

May 1, 2023

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

Pastor Rodney Hopper with the First Christian 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, Armando Tarango, City Attorney Jennifer Cunningham (via Zoom), City Administrator Brad Pendergast, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the April 17, 2023 regular council meeting were presented.

Motion by Barb Wilkinson seconded by Josh Gooden to approve the minutes of the April 17, 2023 regular council meeting. Vote – 6, yes – 1, abstain – Craig Richards.

Appropriation Ordinance #1004A was presented.

Motion by Jeff Allen seconded by Armando Tarango to approve Appropriation Ordinance #1004A. Vote – Unam.

Included in the packet was *Ordinance No. 1257*, an ordinance amending Title 10, Chapter 2, Section 1, Subsection F, Part 2 relating to the meeting date and time of Planning Commission meetings. The ordinance changes the time of said meetings from 7:00 p.m. to 6:00 p.m. on the 2<sup>nd</sup> Thursday of each month in which an application will be discussed. Because a hearing has already been scheduled, and notice of public hearing has been published, for Thursday, May 11, 2023, this ordinance, if approved, will take effect after publication in the Scott County Record on May 18, 2023.

Motion by Jeff Allen seconded by Armando Tarango to approve the Mayor's signature on *Ordinance No. 1257*, an ordinance amending Title 10, Chapter 2, Section 1, Subsection F, Part 2 changing the meeting date and time of Planning Commission meetings to 6:00 p.m. on the 2<sup>nd</sup> Thursday of each month, as necessary. The ordinance will become effective upon publication in the May 18, 2023 edition of the Scott County Record. Vote – Unam.

Provided in the packet was *Interlocal Agreement between the City of Scott City, Kansas and the Scott Recreation Commission (SRC)*. SRC Director Cody Brittan, Assistant Director Jordan Carter, and City Representative to the SRC Troy Lewis were present to discuss the document. The agreement was drafted by the City in support of providing a funding mechanism for SRC to secure a new irrigation system that benefits the citizens of Scott City. The agreement stated that the City would provide free water to the SRC (up to 10 million gallons in 2023 and 8 million gallons for subsequent years) for the duration of the agreement. Over the course of the 10-year agreement, SRC would apply the cost savings to lease payments for the irrigation system. Currently, the cost for an irrigation system for the Sports Complex is estimated to be around \$200,000 plus interest.

SRC Assistant Director Jordan Carter approached the podium to answer any questions that the Council had. He began his presentation by providing a document to Council members

demonstrating the number of participants and specific groups affected by the condition of the Sports Complex. He reminded the Council that not only are the participants affected, but also the spectators; he also reminded them that the season, from March through October each year, sees not only SRC programs, but also the Scott Community High School softball and baseball teams. He also provided a chart demonstrating water usage from 2014-2022 and the amounts paid annually from 2018-2022. The SRC has been receiving water credits on their water bills for the past several years. Their average annual water bill for the Sports Complex and the soccer fields, after the credits had been applied, average just under \$30,000.

When asked if there was anything in the agreement that SRC representatives were not comfortable with, Mr. Carter initially asked that the number of free gallons remain at 10 million each year of the agreement. He indicated that they could not definitively state that they would be able to use fewer than 10 million gallons each year, even with the new irrigation system. Council member Bo Parkinson reminded Mr. Carter, Mr. Brittan, and Mr. Lewis that it was reported at a prior Council meeting that a new irrigation system would be between 20%-30% more efficient, and that the 8-million-gallon threshold for subsequent years had been based on that report. He also indicated that the City is considering assisting the SRC in obtaining a new irrigation system based on water conservation efforts. Mr. Lewis indicated that one of the benefits of a new irrigation system is water conservation, but his main goal as a representative of the SRC is that of a good-looking product, i.e. green fields. After more discussion among Council members and SRC representatives, the Council directed City Administrator Brad Pendergast to revise the agreement, allowing 10 million gallons of free water for 2023 and 2024, with the agreement to be reassessed for 2025 and subsequent years. The revised agreement will be presented to SRC representatives and addressed at the next Council meeting.

Troy Lewis expressed appreciation for the Council's willingness to work with the SRC on this matter.

Warren and Trisha Harkness with WTH Aviation Services, LLC were present to update the Council as the Scott City Municipal Airport Fixed-Base Operator (FBO). Mr. Harkness began by stating that they have a fuel truck that has been certified and is now in use. They are eager about what this means for the airport; military aircraft have had to bypass the airport in the past because the aircraft could not use the fixed pumps, but they could have been fueled via a fuel truck.

A potential A&P mechanic has backed out of a precursory agreement; they will continue to search for a mechanic.

Use of the hangar leased from Groundwater Management District No. 1 (GMD1) is going well as the hangar has provided relief in the main hangar. The hangar is being used not only for based aircraft and maintenance but has also been used for transient aircraft.

Mr. Harkness stated that the runway panels that had started to buckle during the colder months, have settled now that the weather is warmer. He anticipates having to address the issue again next fall/winter.

He closed by noting that the airport has been battling rodent issues on the grass runway, and that they are keeping the issue under control.

Mayor Green and Council members thanked Warren and Trisha Harkness for their report.

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

- **Water System Improvements** – Plans for the project remain under KDHE review after recent comments from KDHE had been addressed. Mr. White indicated that he hopes to have more comments or approval from KDHE by the end of the week. Regarding the portion of the project involving the railroad permit, Mr. White noted that he had applied for two more waivers: 1) to eliminate signage which would be within the flow of traffic and 2) designing the bore pit size for the high-density polyethylene directional bore contractor. Mr. White determined that, without knowing who the contractor will be, it is impossible to determine the type of equipment that will be used to create the bore. However, Mr. White informed the Council that his previous request for a waiver to reduce the depth of the bore from 12’ to 5’ has been approved. Mayor Green asked Mr. White to explain how he thinks the timeline will progress if the project gains KDHE approval within the next week. GMS Engineer Ken White indicated that final acceptance of the project sometime in the month of May would put a construction start date in August. This represents the “best-case” scenario. He reminded the Council that the project will be conducted in 3 phases:

- **Schedule 1, Water Distribution** – The duration for completion is expected to be 180 days after the awarding of the contract.
- **Schedule 2, New Water Well** – The duration for completion of this portion of the project, which will be awarded along with Schedule 1, is approximately 30 days.
- **Schedule 3, Water Storage Tank (Tower)** – The duration for completion is expected to be 365 days after the awarding of the contract.

Mayor Green inquired about items that would slow the progress of the projects once construction has begun. Mr. White noted that the biggest issue would be bad weather during the pipe-laying and paving portions of the projects, but that construction is not necessarily limited in the winter months, as long as the weather allows. Painting of the water storage tank can only be performed if the temperature is at least 40 degrees.

- **8<sup>th</sup> Street Extension** – Mr. White announced that GMS Engineer Sam Wood has scheduled an on-site visit with City Administrator Brad Pendergast, Public Works Superintendent Terence Appel, and representatives from Nowak Construction and Circle Paving at 11:00 on Wednesday, May 3, 2023. Anyone else that would like to attend is welcome. The purpose of the visit is to determine a resolution to the asphalt and drainage issues. Any resolution will be provided at no cost to the City under the warranty. A timeline for resolution will be discussed at the meeting. GMS Resident Project Representative Mark Hornberger will be on-site to represent GMS, Inc.
- **Drainage Study** – GMS, Engineer Trevis Smith had attended the KDOT Preconstruction meeting on April 4, 2023 via Zoom, during which he discussed a replacement upgrade to existing storm/sewer lines at the crossing of K96 and Jackson Street along with adding a second storm/sewer pipe at this same intersection, due to known drainage issues in this area. KDOT will incorporate this into their contract. Mr. Smith should be sending a schedule on the completed study.
- **Industrial Park (SCIP-North)** – Mr. White informed the Council that they had run into an issue with the plat for the industrial park. A 100’ setback must be maintained from the well to any right-of-way lines. Street and lot configurations need to be readdressed on the plat. Work on the platting process will continue.

Mayor Green thanked Mr. White for his update.

Under the open agenda, Council member Jeff Allen thanked everyone for the collaboration to assist the SRC in their pursuit of obtaining a new irrigation system for the Sports Complex.

Pool Manager Marci Patton was not in attendance. Nothing was reported on her behalf.

Building Inspector Jerek Wasinger was present for questions regarding the *Permit Report* that had been provided to Council members via email and at the table. Mr. Wasinger had no other updates.

Police Chief David Post was absent. Sergeant Colton Schmitt updated the Council on his behalf. Sergeant Schmitt informed the Council that Officer Jaime Salazar has submitted a letter of resignation indicating that his last shift would begin on Sunday, May 7, 2023. A copy of the letter was passed around the table. Two individuals have expressed interest in the open Police Officer position.

Sergeant Schmitt informed the Council that the back window of Officer Bailey Davidson's patrol vehicle had been broken, apparently due to high winds and a tree branch. He also noted that Officer Bailey Davidson had resumed her duties as School Resource Officer earlier in the day.

The Dispatch department remains short-staffed; Officers Whitney Savolt, Bailey Davidson, and Sergeant Colton Schmitt have been filling in to keep things running. Two interviews for the position have been scheduled for the upcoming Friday. Council member Armando Tarango asked Sergeant Schmitt to pass along their thanks for the additional assistance in Dispatch.

Park Superintendent Terence Appel informed the Council that he and his crew had been working to raise the sprinkler system in Patton Park, so they have leveled a section of the park and have planted new grass. Mr. Appel expressed appreciation to Tony Sieck who had donated the grass seed.

After the rain last week, it appears that the Maddux Park and Westview drainage improvements are working well. He will know more next time it rains a substantial amount.

Street, Water, & Sewer Superintendent Terence Appel reported that he and his crew are in the middle of Spring Clean-Up Week.

Mr. Appel mentioned that he had attended the recent GMD1 luncheon. Council member Bo Parkinson indicated that, for him, the luncheon raised more questions that were answered. He indicated that it was reported that 2/3 of Scott City's water use goes toward the watering of lawns. City Administrator Brad Pendergast noted that he is researching incentives to residents who practice "zero-scaping" or utilize "cool-season" grasses in an effort to conserve water. Council member Barb Wilkinson praised the City Acres mobile home park at 9<sup>th</sup> & Glenn Street for setting a good example of "zero-scaping." Mayor Green expressed some concern about the loss of revenue as more people begin to conserve water, noting that revenues will be down, but the cost to treat the water will continue to rise.

Mr. Appel informed the Council that KDOT's K96 project is already approximately 2 weeks behind schedule. Council member Barb Wilkinson noted that she had been contacted regarding the fact that the 20 mph speed limit immediately increases to 65 mph as a vehicle exits the work zone (or decreases from 65 mph to 20 mph as a vehicle enters the work zone). She expressed her concern for safety due to the abrupt speed changes. City Administrator Brad Pendergast noted that he had reached out to KDOT on this issue.

Street, Water, & Sewer Superintendent Terence Appel informed the Council that he intends to hire 5 seasonal employees. He will work with Mr. Pendergast on this process.

City Clerk Ruth Becker briefly discussed the budget timeline with the Council. *2024 Budget Preparation* had been provided in the Council packet. She noted that the Budget Workshop is typically held in mid-June. Consensus of the Council was to hold the Budget Workshop on Monday, June 12, 2023. Mrs. Becker reminded the Council that, even though the City will try to do its best to remain Revenue Neutral with the 2024 budget, it has been strongly recommended by the City's auditing firm (Dirks, Anthony, & Duncan) and the Kansas Department of Administration to proceed with a Public Hearing to Exceed the Revenue Neutral Rate (RNR) between August 20 and September 20. Mrs. Becker explained that if the RNR were to be exceeded unintentionally due to clerical or publication error, or due to a decrease in assessed valuations, without having held the Hearing to Exceed the Revenue Neutral Rate, the penalty for non-compliance would be to refund all taxpayers the amount levied in excess of the RNR. Mayor Green expressed his intention to hold the hearing which will be scheduled at a later date.

City Clerk Ruth Becker reminded Council members Craig Richards, Jeff Allen, Bo Parkinson, and Barb Wilkinson that, if they intend to run for office in the November elections, the filing deadline is 12:00 p.m. on June 1. The League of Kansas Municipalities' *2023 City Candidates Guide* was provided in the packet.

Mrs. Becker reminded the Mayor and Council that the *National Day of Prayer* event will be held at the First Baptist Church sanctuary at noon on Thursday, May 4, 2023. All are welcome to attend.

City Administrator Brad Pendergast announced that the City of Scott City has been awarded a BASE (Building a Stronger Economy) grant to be used for water and sewer infrastructure in SCIP North-Lawrence Addition. The awarded amount is \$750,000 with a minimum match requirement of \$250,000. Mr. Pendergast noted that he is comfortable pulling the matching funds from the Water, Water Reserve, Sewer, or Sewer Reserve Funds. The grant and matching funds must be expended by 2025. Mr. Pendergast noted that the amount awarded was less than the amount applied for, so he has reached out to Ken White with GMS to revise the plan for infrastructure in SCIP North. A hard copy of the proposed plan-map was provided to each Council member at the table. After meeting with Mr. White, he will provide updated plans and revisions at a future meeting. Mayor Green mentioned that there has been an increased demand to expand the industrial park. Mr. Pendergast extended a thank you to SCDC Director Katie Eisenhour for her help with the grant submission.

City Attorney Jennifer Cunningham had nothing to report.

Mayor Green announced that there will likely be a special meeting called to discuss water customers who have multiple housing units on one meter and related issues. He asked Council members to be prepared to receive notice of this special meeting sometime before the next regular Council meeting.

Motion by Josh Gooden seconded by Jeff Allen for the Council to recess into executive session to discuss the potential acquisition of real property pursuant to the preliminary discussion of the acquisition of real property exception K.S.A. 75-4319(b)(6), retaining the Mayor, Council, City

Attorney, City Administrator, City Clerk, and Public Works Superintendent, with the open meeting resuming in the Council room at 7:40 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 Armando Tarango to adjourn at 7:49 p.m. Vote – Unam.

Everett M. Green  
Mayor

Ruth Becker  
City Clerk