

November 6, 2023

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

Pastor Jeff Goetzinger with First United Methodist 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, 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 October 16, 2023, regular council meeting were presented.

Motion by Adam Winter seconded by Jeff Allen to approve the minutes of the October 16, 2023, regular council meeting. Vote – Unam.

Appropriation Ordinance # 1010A was presented.

Motion by Kelly Funk seconded by Barb Wilkinson to approve Appropriation Ordinance # 1010A. Vote – Unam.

Included in the packet was a *Proclamation* proclaiming November 2023 as *National American Indian Heritage Month*. The Mayoral Proclamation was drafted by the *Daughters of the American Revolution American Indians Committee* for Mayor Everett Green. Marian Nolan was present as the representative from the Daughters of the American Revolution. Mayor Green read the proclamation aloud and then thanked Mrs. Nolan for providing it and being present for the reading, stating that this is a very appropriate time for such a proclamation given the City's recently founded Sister City relationship with the Northern Cheyenne Tribe. He indicated that the Daughters of the American Revolution will receive a signed copy of the proclamation for their records.

Provided in the packet was *Ordinance No. 1259*, an ordinance determining court costs and other costs for the administration of justice assessed in the Municipal Court of the City of Scott City, Kansas, amending current code section 1-9-5; repealing current code section 1-9-5; all to the code of ordinances of the City of Scott City, Kansas. City Administrator Brad Pendergast reminded the Council that a few months back, they had passed a Charter Ordinance allowing the Scott City Municipal Court to charter out of the prohibition for a municipal court to collect court costs. Now that Charter Ordinance No. 16 has met the publication deadline, has passed through the protest period with no written protests against the collection of court costs, and has been filed with the Secretary of State's Office, the next step to finalize the City's authority to collect court costs is to pass an ordinance. *Ordinance No. 1259*, as authored by City Attorney Jennifer Cunningham, clearly delineates court costs for different offenses. A typical violation related to traffic or items listed in the Standard Traffic Ordinance (STO) as adopted by the City of Scott City will carry a \$75.00 court cost; however, a parking citation will be charged only a \$5.00 court cost. Violations of the Uniform Public Offense Code as adopted by the City of Scott City will result in a \$100.00 court cost. City Attorney Jennifer Cunningham noted that the higher the severity of the violation

committed, the higher the associated court cost. She indicated that \$75.00 is in line with the traffic violation court costs in other courts with which Mrs. Cunningham works.

Motion by Barb Wilkinson seconded by Jeff Allen to approve *Ordinance No. 1259*, an ordinance determining court costs and other costs for the administration of justice assessed in the Municipal Court of the City of Scott City, Kansas, amending current code section 1-9-5; repealing current code section 1-9-5; all to the code of ordinances of the City of Scott City, Kansas. Vote – Unam.

Included in the packet was *Scott City Industrial Park North Lawrence Addition Final Plat*, a part of the SW 4 Section 17, T-18-S, R-32-W of the 6th P.M. to the City of Scott City, Scott County, Kansas. Evans, Bierly, & Hutchison (EBH) engineer Darin Neufeld was present by Zoom to answer any questions regarding the plat. City Administrator Brad Pendergast explained to the Council that the plats (both preliminary and final) had been presented to the Planning & Zoning Commission on October 12, 2023, for the Commission’s consideration. Mr. Pendergast reported that it had been the recommendation of the Planning & Zoning Commission to accept the final plat as presented. Mr. Neufeld briefly described the main objectives of the plat, indicating that there are six lots that will be available for development. Portions of lots 3, 5, and 6 are within a runway protection zone (RPZ) which means that elevation limits will be placed on buildings to be erected on those lots. Mr. Neufeld explained the elevations quoted in the “Plat Notes” portion of the plat are the maximum elevations at the southern end of each lot. The allowable elevation of each lot increases incrementally as one moves further to the north, just as an aircraft incrementally gains elevation during takeoff. The location of the new well was noted as being centered at the south end of lots 4 and 5 with the required setbacks surrounding it. A new street – Gabe Street – will be constructed just north of lots 2 & 3 and south of lots 4, 5, & 6. The plat also outlines two “reserve” lots. Reserve A will be used for drainage and easement purposes, while Reserve B must remain undeveloped with any type of building due to its close proximity to the RPZ. It may, however, be used for utility lines and drainage purposes. Council member Jeff Allen expressed that he felt that it would be easier for people interested in purchasing the lots if *height* limits were used instead of *elevation* limits. Mr. Neufeld explained that elevation limits are used because if land were to be “built up” prior to buildings being erected, a building built to a specific *height* could encroach into the restricted air space within the RPZ in violation of FAA regulations. EBH Engineer Darin Neufeld assured the Council that EBH would be available to assist prospective buyers with determining location and allowable building heights when considering a lot purchase. Mr. Neufeld noted that, upon Council approval of the plat, the required mylar copies would be mailed to City Hall for signatures and filing.

Motion by Kelly Funk seconded by Armando Tarango to approve *Scott City Industrial Park North Lawrence Addition Final Plat*, a part of the SW 4 Section 17, T-18-S, R-32-W of the 6th P.M. to the City of Scott City, Scott County, Kansas. Vote – Unam.

Included in the packet was *The Kansas Department of Commerce Building A Stronger Economy (BASE) Grant Agreement*. City Administrator Brad Pendergast explained that awarded grant funds of \$750,000 (with a minimum required City match portion of \$250,000) are to be used to construct water, sewer, stormwater drainage, and street infrastructure in Scott City Industrial Park North – Lawrence Addition (SCIP North). Mr. Pendergast and EBH Engineer Darin Neufeld worked on this agreement together, putting together the necessary proposed budget. Mr. Pendergast noted that he plans to use available water, sewer, water reserve, and sewer reserve funds to cover the confirmed matching funds of \$534,500 as outlined in the budget that has been included in the

BASE grant agreement. He noted that some special city projects funds may need to be utilized as well.

Motion by Jeff Allen seconded by Adam Winter to authorize City Administrator Brad Pendergast to sign *The Kansas Department of Commerce Building A Stronger Economy (BASE) Grant Agreement* for a grant of \$750,000 with a confirmed City match portion of \$534,500 for the construction of water, sewer, stormwater drainage, and street infrastructure in Scott City Industrial Park North – Lawrence Addition. Vote – Unam.

Provided in the packet was *Agreement between the City of Scott City, Kansas and Scott City Area Chamber of Commerce* for Transient Guest Tax fund services to be assumed by the Chamber of Commerce (Chamber). Mayor Green announced that the agreement is the result of collaboration among the City of Scott City’s Transient Guest Tax Committee, the Scott City Area Chamber of Commerce’s Board of Directors, City Administrator Brad Pendergast, City Attorney Jennifer Cunningham, and himself. Mayor Green noted that there is a great deal of overlap in the duties of the Chamber and the City’s Transient Guest Tax department, and it makes sense to consolidate the duties with an entity which the community already associates with these services. City Administrator Brad Pendergast added that it is not unique for a Chamber of Commerce to facilitate Transient Guest Tax services. This agreement is retroactive to October 1, 2023, and will continue until December 31, 2023. It will then auto-renew for one-year terms, unless either party terminates with a 60-days’ notice. If the agreement is terminated, and the City resumes their previous tourism services, the City will resume paying the Chamber \$7,500 annually from the Transient Guest Tax to house brochures and assist with tourism events. To compensate the Chamber for services already provided since October 1, 2023, the City will pay 1/3 of the most recent Transient Guest Tax distribution (\$10,955.57) to the Chamber for services provided through December 31, 2023. Moving forward, the City will continue to compensate the Chamber for services provided by paying 1/3 of each Transient Guest Tax distribution received from the State Department of Revenue.

Motion by Adam Winter seconded by Jeff Allen to approve *Agreement between the City of Scott City, Kansas and Scott City Area Chamber of Commerce* for Transient Guest Tax fund services to be assumed by the Chamber of Commerce. Vote – Unam.

Included in the packet is the current copy of *City of Scott City, Kansas Personnel Policies and Procedures, 2023 Edition*.

City Administrator Brad Pendergast noted that it is time for the annual review of the personnel policy manual. He noted that he had spoken with department heads and other staff, and no one had any changes to recommend. He solicited input from the Council members.

Motion by Adam Winter seconded by Barb Wilkinson to approve the *City of Scott City, Kansas Personnel Policies and Procedures*. Vote – Unam.

Presented in the Council packet was *Water Base Rate and Rate Table Options* as created by City Administrator Brad Pendergast. As instructed at the last regular Council meeting, Mr. Pendergast included an Option 4 which lists a ¾” meter as having a \$20.00 base rate with 0 gallons of water included. Mr. Pendergast reminded the Council that all four options presented in the document would bring in roughly the same amount of water revenue, but that the distribution of guaranteed base rate revenue and unguaranteed water usage rate revenues differs in each scenario. Mayor Green expressed that he likes Option 4 because it rewards low water users with lower bills and

holds high water consumers accountable. He also noted that he appreciates the back page of the document where it is easy to compare the current rates with each of the proposed options. There was discussion comparing the difference between the four options presented. Scott County Development Committee Executive Director Katie Eisenhour was present in the audience and inquired whether any of these options allow for an industrial-type agreement. Mr. Pendergast explained that he and City Attorney Jennifer Cunningham have been working to address the industrial needs of the community and that the upcoming water rates ordinance is expected to address the potential for contracting for water with large developers and industries. Consensus of the Council was to have Mr. Pendergast alter Option 4 to reflect usage rates lower than the currently proposed water rates for Option 4, but to remain higher than the current water rates by tier to be presented at the next regular meeting.

GMS, Inc. Engineer Ken White was present via Zoom to update the Council. Mr. White began by announcing that the advertisement for bids for the water project is being well received, noting that he had earlier misspoke when he explained that the advertisement needed to be published once a week for four weeks, but rather it needed to be published over the period of 30 days. He announced that there are several quality contractors who are plan holders of the project. Currently, there are five general contractors who hold plans for the pipeline construction portion of the project, two plan holders for the well portion of the project, and four plan holders for the storage tank portion of the project. While Mr. White expressed that he is feeling optimistic about the quality of the plan holders for the project, he also expressed concern that Core & Main and Municipal Supply have not yet contacted GMS, Inc. to obtain copies of the plan. He will reach out to both entities to attempt to solicit a bid from them. The bid opening will occur prior to the December 4, 2023, Council meeting, with recommendations for bid awarding to be made during the Council meeting. Mr. White also reported that the drainage study is approximately 75% complete. Mayor Green thanked Mr. White for his report.

There was nothing to discuss under the open agenda.

There was nothing to report regarding the Pool Department.

Building Inspector Jerek Wasinger was present to provide a *Permit Report* and to answer any questions. Council members inquired about a water leak at the Subway sandwich shop which led to the closure of the restaurant. Mr. Wasinger indicated that he was unaware of the leak but would investigate the following day.

Police Chief David Post announced that the Chevy Traverse that had been ordered the previous January had arrived. He noted that there will be a unique decal design on the vehicle as it will be driven by School Resource Officer (SRO) Bailey Davidson. It will be about 4-6 weeks before the vehicle will be taken to JR Audio for full outfitting, but decals and temporary lights will be installed soon to enable SRO Davidson to utilize her vehicle.

Police Chief Post informed the Council that he hired Sirena Oronia as a full-time dispatcher as a replacement for Dara White, who has resigned effective in December. She will begin training on November 13, 2023, and will start at E2 on the pay plan with an increase to E3 after 90 days.

Included in the packet was *Agreement for Custodial Services* between City of Scott City, Kansas, and Suzy Patty to provide custodial and janitorial services at the Scott City Police Department

Pound. The agreement was drafted by City Attorney Jennifer Cunningham. Police Chief Post indicated that having a person dedicated to maintaining the pound daily is a morale booster for his officers who do not enjoy having to take on that task. He noted that the cost for providing this service equals less than \$10 per day and it is well worth the cost. He also noted that Suzy Patty, who specializes in animal rescue, has great ideas on getting animals in the pound either reunited with their families or adopted out. Having Ms. Patty interact with the dogs in the pound every day allows her to learn about each dog and be better able to rehome a dog more quickly. Mayor Green agreed that having this direct relationship between animal rescue personnel and the Scott City Police Department is a fantastic benefit. Police Chief David Post pointed out the clause in the agreement that the payment for services rendered will be re-evaluated 90 days into the term of the agreement, and if an increase is agreed upon, an addendum to the agreement will be executed. Because this agreement falls below the bidding threshold, it has already been executed by City Administrator Brad Pendergast and Suzy Patty.

Park Superintendent Terence Appel had nothing to report.

Street, Water, and Sewer Superintendent Terence Appel reported that the City crew has begun checking meter pits as part of the Lead Service Line Inventory (LSLI) as required by the Environmental Protection Agency (EPA). As of earlier today, they have inventoried 850 meter pits. When the meter pits are exposed, they have been checking for leaks or other needs for repairs. If repairs are needed, the crew has been fixing things as they go. Mr. Appel was excited to report that the GIS mapping software that was recently purchased, primarily for the LSLI, is proving to be a useful tool, not only for conducting the LSLI, but also for mapping water lines and meters in general.

Mr. Appel reported yet another leak in the Jackson Street water line between 5th and 8th Streets. He noted that EBH should have an engineering proposal to the City by next week. City Administrator Brad Pendergast reminded the Council that whenever a water line needs to be replaced, it is required by KDHE to have engineering assistance when the size and/or the material of the water line will be changed. The new water line will be larger and constructed from different material than the current line, so engineering assistance is required.

Street, Water, and Sewer Superintendent Terence Appel announced that he welcomed a new crew member earlier in the day. Angel Ramirez was hired at G1 on the pay plan.

City Clerk Ruth Becker had nothing to report.

City Administrator Brad Pendergast informed the Council that he had been working with Western Kansas Groundwater Management District #1 (GMD1) Manager Katie Durham on researching water grants to fund a rebate program for sprinkler systems to encourage water conservation efforts.

Mr. Pendergast also noted that he expects to be able to report on the October figure for the Consumer Price Index for the Midwest Region at the next regular Council meeting. This figure will be presented to the Council for consideration of a 2024 Cost of Living Adjustment (COLA) pay increase for City employees.

City Attorney Jennifer Cunningham had nothing to report.

Motion by Jeff Allen seconded by Adam Winter for the City Council to 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, Chief of Police, 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 Jeff Allen seconded by Adam Winter for the City Council to 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, and City Clerk, with the open meeting resuming in the Council room at 7:42 p.m. Vote – Unam.

The Council came out of executive session.
Mayor Green called the meeting back to order.

Motion by Jeff Allen seconded by Armando Tarango for the City Council to 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, and City Clerk, with the open meeting resuming in the Council room at 7:53 p.m. Vote – Unam.

The Council came out of executive session.
Mayor Green called the meeting back to order.

Motion by Jeff Allen seconded by Barb Wilkinson for the City Council to 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, and City Clerk, with the open meeting resuming in the Council room at 8:00 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 further 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 8:05 p.m. Vote – Unam.

Mayor

City Clerk