

August 5, 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 Mayor Everett Green, Council members Craig Richards, Jeff Allen, Josh Gooden, Bo Parkinson, Barb Wilkinson, Adam Winter, 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 July 15, 2024, regular council meeting were presented.

Motion by Barb Winter seconded by Jeff Allen to approve the minutes of the July 15, 2024, regular council meeting. Vote – Unam.

Appropriation Ordinance # 1019A was presented.

Motion by Adam Winter seconded by Josh Gooden to approve Appropriation Ordinance # 1019A. Vote – Unam.

Mayor Everett Green opened the 2025 Budget Hearing, inquiring if anyone at the Council table or in the audience had any comments or questions about the proposed budget. When no one responded, Mayor Green indicated that individuals would be given an opportunity to ask questions or make comments about the budget throughout the remainder of the regular meeting.

Police Chief Colton Schmitt introduced Police Officer Elijah (Eli) Amack as the Police Department's latest hire. Police Chief Schmitt informed the City Council that his official first day on the job would be the following day, August 6, 2024. City Clerk Ruth Becker administered the Oath of Office, followed by Officer Amack receiving his badge from Police Chief Colton Schmitt. Many family members and friends were present to witness the swearing in of Officer Amack. Those attending in support of Officer Amack were Dre Allen, Seth & Hailee Gomes, Phil & Danna Steffens, Zach & Brooke Steffens, Scott Lane, Ashlyn Rose, Braylin Heim, Kendall Bloedorn, Alexis Reyes, and Madison Albers. The Mayor and Council congratulated and welcomed Officer Amack to the Scott City Police Department.

City Attorney Jennifer Cunningham was asked to discuss *Scott County Law Enforcement Center Occupancy Agreement* which had been provided in the Council packet. She began by stating that the process to create this document began with collaboration between Scott County Sheriff Jeff Pounds and Scott City Police Chief Colton Schmitt. The process then included a group meeting with individuals from each entity (County, City, Scott County Public Building Commission) during which members discuss details of the shared services that would be provided in the co-owned Scott County Law Enforcement Center over a 5-year period. It was noted that the agreement allowed the Scott County Public Building Commission to deed the building to Scott County at 78% ownership and City of Scott City at 22% ownership, with most of the expenses

divided at that ratio. Some expenses, such as utility expenses, will be equally divided (50%/50%). The agreement also outlines the responsibilities of the Sheriff's Office regarding the operation of the jail and the Police Department's responsibilities in providing dispatch services. Mrs. Cunningham reiterated that the group worked well together. When asked if the agreement was ready to be approved, City Administrator Brad Pendergast noted that this document is being presented at this meeting for further input from all Council members before it is ready to be voted on. He also noted that the County Commissioners have not yet reviewed the document and that County Attorney Laura Lewis had not completed her review. Council member Jeff Allen inquired about the August start date and asked if annual consideration of the document could coincide with budget planning season. Mr. Pendergast and Mrs. Cunningham both indicated that they would work on language within the document to either extend or shorten the first "year" of the term so that it can be reviewed in May each year. Mayor Green welcomed any further input regarding the document. Consensus of the Council was that they were comfortable with the terms as proposed. Mayor Green announced that he was pleased with the collaboration between Sheriff Pounds and Police Chief Schmitt as well as everyone involved with the creation of the agreement. This document will be revised as requested by both entities and will likely be on the agenda for the August 19, 2024, Council meeting.

Provided in the packet was a letter and statement from KDHE-Public Water Supply Revolving Loan program, requesting payment of interest and fees accrued through July 15, 2024 (\$11,945.18) during the project construction period, prior to the commencement of the repayment of the loan for KPWSLF Project No. 2892. The letter stated that the City had the option to either pay the fees by August 30, 2024, or capitalize the amount into the loan balance which would increase the outstanding balance.

Motion by Josh Gooden seconded by Jeff Allen to authorize the payment of \$11,945.18 for interest and fees owed prior to the commencement of repayment of the KPWSLF loan for Water System Improvements Project No. 2982. Vote – Unam.

Included in the Council packet were the following updated forms for the Transient Guest Tax Grants: *Grant Application Guidelines, Grant Application, and Reimbursement Form*. Transient Guest Tax Committee members Barb Wilkinson and Craig Richards explained that forms that were previously being used needed to be updated to ensure that applicants are aware of the guidelines that each application is reviewed against. These forms clearly state in multiple areas that, in order to qualify for reimbursement, applicants must use a portion of the funds for advertising outside of Scott City. Applicants must also mention "Scott City Tourism" in any radio advertising spots and/or use the "Scott City Tourism" logo (which will be provided to each applicant) on all printed marketing materials. They explained that the checklist provided on each of the new forms draws attention to the requirements not only for the applicant but also serves as a reminder for the Committee during their review of the applications and reimbursement requests. Mrs. Wilkinson and Mr. Richards hope that the forms encourage the use of Chamber Bucks as cash prizes and the services of local merchants to provide prizes. Council member Jeff Allen expressed concern about the use of the word "favorable" in the clause that states "I understand that promotional items purchased in Scott City are favorable when considering reimbursement." He wants to ensure that there are no legal issues that could arise from the use of this word. Mayor Green and City Administrator Pendergast offered to send the forms to City Attorney Jennifer Cunningham for her review.

GMS, Inc. Resident Project Representative Mark Hornberger was present to update the Council on the progress being made on the Water System Improvements project. He indicated that crews are presently working on the upgrades to service on Victor and Washington Streets. The bore crew has completed what they can without the required railroad permits. They expect to be back in Scott City the first part of September. It was noted that City Attorney Jennifer Cunningham and others in her office are working to procure the permits needed to proceed. Patching of College Street, Victor Avenue, and Washington Street is expected to begin the following day. Mr. Hornberger informed the Council that the second test well that was drilled at the location of Well #13, in Scott City Industrial Park North – Lawrence Addition, was dry. He mentioned that his recommendation is to pull the existing well and replace the interior with municipal compliant equipment, since the tests on the existing well came back as “good.” Gerard Tank and Steel was supposed to mobilize earlier in the day, but due to concerns expressed by GMS Engineer Tom McClerman, they had decided to delay the start of construction.

Provided in the packet were *Change Order One (1)* for each of the three schedules of the Water System Improvements project:

- **Schedule 1 – General Improvements** – Change Order One (1) Amount = \$22,969.06, increasing the amount of the contract from \$2,821,129.50 to \$2,844,098.56.
- **Schedule 2 – New 500,000 Gallon Composite Tank** – Change Order One (1) Amount = \$0. There is no change in the contract amount of the \$2,240,000.00 because this portion of the project has not been started.
- **Schedule 3 – New PWS Well #12** – Change Order One (1) Amount = \$1,857.02, increasing the amount of the contract from \$159,980.00 to \$161,837.02.

The change orders for Schedules 1 and 3 address the addition of sales tax to the contract amount for materials purchased prior to July 1, 2024, the point at which the City’s *Clean Drinking Water* tax exemption became effective for waterline materials. All three Schedules address the change made to Davis Bacon Wages which became effective between the time bids were submitted and the time that contracts were awarded. The information had been provided to each of the general contractors on February 2, 2024. There is no dollar amount tied to any change order for this change at this time.

Motion by Craig Richards seconded by Adam Winter that the City Council approve *Change Order One (1) for Schedule 1* in the amount of \$22,969.06 for additional sales tax on materials purchased prior to July 1, 2024, with no cost adjustment for the change in Davis Bacon Wages, *Change Order One (1) for Schedule 2* with no cost adjustment for either sales tax on materials or for the change in Davis Bacon Wages, and *Change Order One (1) for Schedule 3* in the amount of \$1,857.02 for additional sales tax on materials purchased prior to July 1, 2024, with no cost adjustment for the change in Davis Bacon Wages. Vote – Unam.

Nothing was reported under the open agenda.

Pool Manager Marci Patton was not in attendance. Mayor Everett Green reported on her behalf that the pool would close on Friday, August 9, 2024. Although the pool will close, Mayor Green informed the Council that the group of adult lap swimmers that faithfully use the pool each day at

noon have requested to extend the length of time that the pool can be accessible for lap-swim in the same manner as it was the previous summer. Last summer, the lap-swim group was allowed to use the pool until some time in October, with the thought that keeping the pool open later would allow for less maintenance to reopen the pool in May the following year. In reality, there was little to no evidence that keeping the pool open later in the season positively affected the opening of the pool in the spring. In addition, Pool Superintendent Terence Appel believes that the cost of utilities and chemicals to keep the pool open are prohibitive to do so again this season. Mayor Green announced to the Council that, in the event that their request was turned down, the lap swimmers requested to keep the pool open for lap swimming until Labor Day. It was noted that there is a pool party scheduled for August 16, 2024. Consensus of the Council was to keep the pool open through August 16 to accommodate the pool party as well as the lap-swim sessions.

Building Inspector Jerek Wasinger updated the Council on the progress of Eastridge Villas II (ERVII) and dirt work being done by Dirks Earthmoving. Mr. Wasinger noted the point at which drainage breaks from flowing to the east to flowing to the west. There was further discussion about the drainage plan at ERVII, noting that the City's equipment is inadequate to dig the drainage ditch and move the amount of dirt that needs to be moved; the City will likely need to hire a contractor for this part of the project.

Police Chief Colton Schmitt reminded the Council that newly sworn in Officer Eli Amack will begin work the following day. Chief Schmitt noted that he and Sergeant Jay Poore will be attending a Job Fair in Junction City on Thursday, August 8, 2024, to try to recruit new officers to Scott City. The Scott City Police Department will participate against the Scott County Sheriff's Office and Scott City Emergency Medical Services (EMS) teams at the *Battle of the Badges* event held during the *Lake Scott Rod Run* on Saturday, August 17, 2024. In the past, winning teams have donated their winnings to a local group such as a fund to help pay for school lunches. Also beginning August 17, 2024, Scott City Police Department will participate in the "You Drink, You Drive, You Lose" campaign that focuses on heavy DUI enforcement. The campaign will end on September 2, 2024.

City Council member Barb Wilkinson asked Police Chief Schmitt to thank Officer Vance Collamore for performing Public Service Officer duties and issuing several weed notices.

Parks Superintendent Terence Appel requested to open bids for playground equipment. City Clerk Ruth Becker noted that zero bids had been received. To that end, Mr. Appel provided information packets at the table for three playground systems found online. With estimated shipping charges, the cost for each system ranged from \$30,409.01 to \$37,837.89. Mr. Appel indicated that he has roughly \$30,000 in his budget that had been budgeted for concrete at the pool, but the crew did not need to do concrete work this year. He noted that the playground equipment to be replaced has already been torn down because of safety concerns, so he would like to get something to replace it as soon as possible. Discussion at the table included the possibility of using ARPA funds to cover at least part of the equipment, a potential grant opportunity that would reimburse a portion of the equipment if the equipment is certified as "Made in USA," and what would happen if the equipment were purchased with ARPA funds and then a reimbursement grant were to be awarded. City Administrator Brad Pendergast noted that he would research each of the scenarios that had been presented and would report back. Consensus of the Council was to table this agenda item to be readdressed at the August 19, 2024, regular meeting.

Included in the Council packet were cost estimates for two variations and sets of specifications for scissor lifts being requested for bids by Street, Water, & Sewer Superintendent Terence Appel. Mr. Appel explained that when the two water treatment plants had been built, the City had purchased two small scissor lifts – one for each plant. According to Mr. Appel, the lifts that the City owns are not in good shape and not worth the cost it would take to repair them, so he requested to advertise for bids for one new scissor lift to be shared between the two treatment plants. Of the two examples that were presented, Mr. Appel prefers the lift that offers not only vertical movement, but also horizontal movement so that when his crew is working directly above the equipment in the water treatment plants, there is little to no risk of falling due to a significant reach forward. In the example provided, the equipment for which he would like to bid is estimated to be \$50,000. Mr. Appel stated that funds to cover the cost of the equipment would come from the Water Fund.

Motion by Josh Gooden seconded by Jeff Allen to authorize Street, Water, & Sewer Superintendent Terence Appel to draw up specifications to advertise for bids for a scissor lift to be used between the two water treatment plants with bids due back to City Hall by 5:00 p.m. on Tuesday, September 3, 2024. Vote – Unam.

Street, Water, & Sewer Superintendent Terence Appel offered to walk the Council through the proposed drainage ditch area at ERVII so that they can get a visual understanding of the area of concern. Mr. Appel also notified that KDOT will soon be coming through Scott City by a different route that was intended for their fiber optic lines. He explained that they will now be coming down U.S. 83 and that the City will likely have to make repairs in the Right of Ways after KDOT has completed their portion of the project.

City Clerk Ruth Becker reported that Assistant City Clerk Chandra Hughes had submitted a scholarship application for this October's CCMFOA Year 1 Institute at the Fall Conference being held in Wichita. Mrs. Hughes was informed earlier in the day that she had been awarded the scholarship that will reimburse all registration fees, materials, and meals, half the cost of her hotel room, and up to \$100.00 for mileage.

City Administrator Brad Pendergast updated the Council on the CCLIP (City Connecting Link Improvement Program) award received by the City for State fiscal years 2026 and 2027. Mr. Pendergast explained that this would coincide with the City's 2026 fiscal year. A total of \$800,000 was awarded for *surface preservation*, which requires a 25% cost match. He indicated that Scott City had applied for *pavement restoration*, which requires only a 5% to 10% match. Because the City was not awarded the project for which it applied, EBH Engineer Darin Neufeld is working with KDOT to determine which cost match will be required.

City Attorney Jennifer Cunningham had no further comment.

Motion by Jeff Allen seconded by Josh Gooden that the City Council recess into executive session to consult with the City Attorney regarding legal advice pursuant to the attorney-client privilege exception, K.S. A. 75-4319(b)(2), retaining the Mayor, Council, City Attorney, City Administrator, and City Clerk, with the open meeting resuming in the Council room at 7:30 p.m. Vote – Unam.

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

Motion by Craig Richards seconded by Adam Winter that City Council recess into executive session to consult with the City Attorney regarding legal advice pursuant to the attorney-client privilege exception, K.S. A. 75-4319(b)(2), retaining the Mayor, Council, City Attorney, City Administrator, and City Clerk, with the open meeting resuming in the Council room at 7:40 p.m.
Vote – Unam.

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

Mayor Green had no further comments.

Mayor Everett Green asked the Council members and remaining members in the audience if anyone had questions or comments regarding the proposed 2025 Budget for the City of Scott City. When no one answered in the affirmative, Mayor Green closed the Budget Hearing.

Motion by Adam Winter seconded by Josh Gooden to adjourn at 7:42 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk