

February 20, 2024

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 Council President Josh Gooden, Council members Craig Richards, Jeff Allen, 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 February 5, 2024, regular council meeting were presented.

Motion by Barb Wilkinson seconded by Armando Tarango to approve the minutes of the February 5, 2024, regular council meeting. Vote – Unam.

Appropriation Ordinance # 1013B was presented.

Motion by Armando Tarango seconded by Adam Winter to approve Appropriation Ordinance # 1013B. Vote – Vote – Unam.

City Administrator Brad Pendergast reminded the Council that Four B Farms has a land lease with the City that is up for renewal at the beginning of March. The current lease allows Four B Farms to farm the ground in the area where the Scott City Industrial Park North – Lawrence Addition is being developed. Mr. Pendergast explained that he had prepared an updated map of the area that demonstrates a reduction in the number of acres to be farmed to approximately 50 acres. He indicated that he has been working with Jon Berning for the past several weeks on a new lease agreement, but Mr. Berning has been out of town and would prefer to place this discussion on the March 4, 2024, Council meeting agenda. One of the items, in addition to the reduced acreage, that will likely be in the revised lease agreement will be an increase in the lease per acre fee. Mr. Pendergast stated that other entities that have farmland lease agreements with the City of Scott City are paying \$35.00 per acre per year, whereas Four B Farms has only been paying \$27.00 per acre per year. For the sake of consistency, Mr. Pendergast intends to bring the rate up to match other land lease agreements. He indicated that he would have a revised lease agreement prepared for approval at the March 4, 2024, Council meeting.

Provided in the packet was *Ordinance No. 1261*, an ordinance amending Title Eight, Chapter One, Section Five of the codification of the ordinances of Scott City, Kansas relating to sewer system rates and repealing the existing section. Based on discussions initiated by Sherri Scott, owner of the Bay Station Car Wash, at the last regular meeting, Mr. Pendergast drafted an alternate sewer rate ordinance that would add a new business tier created specifically for car washes. Mr. Pendergast reminded the Council that, in the past, the reason that the sewer rate has been based on water usage for the months of December, January, and February, was that this is the time of the year that the least amount of water goes through the sewer system. This is not the case for businesses operating car washes who use more water during the colder months of the year to keep

their water lines and hoses from freezing up, which could cause costly damage. The new version of the ordinance identifies July, August, and September as the months from which to use water usage to calculate sewer rates for car washes.

Motion by Craig Richards seconded by Armando Tarango to approve *Ordinance No. 1261*, an ordinance amending Title Eight, Chapter One, Section Five of the codification of the ordinances of Scott City, Kansas relating to sewer system rates and repealing the existing section. Vote – Unam.

On behalf of Mayor Everett Green, in his absence, City Administrator Brad Pendergast indicated Mayor Green’s intent to appoint Josh Gooden as a City Representative to Scott County Development Committee (SCDC) for the term of March 2024 to March 2027.

Motion by Armando Tarango seconded by Jeff Allen to accept the Mayor’s appointment of Josh Gooden as a City Representative to Scott County Development Committee (SCDC) for the term of March 2024 to March 2027. Vote – Unam.

Scott County Development Committee (SCDC) Executive Director Katie Eisenhour provided *SCDC Report to City Council – Feb. 20, 2024 (Outline)*, which was included in the packet for review. Mrs. Eisenhour thanked Mayor Green and the Council for once again appointing Josh Gooden to the SCDC committee. She reminded the Council that his time served thus far has been very impactful, especially regarding the role he played in the creation of the newest Neighborhood Revitalization Plan (NRP). SCDC Executive Director Katie Eisenhour directed the Council’s attention to three topics that she deemed as particularly pressing.

1. **Eastridge Villas, LLC & Eastridge Villas II, LLC (ERVII)** – Mrs. Eisenhour announced that groundbreaking for the new senior housing project is anticipated for April 1, 2024. She noted that it is important to have many City officials present for this occasion. She also reminded the Council that the contractor is requesting a formal letter indicating that the contractor may make temporary use of a camper and a storage container on the premises during construction, two items that are against subdivision covenants.
2. **Certified Site at SCIP North-Lawrence Addition** – Mrs. Eisenhour indicated that there are two parties interested in purchasing lots in the new industrial park, though they are not ready to make their interest official until the necessary infrastructure is in place. City Administrator Brad Pendergast indicated that the engineers are working to finish the infrastructure design.
3. **Moderate Income Housing (MIH)** – The current agreement with Kansas Housing Resources Corporation (KHRC) expires on June 30, 2024. The City and SCDC must request an extension of the deadline before this date.

Motion by Jeff Allen seconded by Adam Winter to authorize Mayor Everett Green and City Administrator Brad Pendergast to request a one-year extension from the Kansas Housing Resources Corporation to complete requirements for the Moderate Income Housing Grant. Vote – Unam.

GMS Engineer Jason Meyer was present to update the Council on the progress being made on the Water System Improvements – 2023 project. Mr. Meyer updated the Council on the following topics:

1. There has been no word from KDHE regarding the request for a loan increase. Mr. Meyer indicated that GMS officials will reach out to KDHE on March 1, 2024, if there has been no response by that date.
2. The contractors with the lowest bids on all three schedules of the water project have agreed to hold their bids until March 15, 2024. Each has notified the City in writing, with the last written agreement having been received on February 9, 2024. With these agreements in place, Mr. Meyer recommends moving forward with the awarding of bids to each of the contractors, contingent upon receiving the additional loan funding, changing the loan amount from \$6.1 million to \$7.5 million. *Notice of Award* was included in the packet for each of these contractors.

Motion by Craig Richards seconded by Adam Winter to approve the Water System Improvement – 2023, Schedule No. 1: General Water System Improvements to Miller Pipeline, LLC in the amount of \$2,821,129.50 contingent upon approval of the City’s additional funding request through the Kansas Department of Health and Environment, KPWSLF program. Vote – Unam.

Motion by Craig Richards seconded by Armando Tarango to award the Water System Improvements – 2023, Schedule No. 2: New 500,000 gallon Alternative Bid 1 Composite Tank to Gerard Tank and Steel in amount of \$2,240,000.00 contingent upon approval of the City’s additional funding request through the Kansas Department of Health and Environment, KPWSLF program. Vote – Unam.

Motion by Craig Richards seconded by Adam Winter to award the Water System Improvements – 2023, Schedule No. 3: New PWS Well #12 Base Bid to Hydro Resources Mid-Continent Inc. in the amount of \$159,980.00 contingent upon approval of the City’s additional funding request through the Kansas Department of Health and Environment, KPWSLF program. Vote – Unam.

Included in the packet was *Second Amendment to the Loan Agreement between the Kansas Department of Health and Environment acting on behalf of the State of Kansas and Scott City, Kansas KPWSLF Project No. 2982 – Original Loan Agreement Effective as of July 26, 2021 – Amendment No. 2 Effective as of January 10, 2024*. City Administrator Brad Pendergast noted that this amendment to the loan agreement is not the one that will increase the loan amount, but instead it simply extends the payment out for another 18 months.

Motion by Jeff Allen seconded by Adam Winter to approve *Second Amendment to the Loan Agreement between the Kansas Department of Health and Environment acting on behalf of the State of Kansas and Scott City, Kansas KPWSLF Project No. 2982 – Original Loan Agreement Effective as of July 26, 2021 – Amendment No. 2 Effective as of January 10, 2024*. Vote – Unam.

Scott City Area Chamber of Commerce (Chamber) Executive Director Lindsay Singley spoke during the open agenda to inform the Council of her intention to request funding for assistance in retiring the loan balance of \$50,000.00 for the restrooms recently constructed at Patton Park. She noted that there is a small balance left in the Patton Park Restroom fund held at the Scott Community Foundation. It will be used toward the interest payment. Mrs. Singley also stated that the original loan was due to be paid in full in January 2024; however, an extension until January 2025 has been granted. Interest will continue to accrue until the loan is paid in full. There was brief discussion regarding other funding sources. This topic will be placed on the agenda for the March 4, 2024, agenda for further discussion.

Pool Manager Marci Patton was not in attendance. Nothing was reported on her behalf.

Provided in the packet was *Permit Report – February 20, 2024*. Building Inspector Jerek Wasinger had nothing to report.

Included in the packet was a quote for new Motorola police radios, an estimate for installation costs from J R Audio, and *Kansas Governor’s Grants Program-Local Safety and Security Equipment Grant Program-Grant Assurances*. Police Chief Colton Schmitt explained that the purchase of portable and mobile radios is necessary due to a mandate for “encryption-compliant” radios to be used in all law enforcement entities. The total cost of the radios, including installation costs, is \$83,755.39. However, a *Local Safety and Security Equipment* grant has been awarded to the Scott City Police Department to help offset the costs. The grant agrees to reimburse up to \$72,450.00, leaving the City’s cost obligation as \$13,555.39. Police Chief Schmitt informed the Council that this expense was not expected at the time that this year’s budget was adopted, and that the Police Department only budgeted \$8,000 for this type of expense. He requested that, if the purchase of the radios was approved by the Council, the remainder of the cost be charged to the General fund.

Motion by Armando Tarango seconded by Barb Wilkinson to authorize the purchase of the Motorola police radios and the installation of said radios by J R Audio, with the total expense of \$83,755.39 to be split, with the Police Department paying \$8,000.00 and the remainder of the expense charged to Special City Projects in the General Fund, with \$72,450.00 being reimbursed by the *Local Safety and Security Equipment* grant upon receipt of the equipment. Vote – Unam.

Police Chief Schmitt reported that Sergeant Jason (Jay) Poore was not able to attend his first session of LEEDA training as planned due to staffing issues. He also reported that School Resource Officer Bailey Davidson had submitted her letter of resignation, effective February 22, 2024. He closed by announcing that the new door locks at the Law Enforcement Center have been installed.

Parks Superintendent Terence Appel had nothing to report.

Street, Water, and Sewer Superintendent Terence Appel reported that his crew has been very busy marking water and sewer lines as part of the S&T fiber installation project. The positive effect of all the extra locate requests is that their water and sewer line maps are being updated concurrently. Mr. Appel enlisted the assistance of Davis Electric on issues with the lighting at the Maria DeGeer statue, as he is having difficulty finding the materials for repair. Mr. Appel informed the Council that, on the prior Saturday morning, less than 1” of snow needed to be removed from the runway at the airport for an emergency medical flight. He indicated that their plows did not make much of an impact – brooms are needed for such an event.

City Clerk Ruth Becker had nothing to report.

City Administrator Brad Pendergast informed the Council that former Council member Kelly Funk had resigned his position effective February 13, 2024. Mr. Pendergast and Mayor Green have been discussing a replacement; Mayor Green hopes to appoint Mr. Funk’s replacement during one of the Council meetings in March. Mr. Pendergast announced that he will be attending the March 4, 2024, Council meeting via Zoom as his son will be having his tonsils removed earlier in the day.

City Attorney Jennifer Cunningham had nothing to report.

Financial and investment reports were provided in the packet for Council's review.

Motion by Craig Richards 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 Council President, Council, City Administrator, City Attorney, Chief of Police, and City Clerk, with the open meeting resuming in the Council room at 7:10 p.m. Vote – Unam.

The Council came out of executive session.

Council President Josh Gooden called the meeting back to order.

No action was taken.

Motion by Adam Winter seconded by Armando Tarango to adjourn at 7:11 p.m. Vote – Unam.

Josh Gooden  
Council President

Ruth Becker  
City Clerk