

July 1, 2024

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

Mayor Everett Green lead the Council and others present in prayer.

Present were Mayor Everett Green, Council members Craig Richards, Jeff Allen, Greg Mills, Josh Gooden, 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 June 17, 2024, regular council meeting were presented.

Motion by Armando Tarango seconded by Greg Mills to approve the minutes of the June 17, 2024, regular council meeting. Vote – Unam.

The minutes of the June 24, 2024, special council meeting were presented.

Motion by Jeff Allen seconded by Craig Richards to approve the minutes of the June 24, 2024, special council meeting. Vote – Unam.

Appropriation Ordinance # 1018A was presented.

Motion by Adam Winter seconded by Josh Gooden to approve Appropriation Ordinance # 1018A. Vote – Unam.

Included in the Council packet was *Interlocal Agreement between the City of Scott City, Kansas and the Scott Recreation Commission* effective May 15, 2023. The intent of the agreement was to create a process that would allow a period of assistance from the City for the Scott Recreation Commission to procure and fund a new irrigation system that will more adequately and efficiently upkeep facilities for community use. One clause in the 10-year agreement is that the document is to be reviewed annually, in July, by both parties to gauge the effectiveness of the agreement. When asked, City Administrator Brad Pendergast stated that he had no recommendations for changes. City Clerk Ruth Becker provided water usage figures for the Sports Complex and the Soccer Fields for 2023 and current figures thus far in to 2024. The figures indicated that SRC is expected to remain below the 10 million-gallon threshold for “free” water each year during the term of the agreement. She also noted that SRC Director Cody Brittan had met with Mrs. Becker earlier in the day to ask her to inform the City Council that he and SRC Commission members had reviewed the document at a recent meeting and did not have any suggested changes to the document.

Motion by Jeff Allen seconded by Greg Mills to make no changes to the agreement at this time and to review the document again in July 2025. Vote – Unam.

Included in the Council packet was *Planning & Zoning Commission Application, City of Scott City*. At the past several Planning & Zoning Commission (Commission) meetings, this application had been placed on the agenda for review and discussion. On June 13, 2024, the Commission voted to approve the content and layout of the form as presented and to recommend its approval

to the City Council. When asked about the reason for the change in form, City Clerk Ruth Becker, who acts as Secretary to the Commission, explained the following highlights:

- There is now only one form for all application types instead of one for each type of application request, making it easier to ensure compliance with code and limiting the risk of providing outdated information on the application.
- The form includes more thorough, step-by-step instructions for the applicant, making it easier for an applicant to know what information and documentation is required.
- The new form better outlines State-mandated timelines for application submissions, publication requirements, public notice mailings, petition periods, and City Council action.
- The form is available online in a fillable format which can be digitally completed and submitted. It can also be printed and completed by hand if desired. This form provides more flexibility.
- Supplemental sheets will be provided to applicants based on the type of application(s) to be submitted. All sheets will come directly from City Code.
- Most importantly, the Commission wanted to include a “Period of Validity” clause in the form. The Commission felt it is necessary to limit the amount of time for which an approved application is valid so that an applicant cannot hold on to an approved application for an extended period with no movement forward on the completion of the project for which the application was made. A two-year period of validity with the option to apply for a one-year extension was recommended by the Commission and is prominently placed on the form.

Motion by Josh Gooden seconded by Craig Richards to approve *Planning & Zoning Commission Application, City of Scott City*. Vote – Unam.

Included in the Council packet was a marketing flyer and PowerPoint slide deck entitled *Why Priority Dispatch* to which Scott City Police Department Communications Director Amber Poore spoke. Mrs. Poore indicated that she was requesting that the City Council allow the purchase of software and training for emergency dispatch protocols for medical, fire, and police. She noted that, currently (due to liability issues), dispatchers at the Scott County Law Enforcement Center are not able to offer any direction to people who call the emergency hotline—they are only able to dispatch medical, fire, and/or police services and let the caller know that assistance is on the way. With the implementation of the *Priority Dispatch* package, dispatchers would be trained to utilize the system to be able to offer guidance to callers on the line. When asked what kind of guidance dispatchers would be able to offer, Mrs. Poore informed the Council that, while she was working with a similar system in Ford County, she was able to assist in the delivery of a baby with the umbilical cord wrapped around its neck. Police Chief Colton Schmitt indicated that he is in favor of adding this program to the dispatch department. This is being requested of the City Council because the 911 Fund, which is held and managed by the City of Scott City/Scott City Police Department, would be used to pay for not only the software and initial dispatcher training and certification, but also any recertifications and training of newly hired employees. Mrs. Poore announced that the initial cost to purchase the software and train their current dispatchers has been quoted at just under \$90,000. Annual licensing renewal fees are expected to be \$10,900. Any additional training would be billed on a case by case basis. All these expenses allow the use of 911 funds, which are paid monthly to the City of Scott City from taxes collected by cell phone companies for this purpose. City Administrator Brad Pendergast and Mrs. Poore both confirmed

that there are adequate funds in the 911 Fund for this purpose. After brief discussion regarding service time and service quality, Mayor Everett Green thanked Mrs. Poore and Police Chief Schmitt for their dedication and willingness to take on this project.

Motion by Armando Tarango seconded by Greg Mills to authorize Police Chief Colton Schmitt and Communication Director Amber Poore to procure the *Priority Dispatch* system and to schedule initial training of the current dispatchers with the cost to be paid out of the 911 Fund not to exceed \$90,000 with the understanding that additional training and annual license fees will be billed separately. Vote – Unam.

Included in the packet were job descriptions for the Scott City Police Department. City Administrator Brad Pendergast indicated that this topic would need to be discussed at a future meeting because revisions still need to be made.

Provided in the packet was the *Schedule of Transfers* page from the 2024 Budget for the City of Scott City demonstrating a budgeted transfer from the General Fund to the Special Highway Fund in the amount of \$100,000. City Administrator Brad Pendergast reminded the Council that there was no transfer in 2023 because the City used the budgeted transfer amount to aid in the purchase of a new loader instead. Mr. Pendergast noted that the money requested to be transferred for 2024 will cover the cost of chip sealing of the streets in the northeast part of town that are affected by the installation of water lines leading to the new water tower and well.

Motion by Josh Gooden seconded by Jeff Allen to authorize the 2024 budgeted transfer of \$100,000 from the General Fund to the Special Highway fund. Vote – Unam.

Included in the Council packet was *American Rescue Plan Act (ARPA), Non-Entitlement Unit ID=KDNEU 612*. This document outlines receipts, obligations, and expenditures into and out of the ARPA Fund as of March 30, 2024. The report demonstrates that, of the \$571,979.10 awarded to the City of Scott City, \$181,212.89 still needs to be **obligated** by December 31, 2024. All funds must be **spent** by December 31, 2026. City Administrator Brad Pendergast requested that City Council members begin thinking of beneficial ways to utilize the funds. He listed some possibilities for the use of funds, such as matching funds for the Building a Stronger Economy (BASE) grant in the Scott City Industrial Park-North, playground equipment for Palmer Park, or public works infrastructure. Mayor Everett Green encouraged Council members to think about ways to use the money for things that are difficult to budget for. This topic will be readdressed at future Council meetings.

GMS, Inc. Resident Project Representative Mark Hornberger was present to update the Council on the progress of the Water System Improvements project. Mr. Hornberger began by noting that tie-ins had been completed at the intersections of College Street & Victor Avenue and Fairgrounds Road & College Street. He noted that the previous 2” line has been upgraded to a 6” line. Prep for paving on 1st Street is expected to occur the following Monday. Scott Cooperative Association CEO Jason Baker has expressed his approval to move forward with the paving of 1<sup>st</sup> Street with the completion of harvest expected by that time. Mr. Hornberger reported that the “bore crew” is expected to begin the week of the 28<sup>th</sup> beginning with the bore at Victor & Highway 83 followed by the bore under the railroad. GMS is still in the process of obtaining the permit from the railroad. The most recent well tests have come back as “good,” and so they will have Hydro Resources drill another test well with 25’-30’ of the existing well. Mr. Hornberger indicated that he has spoken

with Gerard Tank and Steel personnel who are in the engineering phase of the project; he expects to have an update from Gerard at next Monday's meeting. He also noted that the City can expect a change order for a quantity adjustment for work being done on Fairgrounds Road. Street, Water, and Sewer Superintendent Terence Appel agreed that the upcoming change order is necessary. Mr. Hornberger closed by announcing that there would be another pay application ready for the July 15, 2024, Council meeting.

Under the open agenda, Council member Armando Tarango announced that he would be translating at the request of Viviana Ayala and Ana Ayala, two local sisters who wished to address the Council regarding their experiences with obtaining building permits. Viviana Ayala spoke first. She indicated that she had recently sold a lot, and that the trailer on that lot had to be relocated. She explained that she was told that she could not place/relocate the mobile home in the city because, by City code, no mobile home older than 15 years old can be "placed" in the city. Therefore, she was told by City personnel that the home would need to be taken out of the city. Mr. Tarango continued translating, indicating that Ms. Ayala stated that she felt that this practice is not fair to the Hispanic community because they cannot afford more expensive homes. She also voiced concern that her brother, Arturo Ayala, was told that he would have to obtain insurance and a license to move the mobile home out of the city, but only after the permit to move the trailer had already been issued. She indicated that she had to pay someone \$1,500 to have the home moved out of the city because City personnel would not allow Arturo Ayala to move the trailer without being insured. City Administrator Brad Pendergast informed Ms. Ayala that the situation had been brought to his attention by Building Inspector Jerek Wasinger, and that, as the Chief Building Officer for the City, he made the decision to not allow Mr. Ayala to move the home. Mayor Everett Green made it clear that the City code that governs the moving of mobile homes or other large structures was created solely to ensure public safety—that neither race nor ethnicity were ever considered when passing the ordinances that govern City code. Ms. Ayala then questioned the Council about those people who own a mobile home but pay lot rent on someone else's property. She expressed concern for those people who could not afford to have the trailer moved, or worse, be forced to move it out of town simply because it is older than 15 years old. Mayor Everett Green acknowledged a lack of communication between the parties, and therefore recommended that the Council agree to refund the permit fee. City Administrator Brad Pendergast also agreed to research the possibility of amending the City code to address the moving of structures to consider criteria other than just the age of the home to be relocated within the city. Mayor Green reiterated a willingness to revisit the City code regarding the moving of mobile homes.

Motion by Jeff Allen seconded by Greg Mills to refund the \$45.00 permit fee associated with the moving of the mobile home owned by Viviana Ayala. Vote – Unam.

Ana Ayala addressed the Council regarding another building permit. Ms. Ayala began by stating, through Mr. Tarango's translation, that the building department kept throwing many obstacles in their way as they tried to complete the project. The first obstacle was that they hired a builder who did not know what he was doing. He was not licensed. They hired another contractor who was said to have built a 3-car garage somewhere else in the city, but he also did not have a license (he had also not obtained a permit for that job so the City was unaware of the contractor or his licensing status), so he was not allowed to do the work. The permit obtained by Ana Ayala listed "self" as the contractor and was designated for a "porch" that was to be constructed on her property. As work on the project progressed, it became evident that Ms. Ayala was not constructing a porch, but a carport, and that the beam used to span the roof of the structure was not

code-compliant to be a load-bearing support without adding a perpendicular beam from the ground to the horizontal beam, which defeated the purpose of the structure they were attempting to build. Mayor Everett Green indicated that cities, such as Scott City, adopt uniform building codes to ensure that buildings are safely constructed, not only for those building them or utilizing them at the time of construction, but also for future residents who may purchase the property in the future. Ms. Ayala's construction plan did not comply with the uniform building code, and so it was denied by the building inspector department. Mayor Green noted that much of the confusion about this permit and project was due to the language barrier between the two parties. He also stated that it is because of this language barrier that the comments and discussion that took place during this open agenda item were allowed extra time that is typically not allowed to those speaking under the open agenda. He added that it is the position of the City of Scott City that codes are enforced fairly and equally. While the Council exhibited empathy for the Ayala sisters, they also demonstrated their support for Building Inspector Jerek Wasinger. City Council member Armando Tarango offered to help Building Inspector Jerek Wasinger in the future when translation assistance is needed.

Building Inspector Jerek Wasinger reported that Dirks Enterprises would begin steel erection soon.

Police Chief Colton Schmitt informed the Council that he has had two recent applicants for the open dispatcher position. He will conduct one interview the following day. He had made a previous offer to another applicant who declined the position upon learning that the shift would be an overnight shift.

Parks Superintendent Terence Appel had provided a screenshot of an online playground set that he would like to purchase for Palmer Park. He noted that the \$33,916.00 worth of playground equipment could be paid out of the pool department's budget for 2024 since the City did not need to make any budgeted improvements to the concrete at the pool this year. Mr. Appel stated that he did not feel that it would be practicable to bid for the equipment, since any company who would likely bid would not waste their time on such a small project. Mayor Green asked for City Attorney Jennifer Cunningham's input on whether the playground equipment should be put out for bid. Mrs. Cunningham indicated that the City should go through the bidding process. Mr. Appel indicated that City Clerk Ruth Becker and Assistant City Clerk Chandra Hughes had found a grant opportunity that could reimburse a portion, if not all, of the cost of the equipment if all the parts were "Made in America" certified. City Administrator Brad Pendergast also noted that the playground equipment is an allowable use for ARPA funds, if the Council chooses to allow the ARPA funds to cover the cost. Mr. Appel requested the Council's approval to advertise for bids for the playground equipment.

Motion by Jeff Allen seconded by Adam Winter to authorize Parks Superintendent Terence Appel to write specifications and to advertise for bids on playground equipment for Palmer Park, not to exceed \$35,000, with bids due back to City Hall by 5:00 p.m. on August 5, 2024. Vote – Unam.

Street, Water, & Sewer Superintendent Terence Appel requested to advertise for bids for the 2024 Chip Sealing project. He indicated that he would like to chip seal 1<sup>st</sup> Street and the area north of the railroad tracks where construction crews have been laying pipe for the Water System

Improvements project. Mr. Appel anticipated needing to seal approximately 65,000 square yards of city streets at a cost of approximately \$150,000. He noted that the cost will heavily depend on the cost of the oil that will be part of the bid package. Mayor Green requested that the bid request be worded so that bidders are quoting a cost per square yard, allowing the City to award a bid that could easily be covered by the amount budgeted for 2024.

Motion by Jeff Allen seconded by Adam Winter to advertise for bids to chip seal 65,000 square yards of city streets, including the cost for labor, oil, and CMA cover material, with bids due to City Hall by 5:00 p.m. on Monday July 15, 2024. Vote – Unam.

Mr. Appel indicated that he and his crew are working to resolve drainage issues at Big R and behind Farm Bureau.

City Clerk Ruth Becker was pleased to inform the Council that the Utility Billing Clerk position was offered to, and accepted by, Tisha Kennedy. Mrs. Kennedy's first day with the City is anticipated to be July 29, 2024, which will allow her to work with current Utility Billing Clerk Cathy Graff through two full billing cycles and have two months of training with Mrs. Graff. Mrs. Becker expressed the importance of having this time in which to properly train someone to fill the role that Mrs. Graff will be leaving.

Mrs. Becker also noted that she had spent some time the day prior applying for Project Exemption Certificates for the Water System Improvements project contractors, since this is the first day of the City's sales tax exempt status on water materials since opting into paying the Clean Drinking Water fees in lieu of paying sales tax. She informed the Council that, initially, the exemption certificates had been denied, so she spent some time on the phone with a representative from the Department of Revenue who was able to see that the City had successfully submitted the paperwork necessary to become sales tax exempt on all water materials. By the end of the day, Mrs. Becker was able to send certificates and verification letters to each contractor working on the Water System Improvements project, which can also be forwarded on to their subcontractors.

City Administrator Brad Pendergast updated the Council on the Sunflower Court Townhomes development project. He reminded the Council that this is the 22 acres by the pool where Alice Avenue turns into Jefferson Street. Mr. Pendergast informed the Council that the developer for this project is requesting that the City establish a Rural Housing Incentive District (RHID) for the area so that the amount of property taxes paid by the developers can be returned to the developer as an incentive to develop the land. He noted that the creation of this RHID is in the beginning stages of development, but that he has been working with James (Jimmy) Dummermuth, an attorney in the same office as City Attorney Jennifer Cunningham, who has extensive experience consulting on the creation of RHIDs. Currently, those involved in the RHID are waiting for information from the developer to help determine the terms of the agreement. Mr. Pendergast also noted that he has been working with engineer Pete Earles, Earles Engineering, on drainage in this area. Once an RHID has been drafted, much like a Neighborhood Revitalization Plan (NRP), the agreement must receive the approval of the other taxing entities that would be affected – Scott County, USD 466, and the West Plains Extension District. City Administrator Brad Pendergast informed the Council that the City would have to absorb the cost of some engineering and other processes. He noted that this could be handled in one of two ways. The first option would be to pay the expenses outright while the second option would be to work a percentage of the total package into the RHID as an administrative cost. It was Mr. Pendergast's recommendation to work the administrative cost into the RHID, noting that it would be a "cleaner" option. Consensus

of the Council was for Mr. Pendergast to include these types of administrative fees in the RHID document for approval. Scott County Development Committee (SCDC) Executive Director Katie Eisenhour clarified that before an RHID could be created for this area, the first step is to approach the Planning & Zoning Commission to request a Change of Zoning from R-1 to R-2, which would allow the construction of duplexes during development. She noted that the developers are working on the application to the Planning & Zoning Commission, which is scheduled for an August 8, 2024, hearing. Mrs. Eisenhour then explained that, although the entire 22-acre property is being considered for rezoning, a RHID applies only to a specific project. The plan is for the 22 acres to be developed in three phases, the first of which, according to City Administrator Brad Pendergast, will be duplexes in the southwest area of the property. Mrs. Eisenhour took the opportunity to remind the Council that they had already passed a resolution of support for the developers in receiving tax credit incentives through the Kansas Housing Investor Tax Credit (KHITC) program. She emphasized that the State expects the continued support of the City. Mr. Pendergast stated that he felt that this area would not likely be developed without the developer incentives (KHITC and RHID) being offered. He feels that it is extremely fortunate that all the pieces have fallen together for this project. Mr. Pendergast added that, in order to maintain compliance with the terms of the KHITC program, the developer needs to break ground in September 2024, but the RHID does not need to be in place prior to the groundbreaking. Expenditures that occurred prior to the adoption of the RHID can be rolled into the RHID.

City Administrator Brad Pendergast had included a GIS image of City-owned property in Webster's 3<sup>rd</sup> Addition, just west of Chambless Roofing. Mr. Pendergast indicated that the City doesn't currently use this property. Discussion involved the potential use of the land, the desire to limit industry in this area, and the fact that it sits in a low area which could make it suitable for a drainage runoff area. Consensus of the Council was to retain the property. Mr. Pendergast also informed the Council that Street, Water, and Sewer Superintendent Terence Appel had been approached about the land where the former Well #7 was located. The property is less than one acre and is located on Oak Street. A 30' x 30' red building sits on this property. Discussion included that utilities are connected to the property, and since it is the location of a former well, there could be a possibility that the well has regenerated and that the City might want to drill a test well in the area. Consensus of the Council was to check for water in the area before deciding to sell the property.

There have been reports of concerns about drainage in the Eastridge Villas II area where dirt work is currently being done for construction. The concerns have been forwarded to project engineers with Kaw Valley who asked for dirt work to halt until they could make an assessment. Once Mr. Pendergast receives Kaw Valley's assessment, he will consult with GMS engineers to make a final determination.

City Attorney Jennifer had nothing to report.

Unapproved minutes from the June 13, 2024, Planning & Zoning Commission meeting were included in the Council packet for review.

Motion by Josh Gooden seconded by Adam Winter that the City Council recess into executive session to discuss personnel performance pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1), retaining the Mayor, City Council, and City Attorney, with the open meeting resuming in the Council room at 8:17 p.m. Vote – Unam.

The Council came out of executive session.  
Mayor Green called the open meeting back to order.  
No action was taken.

Motion by Josh Gooden 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, City Council, City Administrator, City Attorney, Chief of Police, and City Clerk, with the open meeting resuming in the Council room at 8:33 p.m. Vote – Unam.

The Council came out of executive session.  
Mayor Green called the open meeting back to order.  
No action was taken.

Motion by Josh Gooden seconded by Jeff Allen that the City Council recess into executive session to consult with the City Attorney to obtain legal advice pursuant to the attorney-client privilege exception, K.S.A. 75-4319(b)(2), retaining the Mayor, City Council, City Administrator, City Attorney, Chief of Police, and City Clerk, with the open meeting resuming in the Council room at 8:39 p.m. Vote – Unam.

The Council came out of executive session.  
Mayor Green called the open 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 8:41 p.m. Vote – Unam.

Everett M. Green  
Mayor

Ruth Becker  
City Clerk