

August 7, 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, City Attorney Jennifer Cunningham (by Zoom), City Administrator Brad Pendergast (by Zoom), and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

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

Motion by Bo Parkinson seconded by Jeff Allen to approve the minutes of the July 17, 2023, regular council meeting. Vote – Unam.

Appropriation Ordinance # 1007A was presented.

Motion by Adam Winter seconded by Josh Gooden to approve Appropriation Ordinance # 1007A. Vote – Unam.

Included in the packet was an invoice for the renewal of the Business Membership for the Scott Recreation Commission (SRC). One of the benefits the City currently offers to its employees is a reduced membership cost at the SRC Fitness Center as a result of the business membership. Council members briefly discussed the number of City employees who take advantage of the reduced membership. Mayor Everett Green recollected that, at last year's renewal time, the Council had agreed that renewing the membership, despite low City employee enrollment, helps to demonstrate the City's support of the SRC and the Fitness Center.

Motion by Barb Wilkinson seconded by Josh Gooden to approve the renewal of the City of Scott City's annual business membership with the Scott Recreation Commission Fitness Center in the amount of \$1,000. Vote – Unam.

Mayor Everett Green drew Council's attention to *Charter Ordinance No. 16*, a charter ordinance of the City of Scott City, Kansas, exempting the City from K.S.A. 12-4112, pertaining to the statutory prohibition for assessing court costs in the municipal court of the city and providing substitute and additional provisions on that subject. City Attorney Jennifer Cunningham explained that the passage of this charter ordinance is the first step in the process to allow the Scott City Municipal Court to continue charging \$75.00 for court costs. Mrs. Cunningham and her team noticed, while reviewing City ordinances pertaining to municipal court, that the City has never chartered out of K.S.A. 12-4112, which prohibits the collection of fees for court costs. Pursuant to Article 12, Section 5 of the Constitution of the State of Kansas (often referred to as "Home Rule"), cities can charter out of this statute, allowing the collection of municipal court costs. Once publication requirements have been met, and the charter ordinance has been filed with the Secretary of State, an ordinance updating City codes will be drafted for approval. Changes to the current court costs could be made at the time that the new ordinance is drafted.

Motion by Josh Gooden seconded by Jeff Allen to approve *Charter Ordinance No. 16*, which is the first step in allowing Scott City Municipal Court to charge court costs. Vote – Unam.

Included in the packet was *Ordinance No. 1258*, an ordinance regulating the ownership, impoundment, destruction, and prosecution of dangerous dogs within the corporate limits of Scott City, Kansas, amending current code section 5-4B-7; repealing existing code section 5-4B-7; all to the code of ordinances of the City of Scott City, Kansas. City Attorney Jennifer Cunningham noted that shortly after the City Council hired her as City Attorney/City Prosecutor, she and Police Chief David Post had begun discussing dangerous dogs due to a violent attack that was left unresolved, in part, because of the vagueness of the current dangerous dog ordinance. Mrs. Cunningham noted that the City of Scott City's ordinance varies greatly from those of Garden City, Deerfield, and Lakin—ordinances with which Mrs. Cunningham works frequently and effectively. A big area of concern with the current ordinance is the amount of time that a dog can be impounded. Lengthy impoundments are not good for the dogs, their owners, or the police department, as this places limits on the number of animals that can be housed at the pound. The updated ordinance sets hearings within 10 days of an incident, allowing for a much quicker resolution. Because both Mrs. Cunningham and Municipal Court Judge Colton Eikenberry reside in cities other than Scott City, plans to use video conferencing methods are being considered. City Attorney Jennifer Cunningham made it clear that that revision of the dangerous dog ordinance is not being addressed because of any specific incident. The language in the new ordinance is more direct in assisting the judge to make a determination. Council member Bo Parkinson questioned whether dog attacks on “illegal” chickens within the City limits would be dismissed. Mrs. Cunningham replied that all incidents will go through the determination factors listed in the ordinance and that each incident will be discussed on a case-by-case basis. She went on to say that putting specific circumstances within an ordinance actually limits, or hinders, the City Attorney's and Municipal Court Judge's ability to make a determination. It was pointed out that there are two sections of the revised ordinance that mention the date December 20, 2021, regarding dogs who were deemed dangerous or potentially dangerous prior to that date. These two sections will be stricken from the revised ordinance because Police Chief David Post believes that there are no dogs within the city limits that fit that profile. Council member Barb Wilkinson noted that the final section of the dangerous dog ordinance, noisy dogs, has not been added back into the revised ordinance. City Attorney Jennifer Cunningham stated that she left that section out intentionally, because that is not the correct placement for the nuisance statements. Mrs. Cunningham noted that she is planning to address other areas of the City codes which are inconsistent with the Title, Chapters, and Sections with which they should be addressing. *Ordinance No. 1258*, will be edited based on input from this meeting, and will be presented again for approval at the August 21, 2023 Council meeting.

Included in the packet was *2024 Annual Budget, City of Scott City, Kansas* for the Council's review. Mayor Everett Green commented positively about the document. City Administrator Brad Pendergast noted that the figures in this document have not changed since the Council last saw the numbers as he had not been directed to make any changes. Council member Bo Parkinson expressed that he appreciates all the extra explanations that Mr. Pendergast included within the pages of the document. Mr. Pendergast noted that his hope is that the people who pick up a copy of this document will have an easier time understanding the proposed budget because of the explanations he included. He also mentioned that he is willing to answer any questions that people

may have about the budget. Mr. Pendergast stated that, if no changes to the budget are being requested, the City Council will need to set the date and time for the Budget Hearing for Tuesday, September 5, 2023. City Clerk Ruth Becker reminded the Council that this hearing would immediately follow the Revenue Neutral Rate Hearing already scheduled for the same night.

Motion by Josh Gooden seconded by Barb Wilkinson to schedule the Public Budget Hearing to be held immediately following the Public Revenue Neutral Rate Hearing at 6:30 p.m. on Tuesday, September 5, 2023, in the Council Room at City Hall. Vote – Unam.

City Administrator Brad Pendergast had reached out to City Attorney Jennifer Cunningham regarding special events on City property where alcohol is being served. His concern was whether the event sponsor should be providing liability insurance to cover incidents that may occur on City property. When asked by Mayor Everett Green if other cities require that their special event sponsors hold liability insurance at events where alcohol is being served, Mrs. Cunningham answered in the affirmative. She noted that the easiest way to accomplish this is to include a clause on the City's *Special Event Request* form that requires an event sponsor for such an event to list the City of Scott City as an "Additional Insured" entity. When asked by Council member Jeff Allen if limits for liability needed to be set, City Attorney Cunningham replied that no other cities that she knows of set limits, choosing to leave the limits open-ended. When considering an event, sponsors will need to determine if the profits from the sale of alcohol at the event will outweigh the cost of the additional insurance for the event to determine if the service of alcohol is cost-effective. This discussion was initially spurred by the Chamber of Commerce's recent application for a special event for the Flight into the Night Airshow to be held on September 9, 2023, during which time the Chamber of Commerce will host a beer garden. The application for this special event was approved at the June 19, 2023, Council meeting, but insurance coverage was not addressed at that time. Since then, Chamber of Commerce Executive Director Lindsay Singley has been working to obtain special event liability coverage for the airshow event, only to discover that few insurance companies are willing to cover such an event unless there is also liability insurance coverage specific to the serving of alcohol. Listing the City of Scott City as an additional insured entity on the Chamber of Commerce's policy will cost approximately an additional \$700.00, which eliminates much of the planned profit of the beer garden. Council member Jeff Allen asked Police Chief David Post if this requirement would affect the annual Cops N Bars event held at Patton Park. Police Chief Post replied that he simply would do the event without the beer garden.

Motion by Josh Gooden seconded by Barb Wilkinson to require the sponsors of special events to be held on City property, during which alcohol will be served, to list the City of Scott City as an additional insured entity on their Certificate of Liability Insurance and to add this requirement to the *Special Event Request* form. Vote – Unam.

Under the open agenda, Scott County Development Committee (SCDC) Executive Director Katie Eisenhour was present to announce that the City of Scott City has been approved for another round of Senior Housing in the Eastridge Addition to the City of Scott City. The new housing will consist of 16 housing units with a Community Center. Construction is slated to begin in the Spring and is expected to be complete in about 2 years from now. Mrs. Eisenhour noted that there will be no difficulty in filling the units, as she currently has 39 names on her waiting list. Mayor Green thanked Mrs. Eisenhour and her committee for their help in getting this accomplished. Mrs. Eisenhour responded that she and her committee had fought hard to rectify the issues that had

disqualified City of Scott City in the last round of Senior Housing awards and mentioned that SCDC was the first entity, and the ONLY economic development entity, mentioned on the “Thank You” received from Kansas Housing Resources Corporation (KHRC). SCDC Director Eisenhower noted that this is a \$6.5 million project which holds reduced tax benefits for the duration of a 15-year compliance period. Mayor Green noted that when individuals move from their homes into these new units, that will free up some much-needed housing for others to buy. Mayor Green also reminded the Council that it was agreed that, if the project were awarded, the Council would show support of the project by completing construction of the curb & gutter and street for the extra block of 8th Street to make this project a reality. Mrs. Eisenhower extended her gratitude to the Mayor and Council for helping to make this happen.

Pool Manager Marci Patton was not in attendance. On her behalf, Mayor Green announced that the last day for the pool to be open this season for regular swimming would be Sunday, August 13, 2023. City Clerk Ruth Becker clarified that Mrs. Patton has expressed that pool staff would continue to supervise lap swim sessions from noon to 1:00 p.m. through August 17, 2023, as long as there are enough lifeguards to do so.

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

Police Chief David Post began his report by providing a paper copy of *Council Meeting/Dept Update 08/07/2023* at the Council table. Highlights included:

- Sergeant Colton Schmitt graduated from Supervisor Leadership Institute. This is one of three FBI Courses that Sergeant Schmitt will attend.
- SRO/PSO Bailey Davidson attended a School Resource Officer Conference the week prior.
- Detective Jason (Jay) Poore will attend a meeting with the Kansas Intelligence Association in Hutchinson the following day as the Southwest Kansas Representative.
- The dispatch area remodel is scheduled to begin the following day and is expected to be complete within 2 days. The project is being funded with 911 funds.
- SCPD is partnering with the Sheriff’s Office and the Scott Community Foundation to give away cash on traffic stops to help families with “Back-to-School” costs. Both agencies will split \$2,000 to be given out in \$100 increments.
- Police Chief Post will be out of the office from the following evening through Wednesday of next week.

Police Chief David Post had solicited bids for a new K9 vehicle, although not through a formal bidding process because money for this new vehicle has been donated and is being held at the Scott Community Foundation. The current K9 vehicle, a 2017 Chevy Tahoe has a history of motor issues and just recently had \$2,000 in repairs. Issues with the engine appear to be ongoing. The cooling system in the rear of the vehicle intended to keep K9 Officer Enoch cool and safe is no longer working at all and is putting the K9 in danger. Although bids for a replacement K9 vehicle were solicited from local dealership J&R Car & Truck Center, they were unable to provide a quote because 2023 fleet orders are closed, and 2024 fleet orders do not open until October or November of this year. However, Allen Samuels, a dealership in Hutchinson, has a Dodge Durango with a police package already in stock. Police Chief David Post asked the Council to consider approving the purchase of the 2023 Dodge Durango with a police package using donated funds available at the Scott Community Foundation. The cost of the vehicle is quoted as \$43,500 with a trade-in allowance on the 2017 Chevy Tahoe of \$22,000, bringing the total purchase price to \$21,500.

Mayor Green stated that it is preferred practice to buy local when it is practical to do so, but because of the urgent need for a replacement vehicle due to the safety of the City's K9 Officer Enoch, purchasing an in-stock option from an out-of-town dealership cannot be ruled out. Police Chief David Post agreed that complications can arise when buying from an outside dealership, but that Enoch's safety inside the vehicle is the determining factor in this situation.

Motion by Jeff Allen seconded by Adam Winter to allow Police Chief David Post to purchase a 2023 Dodge Durango with a police package from Allen Samuels in Hutchinson with the final cost of \$21,500 after a \$22,000 trade-in allowance on the 2017 Chevy Tahoe, with the cost of the vehicle and approximately \$15,000 worth of equipment being paid with donations being held at the Scott Community Foundation. Vote – Unam.

Parks Superintendent Terence Appel reported that he and his crew are preparing to pour concrete at the pickleball courts by the swimming pool. He noted that they need to clear some rainwater out of some low spots before doing so. He plans to make two pickleball courts, so he will need to find some funds to purchase two nets, each costing approximately \$2,500. He is confident that he will be able to fund this purchase out of the pool budget if it is not available in the park budget. Both departments are in the general fund.

Street, Water, & Sewer Superintendent Terence Appel mentioned that the City crew has been working to paint crosswalks and the walking lane down 9th Street. He also noted that he and his team will soon begin working on the EPA/KDHE-required Lead Service Line Inventory. Mr. Appel noted that they had been experiencing issues with the sewer truck overheating and found that a "design flaw," which had not been reported to owners of the sewer trucks, had been found and remedied.

City Clerk Ruth Becker has nothing to report.

City Administrator Brad Pendergast informed the City Council that Travel & Tourism Coordinator Jennifer Turner had turned in a letter of resignation. Her last day with the City will be August 17, 2023.

Mr. Pendergast stated that, with the budget work being essentially completed, his focus now will turn to water rates and the Building a Stronger Economy (BASE) grant that was received for infrastructure at SCIP North.

City Attorney Jennifer Cunningham had nothing further to report.

The Council took a short break.

Mayor Green called the meeting back to order.

During the break, it became apparent that Council members were eager to hear the latest updates on the water system improvement projects. Therefore, City Administrator Brad Pendergast explained that GMS staff is still working to gain clarification and insight from KDHE on what is needed to complete the *Sources of Pollution-No Impact Statement*. GMS has been requesting templates or examples of how other cities have filled out their statements, but, thus far, KDHE has provided no clear direction. The hope is to cross this last hurdle soon.

Motion by Adam Winter seconded by Jeff Allen to adjourn at 7:34 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk