

July 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 Matthew Koterba from Holy Cross Lutheran 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 June 19, 2023, regular council meeting were presented.

Motion by Jeff Allen seconded by Adam Winter to approve the minutes of the June 19, 2023, regular council meeting. Vote – Unam.

The minutes of the June 26, 2023, special council meeting were presented.

Motion by Armando Tarango seconded by Adam Winter to approve the minutes of the June 26, 2023, special council meeting. Vote – Unam.

The minutes of the June 27, 2023, special council meeting were presented.

Motion by Barb Wilkinson seconded by Adam Winter to approve the minutes of the June 27, 2023, special council meeting. Vote – Unam.

Appropriation Ordinance # 1006A was presented.

Motion by Josh Gooden seconded by Jeff Allen to approve Appropriation Ordinance # 1006A. Vote – Unam.

Scott County historian and artist Jerry Thomas was present to update the Council about the upcoming 145<sup>th</sup> Anniversary of the Battle of Punished Woman's Fork, which will be celebrated with representatives of the Northern Cheyenne Tribe on September 23-24, 2023. He was accompanied by El Quartejejo Museum and Jerry Thomas Gallery Program Director Stephanie Fisher. As part of the celebration, Mr. Thomas proposed that the City of Scott City consider solidifying the bond created between the people of Scott City and the people of the Northern Cheyenne Tribe when representatives of the tribe were invited to travel here from Montana to celebrate the 135<sup>th</sup> Anniversary of the Battle of Punished Woman's Fork in 2013, by designating the Northern Cheyenne sovereign nation as a Sister City. He noted that the designation of "Sister City" would forever strengthen the shared heritage and friendship of the Northern Cheyenne and people of Scott City. The Council expressed their support for the union and verbally authorized Mayor Green to issue a letter of support to Tribal leaders. Mr. Thomas noted that when the two groups officially form a Sister City union, it will be only the second time in the history of the United States for a city and a sovereign nation to be declared Sister Cities. He noted that a year and a half ago, the City of Longmont, Colorado became a Sister City to the Northern Arapahoe

Nation, setting the precedent for cities to partner with sovereign nations. Mr. Thomas noted that he has received a letter of support from the Scott County Historical Society and had received a phone call earlier in the day from Conrad Fisher, former president of the Northern Cheyenne Nation and current Cultural Liaison for the tribe expressing his desire to partner with the City of Scott City.

Motion by Armando Tarango seconded by Kelly Funk to authorize Mayor Everett Green to write a letter of support of the City of Scott City becoming a Sister City to the Northern Cheyenne Nation. Vote – Unam.

Included in the packet was *Contract for Engineering Services for 2023 Scott City BASE Grant Program* as submitted by Evans, Bierly, Hutchison & Associates, P.A. (EBH) Engineer Darin Neufeld. Mr. Neufeld, who was present by Zoom, noted that this document defines services to be provided in the development of SCIP North-Lawrence Addition from the beginning of its development (such as platting the property) through its completion (including water, sewer, drainage, and street access infrastructure). He noted that EBH will work directly with the Planning & Zoning Commission regarding the plat design for the project. Construction observation will also be a key component of the services EBH will provide. Mr. Neufeld explained that he is familiar with the Department of Commerce and the requirements set aside for BASE grant participants, so he will monitor to ensure all requirements and milestones are being met. City Attorney Jennifer Cunningham approves the contract as presented.

Motion by Josh Gooden seconded by Adam Winter to approve the *Contract for Engineering Services for 2023 Scott City BASE Grant Program* as submitted by EBH for services to be provided in the development of SCIP North-Lawrence Addition. Vote – Unam.

Included in the Council packet was *Request for FAA Approval of Agreement for Transfer of Entitlements* as submitted by EBH Engineer Darin Neufeld. City Administrator Brad Pendergast explained that he had been contacted by representatives at the FAA who requested that unused entitlement funds from 2020 be surrendered to assist another Kansas airport with their capital improvements. Mr. Pendergast explained that these funds (\$150,000 each year) are banked to be used for priority projects that have been approved by the FAA. Since Scott City Municipal Airport has not yet utilized these funds that will soon expire, the FAA allows the transfer of these funds to another airport so that the funds can be utilized instead of surrendered. Council member and Airport Commissioner Jeff Allen expressed that the Airport Commission members were not happy that they will be losing out on \$150,000 of funding. EBH Engineer Darin Neufeld explained that the FAA would have needed to approve the Airport Layout Plan (ALP) by the end of last November for these funds to be utilized by the Scott City Municipal Airport in 2023. Mr. Neufeld noted that the FAA now has a new planner to review ALPs, so he expects that the Scott City Municipal Airport ALP will be approved for 2024 within the next 60 days. He stated that the City should not consider the transfer of entitlement funds as a loss of funds for two reasons. First, another round of \$150,000 of entitlement money will be banked at the beginning of the next federal fiscal year. Second, when the City is ready to move forward with larger airport projects, the FAA will be more likely to grant the transfer of entitlement funds back to the City if needed because of their willingness to assist another airport in this manner. Mr. Neufeld also reminded the Council that the airport also has access to Bipartisan Infrastructure Law (BIL) funds that can be used toward improvements. BIL funds must first be used to address any health or safety issues as determined

by the FAA, but once those issues have been addressed, the funds can apply to improvement projects.

Motion by Josh Gooden seconded by Adam Winter to approve the transfer of \$150,000 of expiring entitlement funds to Augusta Municipal Airport in the City of Augusta. Vote – 7, yes – 1, abstain – Jeff Allen.

*First Addendum to Grant Agreement* was included in the Council packet. This addendum alters the original agreement between City of Scott City and Kansas Housing Resources Corporation (KHRC) regarding the construction of Moderate Income Housing (MIH) on Chestnut Street. City Attorney Jennifer Cunningham drafted this addendum, and it has been reviewed by the KHRC legal team. 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. 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

Motion by Adam Winter seconded by Josh Gooden to approve the *First Addendum to Grant Agreement* as presented. Vote – Unam.

City Attorney Jennifer Cunningham had provided two different versions of the water rate ordinance for Council to review. She stated that rather than separating out an ordinance specific to water rates for multi-family dwellings, she included the verbiage within the existing ordinance. Section D of each ordinance addresses water rates for multi-family dwellings by either "living units" or "structures." Section E provides for the potential for qualifying low-usage water users to request credit on their bills annually. Discussion among the Council included weighing the fairness and equity of billing per living unit versus the practicality of billing by structure; when identifying the number of base rates applied to a single meter, determining whether multiple base rates entitles users to multiple 2,500 gallons to be included in each base rate or if a single allotment of 2,500 gallons would be included per meter; weighing the financial impact to the City when considering billing per living unit versus billing by structure; consideration whether current base rates are sufficient to allow the cost-effective replacement of water meters after their expected 20-year life span; consideration whether the current EQR multipliers are sufficient to sustain the water fund for repairs and improvements to infrastructure; and whether to offer the opportunity for certain water users to apply for credit as provided in Section E.

Consensus of the Council was to direct the City Administrator Brad Pendergast to research the financial impact of billing per structure versus billing by living unit, and also of allowing only one allotment of 2,500 included gallons per meter versus 2,500 included gallons per living unit or

structure. Figures need to be based on an actual multi-family dwelling in Scott City with calculations figured for both summer and winter usage. The Council also directed City Clerk Ruth Becker to determine the number of residential water users who could potentially qualify for an annual credit to their water bills—those using fewer than 2,500 gallons per month for an entire calendar year. Discussion will continue at the next regular meeting when the requested information has been provided to Council members.

GMS Engineer Ken White was not able to attend the meeting by Zoom due to scheduling conflicts, but he was able to provide *Report to City Council – July 3, 2023* for the Council to review. Mayor Green noted that the report highlights a proposed bid schedule for the Water System Improvements project and that KDHE appears to be ready to accept final drawings on the project. He is hopeful that the City will receive a good report at the next meeting. City Administrator Brad Pendergast noted that GMS Engineer Trevis Smith will be attending by Zoom at the July 17, 2023, meeting to discuss the findings of the drainage study performed by GMS.

Under the open agenda, Council member Barb Wilkinson inquired about a property in the industrial park that the Council had previously instructed the owner to build a fence around the debris. City Administrator Brad Pendergast stated that he had recently spoken with the owner of the property. He will review his notes regarding the discussion, which included the deadline for the completion of the fence. He will reach out to the individual again. Mr. Pendergast also explained that, because of this property's proximity to the airport, KDOT can provide enforcement of the cleanup and required fencing of this property. Mrs. Wilkinson noted that the airport itself looks amazing.

City resident Linda Tilton wanted to express that, when writing the water rates ordinance, low water usage does not necessarily translate into low income. She wanted to make sure that was kept in mind when writing the ordinance.

Pool manager Marci Patton was not in attendance. Mayor Green reported that the pool would be closed the following day in observance of the July 4<sup>th</sup> holiday.

Building Inspector Jerek Wasinger was not in attendance. Nothing was reported on his behalf.

Police Chief David Post reported that he and Administrative Assistant Amber Poore had submitted a grant application the previous Friday in the amount of \$140,019.44. If awarded the full amount of funding requested, the Police Department will purchase 10 portable radios, 9 vehicle radios, and 1 vehicle. If only a portion of the grant is awarded, priority will be given to the purchase of the portable radios.

Police Chief Post reported that, by cancelling phone and Mi-Fi services that are rarely used, and by charging the Pioneer Communications internet bill for dispatch to the 911 fund, he anticipates saving over \$2,100 per year in the Police Department budget.

Parks Superintendent Terence Appel noted that the parks are looking good. The crew has spent a lot of time mowing and weed eating.

Street, Water, and Sewer Superintendent Terence Appel reported that he and his crew have been working at the water treatment plants. Each treatment plant has 3 drives and 3 booster pumps. 1

drive is starting to show signs of failure, so they have ordered a backup/replacement drive which is estimated to be approximately \$10,000. Mr. Appel noted that all the drives are original, so they are at least 12 years old.

City Clerk Ruth Becker informed the Council of the upcoming League Annual Conference to be held October 7 – October 9, 2023, in Wichita. She encouraged Council members to attend the conference and offered to register participants and book hotel rooms for anyone wanting to attend. She indicated that she would bring this up at the next meeting to collect names of interested parties to be registered before the early bird deadline of July 23, 2023. The early bird rate is \$250.00 per participant. Mayor Green, who serves on the League’s governing body, shared the League’s perspective on these types of conferences. Not only do the presenters provide valuable information, but the networking opportunities are seemingly endless. He strongly encouraged Council members to attend.

Mrs. Becker informed the Council that the City had received a check from EMC Insurance for \$23,411.26 as the Safety Group Dividend. She noted that this was the largest dividend check that the City has received. The average dividend check is just over \$19,000.

City Administrator Brad Pendergast informed the Council that with most of the budget work having been completed, he is turning his focus to water issues.

City Attorney Jennifer Cunningham had nothing additional to report.

Motion by Bo Parkinson 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 Clerk, and Public Works Superintendent, with the open meeting resuming in the Council room at 7:55 p.m. Vote – Unam.

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

Mayor Green had no additional comments.

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 7:59 p.m. Vote – Unam.

Everett M. Green  
Mayor

Ruth Becker  
City Clerk