. 1 (GMD1) and the City of Scott City, Kansas was presented in the packet. The agreement allows the City of Scott City to lease GMD1's hangar at Scott City Municipal Airport for \$300 each month. The City of Scott City will then sub-lease the hangar space to the airport's Fixed Base Operator (FBO), WTH Aviation Services (WTH) for use in their daily operations. In a separate agreement between the City and WTH, the FBO agrees to have their monthly service fee payment reduced by \$300 to compensate for the rent owed to the City. City Attorney Brad Pendergast noted that City Attorney Jennifer Cunningham has reviewed the documents and has no issues.

Motion by Adam Winter seconded by Jeff Allen to authorize the Mayor's signature on *Lease of Hangar Space*. Vote – Unam.

Regarding the conclusion of the Scott City Municipal Airport 2021 Construct Hangar Taxiway Project, EBH Engineer Darin Neufeld had provided the following documents for the Council's approval for the project closeout: *Change Order No. 1*, *EBH Invoice* for professional engineering services from September 25, 2022 to November 26, 2022, Building Solutions' *Final Pay Estimate 4*, and *Reimbursement Tracker* to be submitted to KDOT Aviation. *Change Order No. 1* increased the overall amount of the project by \$4,909, bringing the project total to \$193,799. Upon review of the other documents, Council member and Airport Commissioner Jeff Allen expressed concern about paying the final engineering invoice without having seen the final inspection reports. It was noted that the invoice for engineering is listed on the *Reimbursement Tracker* and the reimbursement request cannot be submitted to KDOT Aviation until the invoice has been paid. Mayor Everett Green directed City Administrator Brad Pendergast to confirm with Mr. Neufeld that the delay in paying EBH will not cause the City to forfeit the opportunity to request the final reimbursement on the project. Consensus of the Council was to wait to pay the EBH Invoice until Mr. Pendergast has had a conversation with Mr. Neufeld.

Motion by Jeff Allen seconded by Adam Winter to approve Change Order No. 1, increasing the cost of the Scott City Municipal Airport 2021 Construct Hangar Taxiway project by \$4,909 for a total project cost of \$193,799. Vote – Unam.

Motion by Jeff Allen seconded by Josh Gooden to approve Building Solutions' *Final Pay Estimate 4* in the amount of \$18,263.92. Vote – Unam.

Included in the packet was *National Opioid Settlements: Teva, Allergan, CVS, Walgreens, and Walmart, Scott City KS-Reference Number: CL-394349*. The settlement overview explains that in addition to the opioid settlements in which the City of Scott City has already opted to participate, newly proposed settlement agreements have been reached that would resolve opioid litigation against the two pharmaceutical manufacturers and three pharmacies listed in the title of the document. City Administrator Brad Pendergast noted that, although this is a separate settlement, the previously approved *Memorandum of Understanding* applies to this settlement as well. He explained that he needed the Council's direction on whether to opt in to this settlement.

Motion by Craig Richards seconded by Barb Wilkinson to participate in this phase of the ongoing Opioid settlements. Vote – Unam.

Scott County Development Committee (SCDC) Executive Director Katie Eisenhour was present for her quarterly update to the Council. Mrs. Eisenhour provided *SCDC Report to City Council – Feb. 21, 2023 (Outline)* for the Council packet. She presented the following topics:

- **Moderate Income Housing (MIH)** – Mrs. Eisenhour highlighted the main points that were addressed during the February 13, 2023 Special Council meeting, including being allowed to publicize a down-payment incentive offered by Kansas Housing Resources Corporation (KHRC) on the four completed, yet unsold, homes in the MIH area, the need to file an extension with KHRC to build the remaining homes, and the tax credits applied for by the developer.
- **Eastridge Villas, LLC** – Pre-application for a second senior housing facility has been submitted. Plans are the same as before, including 16 units and a community building. The full application will be submitted in early May, with award notices being announced in June 2023. Mrs. Eisenhour requested that the City consider paving the 700 block of Maple Street if SCDC is awarded the funding for the Senior Housing project.
- **Fiscal Operations** – Consideration of part-time staff continues, looking toward future staffing needs for SCDC. All loans are timely, with only seven open loans on the books. SCDC did not apply for the City’s ½% Sales Tax Grant this year and will not likely apply in the future.
- **Certified Site** – Mrs. Eisenhour was pleased to announce that Scott City was one of six communities to be considered Project Helianthus, a sunflower oil processing company. She is hopeful that they will take advantage of the incentives that the City of Scott City is offering to the first company to move into the new industrial park (SCIP North-Lawrence Addition).
- **Housing** – There is still interest in developing a 22-acre plot of land that would include no income-based housing. Mrs. Eisenhour noted that City Administrator Brad Pendergast has been working to establish a city-wide Rural Housing Incentive District (RHID) to incentivize new development.
- **BIL Workshop** – City of Garden City has requested to host a workshop in Scott City on March 9, 2023. Mrs. Eisenhour indicated that more than 120 people plan to attend and that she plans to assist with catering the meal. Mr. Pendergast will speak about the SS4A (Safe Streets for All) grant that was awarded for a traffic study on the US Highway 83 corridor.

GMS Engineer Ken White was present via Zoom to update the Council. He noted that GMS is still awaiting approval of the plans for the Water System Improvements project slated for this Spring/Summer. Once the plans have been approved, the project will be put out for bids. Mayor Everett Green inquired about a timeline for when the project will be open for bids. City Administrator Brad Pendergast indicated that he would reach out to KDHE’s Engineering and Permit Unit Chief Dan Clair for an estimate of when the plans will be approved and he will report his findings to GMS Engineer Ken White.

When asked about the condition of the recent construction of the 8th Street extension, Mr. White noted that GMS Engineer Sam Wood had been in communication with Nowak Construction

concerning the drainage problems and the crack in the street. Street, Water, & Sewer Superintendent Terence Appel has been involved in the conversations as well.

Mayor Green thanked Mr. White for his update.

There was nothing discussed under the open agenda.

Provided in the packet was a letter and accompanying *Sub-Recipient Agreement* between the Kansas Department of Health and Environment (KDHE) and Scott County Health Department for a Preventive Health and Health Services Block Grant in the amount of \$4,999 to be used at the Scott City Municipal Pool to assist families enrolling in Red Cross Lessons for the 2023 Pool season. The City of Scott City/Scott City Municipal Swimming Pool is a sub-recipient of this grant, and therefore, needs to approve the agreement since the City will be responsible for submitting expenditure reports and tracking participation and materials distribution.

Motion by Jeff Allen seconded by Adam Winter to approve the *Sub-Recipient Agreement*. Vote – Unam.

City Inspector Jerek Wasinger provided *Building Inspector Report February 21, 2023* for the Council packet. Mr. Wasinger informed the Council that he is making progress on closing out open permits, having conducted final inspections on sixty outstanding permits so far in 2023. He updated the Council on current projects on which he is working, including the remodel of Love's Truck Stop, underground electrical installation and equipment shed within the 3-mile zone for the radio station, three wood-framed accessory buildings, and two home renovations and additions.

Mr. Wasinger noted that contractors are working to correct punch list items for the four MIH homes on Chestnut Street before scheduling their final inspections.

City Inspector Jerek Wasinger stated that an early concern of his is that of contractors not obtaining permits. He and Council members discussed options. Mr. Wasinger indicated that he will be firm, but fair. He believes that once contractors come to know him and his expectations, there will be fewer instances of failure to pull permits.

Mr. Wasinger, Police Chief David Post, and City Administrator Brad Pendergast will meet later in the week to finalize the implementation of the iWorkQ software that will be used for both City permits and code enforcement. The cloud-based software is expected to make the day-to-day processes for building permit inspections and code enforcement much more efficient. The 30–60-day implementation period should begin within the next week.

Police Chief David Post addressed the Council regarding work he has been doing with City Attorney Jennifer Cunningham. He stated that he felt that the City has “hit a home run” with her appointment and that he is looking forward to working with her.

Officer Vance Collamore completed his first week at Kansas Law Enforcement Training Center (KLETC) and has been endowed with a new nickname – “Gramps.” He is a hit among his fellow classmates and performed well in his first week.

K9 Officer Enoch will be receiving a stab- and bullet-proof vest thanks to an application for a charitable donation to *Vested Interest in K9s, Inc.* submitted by his handler Officer Trey Davidson and Administrative Assistant Amber Poore.

Police Chief Post also announced that the Scott City Police Department has received a \$2,000 KDOT STEP (Special Traffic Enforcement Program) grant that they will use to purchase equipment to meet traffic enforcement needs.

The Scott City Police Department will have three high school students with them on February 22, 2023 for Junior Job Shadow Day. Police Chief Post is excited to participate in this program and noted that the last few interns they sponsored had first gained interest in law enforcement through their participation in prior Junior Job Shadow Days.

Parks Superintendent Terence Appel reported that he has ordered paint for the tennis/pickleball courts. He stated that he will designate one court for tennis and one court for pickleball instead of incorporating both sets of lines onto each court. He was afraid that might make it confusing to players. Also, a regulation net is set 3” lower for pickleball than for tennis, so it makes sense to separate the two courts.

Street, Water, and Sewer Superintendent Terence Appel reported that a 2” steel line at 6th and Glenn had a major leak and needs to be replaced. This line is currently at the top of his wish list for projects to be completed.

Mr. Appel discussed snow removal on the highways, mentioning that KDOT does not like snow piled to the middle, but rather to the outside, which interrupts business parking. There have been many complaints about residents moving their own snow or hiring others to do it for them, because often, when snow is moved, it is moved in such a way that it creates a bigger problem for their neighbors, such as drainage issues and blocked entrances and exits. Mr. Appel inquired if the City could create an ordinance prohibiting pushing snow onto/into public easements. City Administrator Brad Pendergast noted that he would work with City Attorney Jennifer Cunningham on creating such an ordinance.

There have also been complaints about the maintenance done in the alleys. People have been angry that grass that has been planted in the alley or rock that had been laid down has been pulled up when the alleys are maintained. Mr. Appel explains to individuals that the alleys are City easements and that the alleys must be bladed when there is “just the right amount” of moisture, and that when the City crews maintain an alley, they do the whole alley, not just a section of it. He encourages people to not maintain the alleys themselves.

Mr. Appel indicated that he is planning to work with representatives from KDOT on Monday, February 27, 2023 while performing a walk-through on all their fiber-optic lines that connect each KDOT building with each other.

Street, Water, & Sewer Superintendent Terence Appel requested to advertise for bids to perform the City’s chip sealing for 2023. He requested that the bid should include the cost of oil and sand so that those items do not need to be bid out separately. He speculated that this would be not only more cost-effective, but more efficient.

Motion by Josh Gooden seconded by Jeff Allen to allow Mr. Appel to advertise for bids to chip seal approximately 130,000 square yards of city streets in 2023. Bids should include the cost of oil and sand. Sealed bids are due back to City Hall by 5:00 p.m. on Monday, March 6, 2023. Vote – Unam.

City Clerk Ruth Becker requested to purchase a water bottle filling station to replace the drinking fountain in City Hall. Mrs. Becker explained that the fountain is not used much so it gets limed up and sprays water everywhere. It has been serviced multiple times but continues to have the same issues simply because no one wants to use a drinking fountain anymore. Council members questioned why this expenditure, which is less than the \$20,000 bid threshold, was being brought before the Council. Mrs. Becker explained that a move from a drinking fountain to a water bottle

filling station would be an allowable use of ARPA funds under the Health & Safety justification as drinking fountains are known to cause the spread of germs. Such a request to use ARPA funds would need Council approval. Council member Jeff Allen referenced the screenshot of the proposed purchase that had been provided in the packet, noting that the item being requested would not provide a chilled water supply. He suggested that, if the Council were to approve the request to purchase the piece of equipment, the fixture should have the ability to not only filter the water, but also cool it. After a brief discussion, consensus of the Council was to approve the “upgrade” to the requested item to be purchased.

Motion by Jeff Allen seconded by Barb Wilkinson to approve the purchase of a filtered, refrigerated water bottle filling station to replace the current drinking fountain at City Hall, with the cost, not to exceed \$1,500, being paid from the ARPA fund. Vote – Unam.

Motion by Josh Gooden seconded by Barb Wilkinson 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 8:41 p.m. Vote – Unam.

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

No action was taken.

City Attorney Brad Pendergast reiterated information about the BIL Workshop that will be held in Scott City from 9:00 a.m. to 4:00 p.m. on March 9, 2023 at the Western Kansas Child Advocacy Center. He indicated that the deadline to RSVP for the workshop is March 3, 2023.

Mr. Pendergast also informed the Council that Kansas Department of Emergency Management (KDEM) will be hosting a Regional Recovery Tabletop Exercise in Scott City from 9:00 a.m. to 4:30 p.m. on March 21, 2023 at the Western Kansas Child Advocacy Center. There are six spots available for representatives from Scott City/Scott County. Attendees are expected to be Emergency Management Director Tim Stoecklein, SCDC Director Katie Eisenhour, City Administrator Brad Pendergast, City Clerk Ruth Becker, and two undetermined County representatives.

City Administrator Pendergast reminded those in attendance about Congressman Tracey Mann’s Town Hall on Friday, February 24th at 1:45 p.m. at the Scott County Library.

Mr. Pendergast addressed the Council about Senate Bill 210 which would allow candidates for nonpartisan elected office to include their party affiliation on the ballot, essentially making the election a partisan election and, because federal employees are prohibited from participating in certain partisan elections, limiting the candidate pool. After discussion about this bill, the Council requested that City Administrator Brad Pendergast submit a response to our Senators urging them to vote “no” on SB 210. Mr. Pendergast agreed to do so.

Mayor Everett Green welcomed newly appointed City Attorney Jennifer Cunningham to her first Scott City Council meeting. He asked her to introduce herself and tell everyone a little bit about herself. She noted that she has been in private practice for just about a year, but before that she worked 10 years with the City of Garden City (2 years as the City Attorney and 8 years as the Assistant City Manager) and even acted as the Fire Chief for a period of time. She is the mother

of three children and is the President of the Board for the Garden City Community Daycare Center. She is excited to work with the City of Scott City.

Financial and Investment reports were included in the packet for Council's review.

Mayor Green indicated that, if there were no public comments regarding the Crescent Avenue special assessments, the public hearing would be closed.

Motion by Josh Gooden seconded by Jeff Allen to close the Public Hearing for Crescent Avenue special assessments. Vote – Unam.

Presented for approval in the Council packet was *Ordinance No. 1255*, levying special assessments on Crescent Avenue improvements.

Motion by Josh Gooden seconded by Jeff Allen to approve *Ordinance No. 1255*, levying \$50,000 in special assessments on Crescent Avenue improvements. Vote – Unam.

Mayor Green had no further comment.

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 8:54 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk