

April 3, 2023

The City Council of Scott City met in regular session on the above date at 6:30 p.m. in City Hall.

Pastor Jeff Goetzinger from 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, Kelly Funk, Josh Gooden, Bo Parkinson, Barb Wilkinson, Adam Winter, Armando Tarango, City Attorney Jennifer Cunningham (by Zoom), City Administrator Brad Pendergast, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the March 20, 2023 regular council meeting were presented.

Motion by Barb Wilkinson seconded by Armando Tarango to approve the minutes of the March 20, 2023 regular council meeting. Vote – Unam.

Appropriation Ordinance #1003A was presented.

Motion by Josh Gooden seconded by Jeff Allen to approve Appropriation Ordinance #1003A. Vote – Unam.

Presented in the Council packet was *Wald & Co., Inc. – Fireworks Display Proposal for City of Scott City*.

Motion by Josh Gooden seconded by Barb Wilkinson to authorize the Mayor's signature on the proposal in the amount of \$4,900, contingent upon the customary cost share of 50% of the payment covered by Scott County. Vote – Unam.

The Council authorized City Administrator Brad Pendergast to approach Scott County Commissioners regarding their participation in the fireworks display.

Included in the Council packet was *Special Event Request*, presented by Scott City Area Chamber of Commerce (Chamber) Executive Director Lindsay Singley on behalf of the *Cops N Bars* event as part of the June Jaunt celebrations. Ms. Singley was present to explain her request. She indicated that *Cops N Bars* is a fundraising event for Western Kansas Child Advocacy Center. The event committee is requesting permission to block off the portion of 12th Street just north of Patton Park to host a beer garden. Discussion among Council members and City Attorney Jennifer Cunningham included the submission of the Cereal Malt Beverage license application to the Alcohol Beverage Control (ABC) Division of the Kansas Department of Revenue, setting parameters for distinguishing under-age patrons apart from legal-age patrons, setting protocols for limiting access to the licensed premises only to patrons who are of legal age to purchase and consume alcohol, and the practice of utilizing wrist bands to visibly identify those who are of legal drinking age for admittance into the licensed premises. Ms. Singley verified that she has coordinated this type of event before and that all protocols and parameters will be followed. She also indicated that, while the *Cops N Bars* event at Patton Park will be held from 9:00 a.m. to 4:00 p.m., the beer garden will only be open from 11:00 a.m. to 3:00 p.m.

Motion by Jeff Allen seconded by Armando Tarango to allow Chamber Executive Director Lindsay Singley to submit an application for a Special Event Cereal Malt Beverage License for the *Cops N Bars* event on June 3, 2023 in Patton Park, and to approve the closing of 12th Street just north of Patton Park to hold a beer garden from 11:00 a.m. until 3:00 p.m. Vote – Unam.

City Administrator Brad Pendergast explained to the Council members that he had been working with Kim Spencer with Triplett Woolf Garretson, LLC on setting an interest rate for the special assessment bond for Crescent Avenue. Ms. Spencer indicated that a good place to look when setting a bond interest rate is at a business MMIA or savings account rate. Included in the Council packet was a redacted front page from a recent bank statement for the City's Security State Bank MMIA account indicating an interest rate of 1.5%. Ms. Spencer had also indicated that the interest rate could be set anywhere from 0% to 4%. Brief discussion led the Council to concede that issuing a 0% interest bond would set a bad precedent for future bonds issuances. Further, brief discussion continued.

Motion by Craig Richards seconded by Bo Parkinson to set the interest rate for the special assessment bond for street improvements on Crescent Avenue at 1.5%. Vote – Unam. [See section immediately following the open agenda items].

GMS, Inc. Engineer Ken White was present by Zoom to update the Council on ongoing projects.

- **Water System Improvements 2023** – Plans remain under KDHE review. He and other personnel involved in the project will have a KDHE-initiated Microsoft Teams meeting the following day at 8:15 a.m. to discuss the review of the project. Once all plans are approved, the project will be put out for bid for the required four weeks. Bid opening and awarding of the project will coincide with a regular Council meeting. Mr. White mentioned that he has been at odds with the railroad, but they have approved the 16” cased line on the west side of US Highway 83. GMS is wanting to get rid of the 4” steel line during this project, because many of the city's steel lines are failing. Mr. White indicated that they proposed a directional drill using 6” high-density polyethylene with 5’ of cover, but the railroad stated that they require a 12’ cover. Mr. White argued that service lines are connected to this pipe and it is not practical to bury the lines that deep. The railroad countered with a depth of 10’. At that point, Mr. White filed for a waiver request and, because he had not heard back, he contacted them. His contact with the railroad was encouraging as he indicated that most waiver requests are granted and to anticipate that to be the case, so Mr. White filed another waiver request earlier in the day. He expects a quick response.
- **8th Street Extension** – Mr. White indicated that he visited with GMS engineer Sam Wood who has been working on the project. He noted that Mr. Wood has received an email from Street Superintendent Terence Appel regarding asphalt chunks and a “still unrepaired” sprinkler system at 801 Oak Street. Mr. Wood brought these topics to the attention of the contractors. Mr. Appel shared some pictures with the contractor. Other issues that Mr. Wood has addressed to Nowak Construction were the drainage issues on 8th Street, asphalt coming away from the curb & gutter, and the cracking of the asphalt – all observations noted by GMS engineer Trevis Smith while on site during his time in Scott City while conducting his portion of the drainage study. Mr. Wood stated that Nowak explained that their asphalt subcontractor had admitted some fault, and they are working through the details to determine what actions will be taken to remedy the situation.

- **Drainage Study** – GMS completed the structural evaluation of all drainage facilities including inlets, covers, and manholes in early March. Trevis Smith met with City staff and property owners in known drainage-problem areas to gain additional understanding of issues. Synergy, the aerial surveying company, completed their mapping of the area on March 17, 2023. Mr. Smith will begin his base-map preparation of preliminary report work in the next few months. Mr. Smith will virtually attend the KDOT/K96 pre-construction meeting to be held on April 4, 2023. He will discuss the inclusion of a storm pipe replacement within the project limits, specifically storm pipe crossing at Russell Street, before covering the street with concrete. The anticipated completion date for this study is still unknown, but Mr. White assured the Council members that the timeline is still within the time frame set in the drainage study agreement and that the cost of the study is still within the proposed budget.
- **Industrial Park Utilities** – A survey still needs to be completed to initiate the design of the water and sewer lines. Mr. White will put together a concept plan to present to the City for review and comment at the 25% design stage.

Council member Barb Wilkinson stated that she appreciated the thorough report. Mayor Green and other Council members also thanked Mr. White for his report.

Under the open agenda, Council member Jeff Allen provided an aerial view of the City-owned property utilized by the Scott Recreation Commission (SRC). He noted that since SRC Director Cody Brittan and Assistant SRC Director Jordan Carter approached the Council and provided an update to their water conservation plan in exchange for City-approved credits on their water bills, he had wanted to propose a plan to alleviate the SRC's burden of paying for the water used to maintain the City-owned property. Mr. Allen's initial query was to propose that the City sell the ground noted on the map to the School District for \$1.00 so that they would own the property, allowing them to drill a well, eliminating the need to pay the City for water. Further discussion on this topic included: the legality of the City stepping away from the agreement that was initially reached regarding the partnership between the School District, the City, and the SRC; whether Western Kansas Groundwater Management District No. 1 would allow the school district to drill a well; whether a well could even be established, given that two wells in the area have already run dry; the appearance of the City allowing a well to be drilled for purposes that benefit the City while the Council is actively considering the prohibition of private citizens drilling wells for residential use; that supporting the SRC by issuing water credits toward their water bill is used as a medium to encourage water conservation practices and that, by taking away that medium, it could be perceived as relaxing conservation practices when City property is involved; use of water from the sewer ponds, or other untreated water, to irrigate the ground used at the soccer fields and the sports complex; the potential practice of tracking the water usage of the SRC without charging for water in the same way that water used in the City's parks is accounted for; purchasing a new sprinkler system which will aid in water conservation; and the fact that, by state statute, recreation commissions are barred from owning property. Mayor Green recommended that a detailed plan be outlined to present at a future Council meeting. City Administrator Brad Pendergast and Council member Jeff Allen will work together on a plan to present to the Council.

Council member Craig Richards stated that he had been checking on current bond interest rates and found that 1.5% is very low. He indicated that 10- to 30-year municipal bonds are currently averaging approximately 2.94% and wanted to know if the Council could vote again. City

Administrator Brad Pendergast explained that the person who made the initial motion could rescind the motion.

Motion by Craig Richards seconded by Josh Gooden to rescind the motion to set the interest rate for the special assessment bond for street improvements on Crescent Avenue at 1.5%. Vote – 7-yes, 1-abstain, Bo Parkinson.

Motion by Josh Gooden seconded by Barb Wilkinson to set the interest rate for the special assessment bond for street improvements of Crescent Avenue at 3%. Vote – 7-yes, 1-abstain, Bo Parkinson.

Building Inspector Jerek Wasinger provided *Building Inspector Report* dated April 3, 2023 in the Council packet. He updated the Council on the dwindling number of open permits and broke them down into types: 13 accessory structure permits, 27 building permits, 13 mechanical permits, 23 electrical permits, and 14 plumbing permits. He noted that 49 permits had been pulled so far in 2023. Of 27 inspections conducted in March, all but two inspections passed. The initial four Moderate Income Housing (MIH) homes on Chestnut Street have had their final inspections and will be issued their Certificates of Occupancy. Mr. Wasinger announced two large upcoming projects: the Love's Addition & Godfather's Pizza remodel which is scheduled to begin the first part of May and the construction of a new hangar at the airport for John Fairleigh. iWorQ software implementation is progressing well with all open permits having been transferred into the new software. All inspections can now be managed through iWorQ. A few onboarding items remain with the permits application, including the inclusion of Scott County's GIS mapping, the contractor list upload, and the fee schedule setup.

Police Chief David Post informed the Council that he had recently received a resignation email from a dispatcher. He passed around a copy of the email for the Council members to review. He indicated that he was not shocked by the resignation but was pleased to announce that his officers had stepped up to help until a replacement could be found. Another dispatcher will soon be taking time off for maternity leave and returning Police Officer Bailey Davidson will be covering several shifts in dispatch to assist. Mayor Green extended his congratulations to Police Chief Post on how well his officers and dispatchers are cross trained to cover each other's duties when situations like these arise.

Police Chief Post had included a bid for the remodel of the Dispatch Station at the Law Enforcement Center. He explained that the area for the dispatchers needs an upgrade because, currently, dispatchers really have no option except to sit throughout their 12-hour shifts and that the workspace is a one-size-fits-all situation. By upgrading the workstations to be raised and lowered as needed for standing or sitting as desired, the environment will be more comfortable and better for the health of the dispatchers. Police Chief Post also noted that the current floor is bubbling and stained and needs to be replaced. He mentioned that he received four bids for the proposed projects, but only the one presented in the packet by *xybix* met specifications. Police Chief Post also informed the Council that the entire project, except for the cost of the floor, had been pre-authorized by the State's 911 Council as being an eligible expense for 911 funds. The cost of the floor would be shared with the County at the usual 78% County/22% City ratio. When asked by Council members how long the project would last, Police Chief Post indicated that he was told that the project would take two days, start to finish. Mayor Green thanked Police Commissioners Josh Gooden and Armando Tarango for their due diligence in touring the current facility to see what upgrades were needed.

Motion by Josh Gooden seconded by Armando Tarango to accept the bid by *xybix* in the amount of \$38,442.68 to remodel the Dispatch Station at the Law Enforcement Center, with the costs to be paid out of the 911 Fund and to authorize the 22% cost share with Scott County to replace the flooring in the Dispatch Station. Vote – Unam.

Also provided in the packet for Council review was *Invoice #17103* and *Report of Work Performed on the Outdoor Warning Siren System* from Blue Valley Public Safety, Inc. No discussion was held.

Parks Superintendent Terence Appel indicated that he will obtain the amounts of water usage on the parks and islands around the city and will report back to the Council.

Street, Water, and Sewer Superintendent Terence Appel reported that the KDHE Water Report had been accepted by the State. He noted that the report demonstrated 10-13% unaccounted water loss in 2022. Mr. Appel believes that much of the unaccounted loss can be attributed to the flushing of hydrants and water lines during the K96 Water Improvements project.

Mr. Appel reported that he and his crew are working on a new water line to Nu-Life and the water and sewer lines to the new Fairleigh hangar at the airport.

Street, Water, and Sewer Superintendent Terence Appel informed the Council that he and Reggie Ford had been working with KDHE on the City's annual water supply inspection and that no violations were found.

Mr. Appel announced that Well #5, at 1st & Church Street, is currently in emergency standby mode, as it is testing too high in nitrates. Because the well is not being pumped, there will be no testing on this well. There is currently no timeline for the well to start being used again. He will work with GMS for test wells.

Mr. Appel informed the Council that he would be attending the KDOT/K96 pre-construction meeting the following day.

The bidding process has been completed on the Cimline asphalt melter and the Ditch Witch trencher. Purple Wave has notified Mr. Appel that the two pieces of equipment were sold for a total of \$16,600. The money will be receipted into the Municipal Equipment fund once it is received.

City Clerk Ruth Becker had nothing to report.

City Administrator Brad Pendergast informed the Council that he was planning to attend the KDOT/K96 pre-construction meeting the following day.

Mr. Pendergast expects to have the March CPI figure for the Midwest Region by April 12, so that he and department heads can begin planning for the 2024 Budget. He would like to see budget workbooks returned to him by the first of May. His focus for the City's budget planning for 2024 will be to try to stay revenue neutral to avoid an increase in taxes.

Mayor Green was pleased to announce that he had been recommended by League of Kansas Municipalities' Interim Director John Deardoff to serve on the League Governing Body. When the position was offered to him, he was honored to accept. He explained that he would be filling the unexpired term of another individual that had stepped down, and that his term on the governing body would extend beyond his current term as Mayor. He reminded Council members that the cost of travel and hotel rooms for him to serve on the League's governing body is traditionally

paid by the member's City. He humbly requested that that practice continue. Consensus of the Council was to pay any expenses incurred by Mayor Green when traveling to perform his duties as a League governing body member.

The Council took a short break.

Mayor Green called the meeting back to order.

Discussion resumed regarding the water usage for the SRC. City Administrator Brad Pendergast brought up the idea of the City having a Capital Improvement Fund, a non-budgeted fund that would be used to fund priority projects. Each year during the budgeting process, a budgeted transfer into that fund could be set to pay for projects that are considered a high priority by the Council. Council member Josh Gooden suggested that the City could waive all water fees but require that any money saved be used toward improving their sprinkler system. Mayor Green indicated that he would like to see Council members bring proposals to future meetings for discussion.

Motion by Adam Winter seconded by Armando Tarango to adjourn at 7:41 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk