

August 21, 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, Kelly Funk, Josh Gooden, Barb Wilkinson, Adam Winter, Armando Tarango, Acting City Attorney James (Jimmy) Dummermuth (via Zoom), City Administrator Brad Pendergast, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the August 7, 2023, regular council meeting were presented.

Motion by Barb Wilkinson seconded by Josh Gooden to approve the minutes of the August 7, 2023, regular council meeting. Vote – 5-yes, 1-abstain, Armando Tarango.

Appropriation Ordinance # 1007B was presented.

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

Rebekah Williams was present as a representative for the Scott County Arts Council. Provided in the packet was an application for a Temporary Cereal Malt Beverage License for a fundraising event to be held on Saturday, August 26, 2023, from 6:00 – 10:00 p.m. at the Western Kansas Child Advocacy Center. Also provided in the packet was a copy of the Kansas Department of Revenue Temporary Permit Location and Zoning form Mrs. Williams had submitted to the State for the event. She noted that the Arts Council was having a Karaoke Night during which they planned to serve adult beverages.

Motion by Craig Richards seconded by Armando Tarango to approve the application for a Temporary Cereal Malt Beverage License for a Karaoke Night fundraising event for the Scott County Arts Council to be held on Saturday, August 26, 2023, from 6:00 – 10:00 p.m. at the Western Kansas Child Advocacy Center. Vote – Unam.

Don Rivera was present as a representative of the Western Kansas Child Advocacy Center. Provided in the packet was an application for a Temporary Cereal Malt Beverage License for a fundraising event, 13th Annual Diamonds and Champagne, to be held on Saturday, October 14, 2023, from 5:00 – 11:30 p.m. at the Western Kansas Child Advocacy Center. Also provided in the packet was a copy of the Kansas Department of Revenue Temporary Permit Location and Zoning form that had been submitted to the State for the event.

Motion by Armando Tarango seconded by Adam Winter to approve the application for a Temporary Cereal Malt Beverage License for the 13th Annual Diamonds & Champagne event for the Western Kansas Child Advocacy Center to be held on Saturday, October 13, 2023, from 5:00 – 11:30 p.m. at the Western Kansas Child Advocacy Center. Vote – Unam.

Provided in the packet was *Assignment and Assumption of Lease Agreement* and *Consent to Assignment, Ratification, and Amendment of Lease*. City Administrator Brad Pendergast explained to the Council that the Frontier Ag, Inc. (Frontier Ag) hangar and hangar site at the Scott City Municipal Airport is in the process of being purchased by Ag Solutions, LLC (Ag Solutions), but Ag Solutions is buying the hangar from Frontier Ag subsidiary A+ Aviation Services, LLC (A+ Aviation). Therefore, it is Frontier Ag's desire to assign the current *Hangar and Hangar Site Agreement*, also included in the packet, to A+ Aviation to make the sell to Ag Solutions possible. *Assignment and Assumption of Lease Agreement* is the document presented by Frontier Ag outlining their desire to transfer the lease from Frontier Ag to A+ Aviation. Mr. Pendergast explained that the document appears odd because the signatures for the CEO of Frontier Ag and the representative for Ag Solutions happen to be from the same person, Stan Remington. The second document, *Consent to Assignment, Ratification, and Amendment of Lease* officially recognizes the consent of the City Council to allow the re-assignment of *Hangar and Hangar Site Agreement* from Frontier Ag to A+ Aviation. City Administrator Brad Pendergast further noted that, upon completion of the sale of the hangar and hangar site, Ag Solutions will likely propose some changes to the agreement, but that they will follow the procedures stated within the agreement to initiate any proposed changes.

Motion by Adam Winter seconded by Josh Gooden to approve the *Assignment and Assumption of Lease Agreement* between Frontier Ag and A+ Aviation. Vote – Unam.

Motion by Barb Wilkinson seconded by Josh Gooden to authorize the Mayor's signature on *Consent to Assignment, Ratification, and Amendment of Lease*. Vote – Unam.

Provided in the packet was *Scott City Municipal Airport Fixed Base Operator Lease and Management Agreement*. This agreement is for a term beginning September 1, 2023, and ending on August 31, 2026. The agreement shall automatically renew for an additional term of three years, unless either party gives notice of intent not to renew at least sixty days prior to the renewal date. City Administrator Brad Pendergast explained that this final draft had been reviewed and approved by the Airport Commission and that he and City Attorney Jennifer Cunningham also have given their approval.

Motion by Josh Gooden seconded by Armando Tarango to approve the *Scott City Municipal Airport Fixed Base Operator Lease and Management Agreement*, becoming effective September 1, 2023. Vote – Unam.

First Amendment to the Loan Agreement between the Kansas Department of Health and Environment and Scott City, Kansas regarding Kansas Public Water Supply Loan Fund (KPWSLF) Project No. 2982, originally effective as of July 26, 2021 but amended, effective as of July 3, 2023, was provided in the Council packet. City Administrator Brad Pendergast explained that, since the water system improvements included in the initial loan agreement are still not complete, the City has not paid any principal toward the loan; only fees and interest payments have been made at the guidance of KDHE. A new amortization schedule has been provided as part of the amended agreement. Principal payments are now slated to begin on February 1, 2024—six months later than the initial agreement.

Motion by Adam Winter seconded by Josh Gooden to approve the *First Amendment to the Loan Agreement between the Kansas Department of Health and Environment and Scott City, Kansas* regarding Kansas Public Water Supply Loan Fund (KPWSLF) Project No. 2982. 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. The ordinance, which had been discussed in detail at the August 7, 2023, Council meeting, was presented in its final form, after having addressed all the points made during the previous meeting. City Administrator Brad Pendergast noted that City Attorney Jennifer Cunningham is comfortable working with the ordinance the way it is written. Police Chief David Post also expressed that he approved of the final draft.

Motion by Josh Gooden seconded by Adam Winter to approve *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. Vote – Unam.

Scott County Development Committee Executive Director Katie Eisenhour was not in attendance as she was attending a housing conference in Overland Park. She did, however, provide *SCDC Report to City Council – Aug. 21, 2023 (Outline)* for the Council’s review.

There was nothing to report under the open agenda.

Pool Manager Marci Patton was not in attendance. *Monthly Pool Update with Figures Through July 31, 2023*, was provided in the packet.

Mayor Everett Green addressed the Council regarding lap swim attendees. He mentioned that there are approximately eight individuals that participate in the noon hour lap swim at the Scott City Municipal Pool, with the mayor being one of the eight. He expressed a collective desire to continue to use the pool for lap swimming through at least Labor Day, if not later. He stated that he has always been disappointed that the pool closes so early in the year, when there are still several weeks of pool-worthy weather, but also that he understands that the pool staff consists primarily, if not completely, of teachers and students who must return to school. Mayor Green noted that he had spoken with City Administrator Brad Pendergast, Public Works Superintendent Terence Appel, and Pool Manager Marci Patton about the possibility of utilizing the pool only for lap swimming further into the season. He stated that all three of those individuals were in favor of allowing the pool to be used by lap swimmers who have demonstrated responsibility, if they would sign a waiver of liability which Acting City Attorney Jimmy Dummermuth has offered to draft. Those individuals who choose to continue to participate in lap swim sessions, in the absence of lifeguards, will also agree to the following stipulations: there must be a cell phone nearby to report emergencies, swimmers must swim with at least one other person (a single swimmer will not be allowed entrance to the pool), lap swimmers will not use the slides or the diving boards, and the same weather safety procedures that are used when the pool is open for business must be followed. Public Works Superintendent Terence Appel reported that a longer pool season would be beneficial to the upkeep and maintenance of the pool because the longer the time that the pool lies dormant, the more debris settles to the bottom of the pool, making it more difficult and time consuming to prepare the pool for the new pool season. City Administrator Brad Pendergast will work with Acting City Attorney Jimmy Dummermuth in drawing up an agreement for lap swimmers to sign.

Building Inspector Jerek Wasinger addressed the Council regarding the progress being made on the following projects around the city: the Love's/Godfather's Pizza addition/remodel, the Fairleigh hangar, the Hess barndominium, and Circle C's new building. Mr. Wasinger stated that he has had ample opportunity to develop positive working relationships with both local and out-of-town contractors, and he sees positive aspects from these relationships. *2023 Permit Report – August 21, 2023*, was provided in the Council packet.

Police Chief David Post reported that the remodel of the dispatch area did not go as smoothly as promised. To complete the remodel, most of the technology had to be disconnected, but the technicians sent to do the remodel were not skilled in re-connecting the 911 services technology devices. AT&T technicians were contacted to send out technicians to assist, but they had no technicians available as they were all working in other parts of the state. The only technician AT&T was able to send was a "troubleshooting tech" who could find the issues but did not possess the ability to fix the issues. Police Chief David Post publicly thanked the Lane County Sheriff's Office for serving as their 911 backup when Scott City Police Department's dispatch services were down. Now that the 911 system is back up and running, there are still other issues that remain to be addressed with the remodel: there is a gap between a table and a wall that needs to be adjusted and the carpet is already pulling up. The installation team will return to fix these issues. A positive aspect of the remodel, Police Chief Post reported, is that his dispatchers are appreciative of the customizable work stations; they enjoy being able to adjust the height and setup as needed throughout their 12-hour long shifts, making their environment more comfortable.

Police Chief David Post informed the Council that their pager system needs to be replaced and that he has received a quote for \$11,000 for their replacement. The 911 Council has pre-approved the use of 911 funds for this expenditure. There is a plan in place to utilize phone apps to page first responders if there is a lapse in service during the exchange of pager systems.

During the Lake Scott Rod Run the previous Saturday, the Scott County Sheriff's Office & Scott City Police Department participated in a "Battle of the Badges" against Scott County Fire Department & Scott County EMS. They raised \$993.45 by selling lemonade, which was promptly matched (and rounded up) to \$2,000 by the Scott Community Foundation (SCF). SCF will issue a check in that amount to the schools for needed school supplies. Another \$2,000 was provided by SCF to the Scott County Sheriff's Office and Scott City Police Department to be distributed on traffic stops to be used to assist families with "back-to-school" costs.

Two new vehicles have arrived. The 2023 Silverado is being used by Sergeant Schmitt since the Tahoe is no longer in their possession. It is currently "unmarked," but will be sent to JR Audio for decals later this week and will likely be outfitted with lights and sirens within the next few weeks. The new Dodge Durango is already at JR Audio for decal work. Approximately two months after graphics are applied, JR Audio will install the kennel system in the back of the Durango. Until that happens, Enoch will ride in the traveling kennel that they are currently utilizing.

Administrative Assistant to the Chief of Police, Amber Poore, will be attending *Dispatcher Manager Program* training in Colorado Springs this week. The training credentials for having passed this course opens the possibility of acquiring other dispatch jurisdictions, which will help bring in additional revenue.

Parks Superintendent Terence Appel reported that the Lake Scott Rod Run was a success. The only park “casualty” that was reported was a broken baby changer in the men’s bathroom. It will be repaired or replaced as needed.

Street, Water, and Sewer Superintendent Terence Appel indicated that the crosswalks and the walking path lines have been repainted going down 9th Street. He also informed the Council that the streetlight that had been hit at the 9th & Main Street intersection had been replaced and was now up and running.

The City’s Bobcat had been in Garden City awaiting parts for repairs. Once the part was received and installed, it was found to be defective. The company will transfer the Bobcat to Wichita, at their expense, to have the equipment properly repaired.

Lazy ER Motel near the east edge of K-96 has added additional water service to provide water to their customers while they search for a water leak. Once the leak is found and repaired, the additional water service will continue to be beneficial due to the number of units they serve.

Superintendent Terence Appel reported that he signed an annual maintenance agreement for four of the City’s generators: one at City Hall, one at Well #9, and 2 at the south treatment plant. They plan to perform load tests on either Wednesday or Friday of this week.

Mr. Appel informed the Council that he had attended a Kansas Rural Water Association class in Scott City last week, during which he learned about some new software that provided a state of the art GIS mapping system as well as mapping for the mandatory EPA Lead & Copper Inventory that all cities must complete by the end of 2024. He noted that this software will save a large amount of time versus the “pen and paper” process that has been presented by the EPA. He noted that the cost of approximately \$5,000 will be well worth the time that will be saved.

Council member Armando Tarango thanked Mr. Appel for the work that has been done on the alley behind First National Bank.

Council member Barb Wilkinson inquired if the construction on K96 would be moved to the north side of the highway by the time of the celebration at the museum in September. City Administrator Brad Pendergast offered some information that the construction crew, Vogts-Parga Construction, has been made aware of the event and seems willing to work with the City and the museum to make things as accessible as possible.

City Clerk Ruth Becker reminded the Council that the next regular Council meeting will be held on Tuesday, September 5, 2023, due to the observance of Labor Day.

In the packet, Mrs. Becker had provided an updated Job Description for the Assistant City Clerk position. She explained to the Council that, just before the meeting, it had been suggested that the job description should include language requiring that the applicants for the position should be able to read, write, speak, and understand English, with a bilingual applicant being preferred. City Administrator Brad Pendergast had noted that he had already begun working with Acting City Attorney James (Jimmy) Dummermuth on this issue and he would get back to him regarding legally acceptable wording that Mrs. Becker could add to the job description.

Motion by Adam Winter seconded by Armando Tarango to approve the updated Job Description for the Assistant City Clerk position, provided that Mrs. Becker, Mr. Pendergast, and Mr. Dummermuth work together to include an appropriate language statement as discussed. Vote – Unam.

City Administrator Brad Pendergast reminded the Council that the next meeting on Tuesday, September 5, 2023 would contain not only the Revenue Neutral Rate Hearing, but also the Budget Hearing.

Mr. Pendergast noted that he will plan to present a water rates spreadsheet with adjustable parameters at the second meeting in September. He will put together some scenarios to go over that will hopefully cause discussion regarding base rates and usage rates. Mayor Green commented that he has seen the spreadsheet and that it is evident that Mr. Pendergast has put a lot of time and effort into this endeavor. He believes that this will be a very useful tool to manipulate the data to be seen from many different angles. City Administrator Pendergast stated that once the Council determines what base rates and usage rates they would like to see, he will begin the process of putting the data into ordinance form for approval.

Acting City Attorney Jimmy Dummermuth wanted only to remind the Council and staff of the requirement to publish Notice of Public Hearing information for the Revenue Neutral Rate Hearing and Budget Hearing a minimum of 10-days prior to the hearings in both the officially designated newspaper and on the City's website.

Financial and Investment Reports were included in the packet for the Council's review.

Mayor Everett Green mentioned that he had spoken with Jerry Thomas earlier in the day regarding the 145th Anniversary Celebration of the Battle of Punished Woman's Fork. On Saturday, September 23, 2023, at City Hall, Mayor Green plans to present his Mayor's Proclamation declaring that the City of Scott City and the Northern Cheyenne have a Sister City partnership. Members of the Northern Cheyenne Tribal Council and the Tribal Council President will be here in Scott City to witness the proclamation. Mayor Green requested that several Council members plan to attend this very special ceremony. Discussion will continue at the September 5, 2023, regular Council meeting.

Council took a short break.

Mayor Green called the meeting back to order.

Motion by Adam Winter seconded by Armando Tarango to adjourn at 7:22 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk