

June 5, 2023

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

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 (via Zoom), City Administrator Brad Pendergast, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the May 15, 2023, regular council meeting were presented.

Motion by Barb Wilkinson seconded by Adam Winter to approve the minutes of the May 15, 2023, regular council meeting. Vote – 6-yes, 2-abstain, Kelly Funk and Armando Tarango.

Appropriation Ordinance # 1005A was presented.

Motion by Adam Winter seconded by Armando Tarango to approve Appropriation Ordinance #1005A. Vote – Unam.

Included in the Council packet was *Management Agreement for Pine Village*, dated August 3, 2020, between City of Scott City Housing Authority and Ardith Scammehorn DBA Kustom Bookkeeping. City Administrator Brad Pendergast explained that this item is on the agenda so that the Council has time to review the document prior to the end of its term on July 31, 2023. Consensus of the Council was to direct City Attorney Jennifer Cunningham to review and edit the existing document for approval at a July 2023 Council meeting.

Scott Recreation Commission (SRC) Director Cody Brittan was present to update the Council on the summer activities at the SRC. Mr. Brittan had provided a document summarizing these activities for the Council packet. Mr. Brittan mentioned that, while it was a successful season, the youth soccer program had about 20 fewer participants than in previous years. Weather caused the need to reschedule a few games, but overall, the season went well. The multi-purpose room in the fitness center has been used to accommodate approximately 40 participants from Pre-K through 6th grade for a dance program. If the group grows much in enrollment, they may have to find a larger space. Baseball/Softball season began the week prior. Enrollment has increased with 150 participants across 5 leagues. A “kid-pitch” league for the 3rd/4th grade boys has been added to prepare athletes of this age for the Major Boys’ League. Middle school, high school, and adult leagues are forming at the current time. SRC participated in the *Safe Kids Day* event on May 6 for the 3rd year. It was, once again, well received. Former Director Kylie Stoecklein helped to guide Mr. Brittan since it was his first year at this event. Mayor Green and Council members thanked Mr. Brittan for his report.

Scott County Development Committee (SCDC) Executive Director Katie Eisenhour was present to update the Mayor and Council regarding revised Moderate Income Housing (MIH) guidelines that will need to be followed as a requisite for the granted deadline extension to the initial February 9, 2017 agreement. Mrs. Eisenhour provided a copy of *First Addendum to Grant Agreement* at

the table. The addendum outlines the City's request that the \$80,000 that had been returned to Kansas Housing Resources Corporation (KHRC) be applied back to the City's project to support downpayment assistance for purchasers. KHRC has agreed to return the funds to be used in the manner described. \$20,000 will be paid directly to the purchasers of 4 MIH homes at closing. The addendum also clarifies that this constitutes the second of two one-year extensions, with the first extension expiring on June 30, 2023. This addendum's term will expire on June 30, 2024. Also set by the addendum is the increased number of homes to be built in the 500 block of Chestnut Street, from 12 to 14 homes. The Compliance Monitoring section of the document defines a clawback period during which the purchaser of an MIH home will be required to record a deed restriction on the property limiting the profit that can be achieved whenever the home is sold within a five-year period of its initial occupancy. The restriction requires a refund of a portion of the profit to the City of Scott City in the following increments:

- One Hundred Percent (100%) in Year 1
- Sixty Percent (60%) in Year 2
- Fifteen Percent (15%) in Year 3
- Fifteen Percent (15%) in Year 4
- Fifteen Percent (15%) in Year 5

Mrs. Eisenhower explained that if this section were to be utilized, the funds obtained as a result would be held in a City of Scott City account, not held by SCDC or KHRC. After the end of the 5th year, the deed restriction would be lifted, and any profit made by the sale of the property would be retained by the seller of the property. Mrs. Eisenhower indicated that City Attorney Jennifer Cunningham had authorized the addendum and Mrs. Cunningham indicated that the addendum clears up any ambiguity with issues regarding the original agreement and the subsequent extensions. Mayor Everett Green inquired about what would happen if a property were to sell at a loss within the five-year clawback period. Mrs. Eisenhower indicated that no refund of the difference would be offered. Mrs. Eisenhower was asked to return to the next regular meeting on June 19, 2023 for final approval of the *First Addendum to Grant Agreement* to the KHRC MIH program.

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

- **Water System Improvements** – GMS had addressed KDHE comments the previous Friday. The individuals that will review the resolutions are now on vacation so it will be at least another week before the City or GMS hears back from them. City Administrator Brad Pendergast did acknowledge that the two prior issues regarding the monitoring well and the test well have been resolved.
- **SCIP North** – The plat development has been put on hold at the request of EBH Engineer Darin Neufeld. He has concerns about the lack of City-retained property for an FAA-required Runway Protection Zone (RPZ).
- **8th Street Extension** – GMS Engineer Sam Wood has been in communication with the contractor. The City exercising their right to pull the construction bond appears to be having the desired effect. Progress is being made for a resolution to the issues with asphalt and curb & gutter regarding 8th Street.
- **Drainage Study** – GMS Engineer Trevis Smith will release the schedule soon.
- **12th & Main Street Crosswalk** – City Administrator Brad Pendergast will be working with Mr. White.

There was nothing under the open agenda.

Pool Manager Marci Patton and Assistant Pool Manager Jessica Berry were not in attendance. On their behalf, Mayor Everett Green reminded those in attendance that the pool would be closed the following Saturday, June 10, 2023, for the Scott City Stars Swim Meet. He also noted that the pool had an attendance of over 500 swimmers in the first 3 days.

Building Inspector Jerek Wasinger was present to answer any questions. There were none.

Police Chief David Post was present to update the Council. Officer Vance Collamore has graduated from the Kansas Law Enforcement Training Center. He will complete his field training before his first solo shift on June 30, 2023.

Two dispatchers were hired and began training the prior week. Natali Balderrama will serve as a full-time dispatcher on the night shift and Anastasia Rojas will serve as a part-time dispatcher who will typically cover an 8-hour shift on Tuesdays and will fill in for both planned and unplanned absences.

Police Chief Post reminded the Council that, according to Kansas State policing bylaws, officers must complete 40+ hours of training, including firearms qualifications, each year. All his officers have completed this year's training requirements, so he will now focus on completing his training requirements.

Police Chief Post informed the Council that he had met with principals from all three schools, 2 assistant principals, and the USD 466 superintendent to discuss and evaluate the School Resource Officer (SRO) program. The program was viewed by all as valuable and successful. During the discussion, USD 466 personnel asked that SRO Bailey Davidson create a curriculum to cover topics such as alcohol abuse, dangers of inappropriate cell phone use, driver safety & driver's license restrictions, bullying, and vaping.

The 2nd Annual *Cops N Bars* fundraising event was held the past Saturday, June 3, 2023, with proceeds being given to the Western Kansas Child Advocacy Center. Estimates are that between \$18,000 and \$20,000 was raised during the event that was held in Patton Park. Rainy weather delayed what was a highly attended event. Feedback on the new location of the event was favorable. Police Chief Post indicated that next year's event will likely be held in Patton Park, as well, with the proceeds benefiting a different youth organization.

Park Superintendent Terence Appel noted that the pool was having a good week. The new diving boards are a hit. His crew has been focused on mowing and spraying weeds on City property over the past few weeks. Mr. Appel informed the Council that he had intended to paint the lines on the tennis & pickleball courts, but since receiving rain during the past few weeks it has come to his attention that the west court (which will become the pickleball court) has settled and holds up to 3" of water in some places. He feels that the court needs to be repaired before painting the lines. He estimates that the repair will require 20 yards of cement, for which the cost is available in the budget.

Street, Water, and Sewer Superintendent Terence Appel informed the Council that the 2023 Chip Sealing project is scheduled to begin on Wednesday, June 14, but that rain before that date could push the project back. He will keep the Council informed.

City Clerk Ruth Becker asked the Council if they would like to reconsider the date previously scheduled for the 2024 Budget Workshop (June 12). City Administrator Brad Pendergast recommended waiting until after June 15th, which is the deadline for the County Clerk to provide the assessed property valuation estimates and motor vehicle figures to the City Clerk. This document will also provide the Revenue Neutral Rate (RNR). Mr. Pendergast explained that by holding the workshop after the appropriate figures have been entered into the budget workbook, the discussion will be much more productive. Mayor Everett Green added that in past years, before the RNR became a factor in the budgeting process, the timeline was much narrower. Because the City Council has agreed to hold a hearing declaring an intent to exceed the RNR each year, regardless of actual intent, the deadline for budget submission to the County Clerk has moved from August 25 to October 1 each year, giving the Council more time to consider the annual budget. After a brief discussion, consensus of the City Council was to hold the 2024 Budget Workshop on Monday, June 26, 2023, at 6:00 p.m.

City Administrator Brad Pendergast informed the Council that GMS Engineer Trevis Smith should have the final draft of the drainage study in August. He also stated that, as part of KDOT's K-96 project, another drainage pipe had been installed at the Jackson Street intersection.

Mr. Pendergast announced that he had been working with EBH Engineer Darin Neufeld regarding the SCIP North plat. Mr. Neufeld believes that the plat needs to be completely revamped to allow for the City to retain possession of a section of land for a Runway Protection Zone. Mr. Neufeld has also expressed concerns regarding drainage retention and sewer line infrastructure.

Mr. Pendergast informed the Council that Garden City City Manager Matt Allen had approached him to be part of an interview panel for a new Parks Director in Garden City. Upon Mr. Pendergast's request to serve on the interview panel, it was the consensus of the Council to approve Mr. Pendergast's request.

City Attorney Jennifer Cunningham had nothing to report.

Motion by Kelly Funk seconded by Barb Wilkinson that the City Council recess into executive session to consult with the City Attorney regarding legal advice pursuant to the attorney-client privilege exception, K.S.A. 75-4319(b)(2), retaining the Mayor, Council, City Attorney, City Administrator, City Inspector, and City Clerk, with the open meeting resuming in the Council room at 7:21 p.m. Vote – Unam.

The Council came out of executive session.

Mayor Green called the meeting back to order.

Motion by Kelly Funk seconded by Josh Gooden that the City Council recess into executive session to consult with the City Attorney regarding legal advice pursuant to the attorney-client privilege exception, K.S.A. 75-4319(b)(2), retaining the Mayor, Council, City Attorney, City Administrator, City Inspector, and City Clerk, with the open meeting resuming in the Council room at 7:27 p.m. Vote – Unam.

The Council came out of executive session.

Mayor Green called the meeting back to order.

No action was taken.

Motion by Kelly Funk seconded by Barb Wilkinson that the City Council recess into executive session to consult with the City Attorney regarding legal advice pursuant to the attorney-client privilege exception, K.S.A. 75-4319(b)(2), retaining the Mayor, Council, City Attorney, City Administrator, Public Works Superintendent, and City Clerk, with the open meeting resuming in the Council room at 7:45 p.m. Vote – Unam.

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

Motion by Kelly Funk seconded by Barb Wilkinson that the City Council 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 Administrator, & City Attorney, with the open meeting resuming in the Council room at 7:50 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.

Consensus of the Council was to hold a Special Meeting on Tuesday, June 27, 2023 at 6:30 p.m. to discuss water rates.

Motion by Adam Winter seconded by Armando Tarango to adjourn at 7:56 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk