

January 15, 2024

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, Josh Gooden, Bo Parkinson, 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 January 2, 2024, regular council meeting were presented.

Motion by Armando Tarango seconded by Josh Gooden to approve the minutes of the January 2, 2024, regular council meeting. Vote – Unam.

Appropriation Ordinance # 1012B was presented.

Motion by Josh Gooden seconded by Bo Parkinson to approve Appropriation Ordinance # 1012B. Vote – Unam.

Warren and Trisha Harkness with WTH Aviation Services, LLC (WTH), the City's Fixed Base Operator (FBO) at Scott City Municipal Airport, were present to update the Council.

Mr. Harkness informed the Council that WTH had Chad Wasinger install security cameras at the airport and wanted to know if the Council would like to have a user account set up for the police department (at no extra charge). Consensus of the Council was to create a user account for the police department so that the cameras could be monitored from the law enforcement center as needed.

Mr. Harkness indicated that, earlier in the day, he had met with Airport Commissioners and that it was determined that the airport needs equipment to remove snow and other debris. Ideally, the equipment should have brushes or brooms to not damage the runways or taxiways. City Administrator Brad Pendergast was also part of the discussion during the airport meeting. He noted that he found two pieces of equipment on Purple Wave that had the appropriate attachments (plow, snowblower, and brush) to handle snow and other debris at the airport and that each of these pieces of equipment were used and were below \$40,000. Airport Commissioner Jeff Allen explained that he is requesting Council's approval for up to \$40,000 toward the purchase of snow/debris removal equipment on behalf of the Airport Commission. It was noted that if \$40,000 were used from the Airport Sinking fund, there would still be ample funding to provide grant matches on FAA projects. EBH Engineer Darin Neufeld was in attendance, and he informed the Council that the FAA does not allow federal dollars to be spent on used equipment. Mr. Pendergast noted that revenues from the Airport Sinking fund are a result of a tax levy, so those funds could be used to purchase used equipment.

Motion by Jeff Allen seconded by Craig Richards to approve the expenditure of up to \$40,000 from either the Airport Sinking fund or the Airport Enterprise fund, with the approval of City Administrator Brad Pendergast, for the purchase of snow removal equipment. Vote – Unam.

Evans, Bierly, & Hutchison (EBH) Engineer Darin Neufeld was present to update the Council on projects and planning at Scott City Municipal Airport.

Provided at the Council table was the *Airport Improvement Program Priority Projects List* as determined by the Airport Commission earlier in the day. Mr. Neufeld noted that the list is nearly identical to what was submitted to the FAA last year, but that the acquisition of approximately 13 acres of land has been added to the top spot in the 1-5 year range of priorities. It was explained that FAA representative Jason Knipp would like the City to acquire a small sliver of land at the southeast edge of the airport to serve as a City-owned “safety zone.” The approximate overall cost of the land acquisition is expected to be \$92,000 with a 90/10 split between the FAA and the City. According to FAA guidelines, the City would need to purchase the land outright and then the FAA would reimburse their portion of the acquisition. City Administrator Brad Pendergast noted that he and Mr. Neufeld will start a conversation with the property owners regarding the potential acquisition.

The addition of new t-hangars has been removed from the list because it has officially been approved by the FAA. Mr. Neufeld reminded the Council that when the City built new t-hangars in 2018, they were able to build an 8-bay hangar for about \$660,000. That same building today is expected to cost between \$900,000 and \$1 million. He indicated that he intends to bid the project out as a 6-bay hangar with alternate bids for 7, 8, or 9 bays. Priority 2, to expand the apron, remains on the priority list despite having received FAA approval. Priority 3, to seal the runway pavement surface and pavement joints, closes out the year 1-5 priorities.

Motion by Jeff Allen seconded by Craig Richards to approve the *Airport Improvement Program Priority Projects List* with the Acquisition of Land now occupying the top priority spot. Vote – Unam.

Also included in the packet was a draft ordinance regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Scott City Municipal Airport. EBH Engineer Darin Neufeld indicated that he thought that the City had passed a similar ordinance several years ago, but no record of such an ordinance could be found. Mr. Neufeld summarized the document by saying that essentially any airspace within the 3-mile extraterritorial zone needs to be regulated, limiting any construction of proposed structures at or above 75’ in height. A final draft of this ordinance will be presented at the next Council meeting, after City Attorney Jennifer Cunningham’s review.

Included in the packet was *Contract for Engineering Services for Scott City Municipal Airport, Construct T-Hangars 2024*. EBH Engineer Darin Neufeld indicated that, with the FAA’s approval for the construction of a new set of t-hangars, EBH conducted a pre-design meeting to develop this agreement which needs to be approved by the City Council. It will be placed on the agenda again for the February 5, 2024, Council meeting for approval. Mr. Neufeld noted that bids for this project must be opened and awarded at the first meeting in April, so they will continue to work on the project during the interim.

GMS, Inc. Engineers Jason Meyer and Tom McClernan joined the meeting via Zoom to discuss the awarding of bids for the Water System Improvements-2023 project. Mayor Everett Green informed the Council that the gentlemen had been willing to attend in person, but he had convinced them to Zoom in due to the road conditions. The bids, which were opened at the December 18, 2023, Council meeting, had been separated into 3 separate schedules:

- **Schedule 1** – General Water System Improvements (Base Bid with one Alternate Option)
 - **Base Bid** – steel casing pipe with carrier pipe
 - **Alternate 1 Bid** – directional drill

Motion by Craig Richards seconded by Bo Parkinson to approve the bid from Gerard Tank & Steel, Inc. for Alternate Bid 1 (the composite tank) in the amount of \$2,240,000.00. City Administrator Brad Pendergast intervened prior to the vote to explain that there needs to be additional information presented to the Council prior to the vote regarding funding for the overall project. He noted that at the time a motion is made to approve the awarding of any bids at this meeting, the motion will need to state that it is contingent upon the awarding of additional funds by KDHE and the Kansas Public Water Supply Loan Fund (KPWSLF). GMS Engineer Jason Meyer added that all motions will also need to state a contingency upon the approval of the bid document checklist.

Motion by Craig Richards seconded by Bo Parkinson to rescind the motion to approve the bid from Gerard Tank & Steel, Inc. for Alternate Bid 1 (the composite tank) in the amount of \$2,240,000.00. Vote to rescind the motion – Unam.

- **Schedule 3 – New PWS Well #12 (Base Bid Only)**
 - **Base Bid – Drilling & equipping of the new well**
 - **Hydro Resources, Mid-Continent – Garden City, KS**
 - Base Bid - \$159,980.00
 - **Downey Drilling, Inc. – Lexington, NE**
 - Base Bid - \$244,567.35
 - **Engineers' Recommendation – Award the base bid to Hydro Resources, Mid-Continent in the amount of \$159,980.00.**

Further lending to the discussion of funding for the Water System Improvements-2023 project was an updated version of *City of Scott City Water System Improvements Macro Level Budget Analysis, Tuesday, January 2, 2024*. This document varies from the document provided in the last meeting's Council packet with some edited figures. The revised document, which was provided at the Council table, demonstrates the need for \$1.4 million in additional funding from the KPWSLF, bringing the total of the loan to \$7.5 million upon KDHE approval. Mayor Everett Green noted that it has already been agreed that any additional funding (up to an additional \$1.5 million) to be awarded would be at the same 1.33% interest rate and the same 20-year term as the original loan principal amount. The Council requested an explanation of why the original loan amount fell short. Mr. Meyer cited inflation in cost of materials resulting from Covid as well as the addition of the K96 water system improvements that were not part of the original scope of the project. He also indicated that he was pleasantly surprised that, with the amount of bids that came in for the project, the shortfall was lower than expected. Mr. Meyer explained that he has already drafted a letter to KDHE requesting additional funding. Council member Jeff Allen asked if Mr. Meyer felt that the additional \$1.4 million would be adequate. His response was that, barring an extreme unknown circumstance that could not be covered by the set contingency of \$181,662.92, he feels assured that the newly requested increase in funding will be adequate. Any unused funding can be returned to KDHE, and the amortization schedule will be adjusted. Mayor Everett Green wanted to reiterate to all those who may be concerned, that payments against the loan will be made through the revenues obtained from water utility fund, not by an increase in property taxes. Mr. Meyer addressed what the additional \$1.4 million means to individual water users. His figures indicate an increase in water rates of approximately \$3.55 per user per month, with higher water users paying slightly more and lower water users paying slightly less.

Motion by Craig Richards seconded by Bo Parkinson to award the following project schedules contingent upon Kansas Department of Health & Environment (KDHE) approval of bids and KDHE approval of an increase of \$1.4 million in funding:

Schedule 1 – General Water System Improvements – Base Bid from the Water System Improvements-2023 project to Miller Pipeline, LLC in the amount of \$2,821,129.50 contingent upon approval and acceptance of the low responsive bidder's Bid Documents by the KDHE State Revolving Fund personnel.

Schedule 2 – New 500,000 gallon Alternate Bid 1 Composite Tank from the Water System Improvements-2023 project to Gerard Tank & Steel in the amount of \$2,240,000.00 contingent upon approval and acceptance of the low responsive bidder's Bid Documents by the KDHE State Revolving Fund personnel.

Schedule 3 – New PWS Well #12 Base Bid from the Water System Improvements-2023 project to Hydro Resources Mid-Continent Inc. in the amount of \$159,980.00 contingent upon approval and acceptance of the low responsive bidder's Bid Documents by the KDHE State Revolving Fund personnel.

Vote – Unam.

Mr. Meyer will send updated versions of the Notice of Awards to be sent to contractors upon KDHE approval.

Motion by Bo Parkinson seconded by Josh Gooden to request additional funds in the amount of \$1.4 million from the KDHE Revolving Loan Fund for the Water System Improvements-2023 project. Vote – Unam.

GMS Engineer Jason Meyer provided a tentative timeline for moving forward with KDHE approval indicating that he expects the awarding of additional funding to happen very quickly, likely by the end of the week. The review of the bid documents is expected to take at least a month. Once all bid documents and checklists have been approved by KDHE, a Notice to Proceed will be issued, after a pre-construction meeting has been conducted. Mr. Meyer indicated that Resident Project Representative Mark Hornberger (as well as others) will be on-site during all phases of the project. Mr. Hornberger will attend Council meetings in person at least monthly to update the council on the progress being made on the project.

Included in the packet was *City of Scott City, Kansas Agreement for Legal Services* between City of Scott City and Doering, Grisell & Cunningham P.A., and naming Jennifer Cunningham as City Attorney. City Attorney Jennifer Cunningham noted that, although the agreement for legal services is set to automatically renew at the end of each term, she and City Administrator Brad Pendergast wanted to make sure that the Council had the opportunity to review the agreement at the end of the first year and make any changes deemed necessary. Mrs. Cunningham informed the Council the City has utilized her services as City Attorney for a total of 301 hours from the start of the agreement beginning in February 2023 through December 31, 2023. She estimated that, if her services had been used from the beginning of the year, she would have spent approximately 320 hours. Mrs. Cunningham noted that her hours include not only fees for City Attorney services, but also services provided for Scott City Municipal Court. Mayor Everett Green mentioned that former Police Chief David Post and City Administrator Brad Pendergast have both spoken highly of their working relationships with Mrs. Cunningham. Mr. Pendergast added that during the first year or two with a new City Attorney there are things that need to be sorted out to get things where the City and the City Attorney want them to be. Therefore, it is possible that fewer hours will be

spent on legal services moving forward. Consensus of the Council is to allow the existing agreement to auto-renew as allowed by the agreement.

Provided in the packet was a draft ordinance relating to sewer system rates. City Administrator Brad Pendergast presented the document to request input from the Council. He noted that the first change that he is proposing is to reduce the base fee by \$2.50. He also explained that issues with billing have presented themselves because of the removal of the “contiguous property” clause from the current water rate ordinance. He asked for guidance on how to bill sewer charges for individuals that have two water meters at one location. For example, he asked how the ordinance should address one water meter to serve a home and another meter to serve an irrigation system vs. one water meter to service a home and another meter to service an accessory building. He also requested guidance on whether the Council wanted to adopt multiple residential tier levels based on the type of residential unit (single home, duplex, apartment complex) or if one tier level would be sufficient. Consensus of the Council was to remain with one tier level for residential sewer rates, since those rates are already based on water usage, and to not assess sewer charges on meters that serve only irrigation systems. Meters that serve accessory buildings should require a sewer charge to be assessed. Mr. Pendergast indicated that he would prepare an ordinance based on Council’s input and would have an updated ordinance for approval at the February 5, 2024, Council meeting.

During the open agenda, Council member Jeff Allen thanked Street, Water, & Sewer Superintendent Terence Appel and his crew for a great job on snow removal following the prior week’s storm. Mr. Appel noted that he had received some complaints about the crew using the Bobcat for snow removal, but it was used primarily at City Hall, the water treatment plants, the walking trail, and the parks. Mayor Everett Green was pleased that Mr. Appel was able to get B&H Paving involved so quickly. Mr. Appel indicated that the snow that remains on the streets has turned to ice, and it cannot be scooped until it thaws some, so they are using a large amount of salt and sand to treat the ice. Mr. Appel’s final comments on the storm were regarding issues that arise due to blizzard conditions such as extra attention needed at the water wells and treatment plants. Snow removal is only one part of the after-effects of having a blizzard that the City crew deals with.

Pool Manager Marci Patton was not in attendance. City Clerk Ruth Becker reported on her behalf that the City had received nineteen applications for lifeguards prior to the 5:00 p.m. deadline. Mayor Everett Green noted that no hiring decisions would be made at this meeting, but rather the applications would be forwarded to Mrs. Patton and Assistant Pool Manager Jessica Berry for consideration. Mrs. Becker noted that recommendations for hiring lifeguards will be made at the next Council meeting.

Motion by Adam Winter seconded by Jeff Allen to accept all applications received by the 5:00 deadline for consideration for hire by the pool management team. Vote – 5, yes – 1, temporarily absent – Josh Gooden.

Building Inspector Jerek Wasinger noted that he has been catching up on office work and has been researching training opportunities.

Police Chief Colton Schmitt reported that he had received quotes for repair work to Officer Whitney Savolt's vehicle:

- BK Auto (Scott City) - \$12,500 - significant wait with no estimated timeline
- R Brothers (Scott City) - \$19,000 – estimated timeline of March
- Skeeters (Garden City) - \$21,950 - estimated timeline of 1st week in February

Mayor Everett Green recommended getting estimates to the insurance company with the explanation of the time delays and asking them to consider that this is a police vehicle and the time factor involved. He also suggested making a call back to the original bidder to solicit more information on the proposed timeline.

Police Chief Schmitt informed the Council that Officer Jared O'Dea's vehicle was parked when a tree branch fell onto it. He is soliciting quotes for the vehicle as it has sustained scratches, dents, and a broken headlight.

A new Public Safety Answering Point (PSAP) radio has been installed in the dispatch area. The expense for the new radio will be paid using 911 funds.

Police Chief Schmitt complimented his dispatchers stating that they did an "awesome job" during the blizzard.

Parks Superintendent Terence Appel had nothing to report.

Street, Water, & Sewer Superintendent Terence Appel stated that he has begun working with GMS Engineer Jason Meyer and he is very impressed by him. Regarding the blizzard, Mr. Appel noted that his crew began digging out on Alice Street today, but it remains closed. He predicted that the street would not be open until the following week.

City Clerk Ruth Becker had nothing to report.

City Administrator Brad Pendergast had nothing additional to report.

City Attorney Jennifer Cunningham had nothing additional to report.

Financial, investment, and quarterly reports for December and year ending December 31, 2023, were included in the packet.

Motion by Armando Tarango seconded by Adam Winter 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 Attorney, City Administrator, Public Works Superintendent, & City Clerk, with the open meeting resuming in the Council room at 8:21 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.

Motion by Adam Winter seconded by Armando Tarango to adjourn at 8:21 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk