

August 19, 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 with 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, Greg Mills, Josh Gooden, Bo Parkinson, Barb Wilkinson, Adam Winter, Armando Tarango, City Attorney Jennifer Cunningham (by Zoom near the end of the meeting-noted later in minutes), City Administrator Brad Pendergast, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the August 5, 2024, regular council meeting were presented.

Motion by Jeff Allen seconded by Adam Winter to approve the minutes of the August 5, 2024, regular council meeting. Vote – Unam.

Appropriation Ordinance # 1019B was presented.

Motion by Josh Gooden seconded by Adam Winter to approve Appropriation Ordinance # 1019B. Vote – 7-yes, 1 - abstain, Jeff Allen.

Included in the packet was a copy of the *2025 Annual Budget for the Fiscal Year Beginning January 1, 2025*, to be adopted at this meeting. Mayor Everett Green noted that the public hearing for the 2025 Budget was held during the August 5, 2024, Council meeting, during which there were no public comments or concerns expressed. Council members were asked if they had any further comments regarding the budget. No one answered in the affirmative.

Motion by Josh Gooden seconded by Jeff Allen to approve and adopt the 2025 Budget for the City of Scott City as presented. Vote – Unam.

Presented in the packet was *Ordinance No. 1267*, an ordinance changing the zoning classification of certain land located within the city of Scott City, Kansas, under the authority granted by statute and the Scott City Code. On August 8, 2024, the Planning & Zoning Commission (Commission) met to consider an application for a change in zoning by JBT Land & Cattle, LLC. The area for consideration is the 22.77 acres where Jefferson Street and Alice Avenue (commonly referred to as Canal Street) meet in the southeast part of town. The commission considered changing the zoning from a single-family residential (R-1) zone to a two-family residential (R-2) zone. A full legal description is available in the ordinance and in the application to the Commission. The reason behind the request is to develop the area with both single-family homes and two-family duplexes to increase the number, types, and quality of homes available in Scott City. Minutes of the August 8, 2024, Planning & Zoning Commission meeting were provided in the packet, demonstrating the Commission's intent to recommend that the City Council approve the zoning change.

Motion by Josh Gooden seconded by Jeff Allen to approve *Ordinance No. 1267*, an ordinance changing the zoning classification of certain land located within the city of Scott City, Kansas, under the authority granted by statute and the Scott City Code. Vote – Unam.

Mayor Everett Green informed the Council that Planning & Zoning Commissioner Jason Baker will be vacating his seat as he will be moving outside of the 3-mile extra-territorial zone, so will no longer be eligible to sit on the Commission. Mayor Green noted that he will likely have an appointee to replace Mr. Baker at the September 3, 2024, regular Council meeting.

Scott County Development Committee (SCDC) Executive Director Katie Eisenhour was present to provide an update to the Council. Mrs. Eisenhour had provided *SCDC Report to City Council–August 19, 2024 (Outline)* in the Council packet. She mentioned the following SCDC activities/projects:

- **Moderate Income Housing (MIH)** – All of the initial four homes have been sold and the full \$80,000 remaining from the grant that had been set aside for down payment assistance has been expended. The quarterly MIH report and final request for disbursement of funds has been submitted. With the support of the City Council, East Cambridge has been awarded \$245,000 in Kansas Housing Investors Tax Credits (KHITC) to further develop additional MIH homes.
- **Eastridge Villas & Eastridge Villas II (ERV & ERV II)** – ERV II is under construction, albeit a little behind schedule due to delays involving water drainage issues. Mrs. Eisenhour reported that, beginning in 2025, SCDC will no longer be involved in any level of property management for ERV/ERV II. The SCDC board will meet to decide how to proceed as the property manager for ERV for the remainder of 2024.
- **Community Brochure** – Mrs. Eisenhour expressed the need for a new Scott City brochure as there are virtually no copies of the existing brochure left. She pointed out that this is the brochure created by the SCDC, not brochures relating to tourism. The new city brochure will need to be redesigned, printed, and distributed which creates a need for a funding source for this endeavor.
- **Search for Economic Development Director** – The search for Mrs. Eisenhour’s replacement upon moving to a part-time position has not been as fruitful as SCDC had hoped. Mrs. Eisenhour requested input from all those present for ways to improve the appeal of the position for candidates.
- **New Business Inquiries** – Mrs. Eisenhour mentioned that she has been working with individuals who are interested in starting a childcare pilot program (not a childcare center) and a laundromat/cleaning service. Both individuals are looking for vacant properties for sale.

Mayor Green thanked Mrs. Eisenhour for her update and wished her safe travels to Junction City where she will attend the Kansas Housing Conference.

Provided in the packet was *School Resource Officer Memorandum of Understanding* between the City of Scott City and Scott County USD 466, dated August 22, 2022. This agreement provides for an annual review by both parties. City Administrator Brad Pendergast informed the Council that City Attorney Jennifer Cunningham has reviewed the document and has no issues. Police Chief Colton Schmitt indicated that he also has no issues with the agreement, but indicated that, until his department is fully staffed, he will not be able to have an active School Resource Officer (SRO) at the schools. He has an officer who has been trained and is ready to step into the role when that time comes. Police Chief Schmitt noted that he had spoken with USD 466 Superintendent Jamie Rumford who indicated that the agreement had passed the School Board’s

review at their last meeting. Consensus of the Council was to continue with the agreement with no changes needed at this time.

The next item on the agenda was to discuss and/or approve the *Scott County Law Enforcement Center Occupancy Agreement*. Scott County officials have not yet finalized their review of the agreement, so this discussion will be tabled until a future City Council meeting.

Included in the packet was an excerpt from the League of Kansas Municipalities' website describing the need to register voting delegates to vote during the *Annual Business Meeting & Convention of Voting Delegates*, held in conjunction with the *2024 League Annual Conference*, in Wichita on Saturday, October 12, 2024. City officials who have registered for the conference are Mayor Everett Green, Council member Barb Wilkinson, City Administrator Brad Pendergast, and City Clerk Ruth Becker. Mrs. Becker explained that the number of votes per city is determined by population size. City of Scott City governing body members may elect two voting delegates and two alternates for two votes total.

Motion by Josh Gooden seconded by Adam Winter to elect Mayor Everett Green and Council member Barb Wilkinson as voting delegates and City Administrator Brad Pendergast and City Clerk Ruth Becker as alternate delegates to vote at the *Annual Business Meeting & Convention of Voting Delegates* in Wichita on Saturday, October 12, 2024. Vote – Unam.

At the August 5, 2024, Council meeting, Transient Guest Tax Committee members had included updated forms related to the Transient Guest Tax grant application process in the Council packet for Council's review. There had been some questions about the legality of some of the verbiage of the guidelines/requirements for approval, so the Council directed City Attorney Jennifer Cunningham to review the documents. Mrs. Cunningham had responded that the language is similar to other grant applications that she has reviewed, and she is comfortable with using these forms. Her emailed response to the City Clerk, City Administrator, and Transient Guest Tax Committee members was included in the packet for the Council's review. Consensus of the Council was to begin using the new forms with the upcoming grant application period.

GMS Inc., Resident Project Representative Mark Hornberger was present to update the Council. He brought the Council's attention to the drawdown request for the Water System Improvements project. Included in the packet was *Exhibit E – Request for Disbursement from KDHE Revolving Loan Programs #15*. The request for disbursement, in the amount of \$544,273.66, covers GMS, Inc. Invoice No. 36 for engineering and administrative services, and Miller Pipeline, LLC *Application and Certificate for Payment No. Three (3)* for Schedule 1 services.

Motion by Jeff Allen seconded by Adam Winter to authorize the payment of \$36,880.32 to GMS, Inc. for engineering and administrative services covered under invoice #36, to authorize the payment of \$507,393.34 to Miller Pipeline, LLC for Schedule 1 services listed on *Application and Certificate for Payment No. Three (3)*, and to submit *Exhibit E – Request for Disbursement from KDHE Revolving Loan Programs #15* for KPWSLF Project #2982 in the amount of \$544,273.66. Vote – Unam.

Mr. Hornberger reported that Miller Pipeline had completed the water line running from Main Street to Bellevue Avenue, that the line had been pressure tested, and that water samples had been sent for testing earlier in the day. Concrete and curb & gutter were poured earlier in the day at Victor Avenue and Washington Street in preparation for the prep and placement of asphalt perhaps

the following day. Concerns regarding the foundation for the water storage tank were submitted to the tank design engineer on July 23, 2024, and responses were received back on July 31, 2024. They agreed with GMS Engineer Tom McClernan that the RAP (Rammed Aggregate Pier) piers needed to go deeper, so the proposed depth of the RAP piers has changed from 6 feet to 13 feet. GMS is awaiting a response from Terracon to ensure agreement from all parties involved. Mr. Hornberger proceeded to update the Council on progress being made with the railroad permits. He noted that the Union Pacific permit is in the hands of City Attorney Jennifer Cunningham and is awaiting the City's approval. GMS is taking a proactive stance with K & O Railroad, ensuring that Miller Pipeline has adequate insurance information ready so that they can begin the portion of the project that is on hold as soon as K & O approves and issues the permit. Regarding the well portion of the project, Mr. Hornberger noted that City Administrator Brad Pendergast has been in contact with Tony Wedel from Hydro Resources to discuss options for utilizing the existing well. The first option would be to pull the casing from the well, which extends to a depth of 100 feet. The issue with this option is that if this option were to fail, the well could not be used at all. Mr. Wedel indicated that he had never used this option because the risk of failure is too high. An alternative option that has been presented for approval to KDHE is to insert a 12" sleeve down the 16" casing with a submersible pump at the bottom of the hole. The sleeve could potentially be encased in gravel to keep it from collapsing. If KDHE does not approve this option, the next possible option would be to drill as close as possible to the existing well—approximately 10 feet away. Mr. Hornberger noted that if railroad permits and a resolution to the well issue are not obtained within the next week, Miller Pipeline will be stalled with no work to do. City Administrator Brad Pendergast indicated that he has some ideas that could keep them busy enough that they would not have to leave and then mobilize again.

Under the open agenda, Mayor Green asked if anyone in the audience had anything to bring to the attention of the Council. Scott City resident Kathy Haxton indicated that she would like to address the Council. Mayor Green indicated that he would first like to read a statement regarding open agenda. His statement was as follows:

*“Open Agenda is a time for the community to be heard on various issues. Although not required, the City of Scott City believes the Open Agenda is helpful to the City Council and City Staff by inviting members of the public an opportunity to share in successes within the city and to make the City Council and City Staff better aware of issues affecting our citizens. It is only effective if the comments are concise and delivered with respect and common courtesy. We ask that anybody who makes a comment come to the podium and state their full name for the record. We are also asking that comments be limited to five minutes and that comments be directed solely to City Council members. Open Agenda is for comment only. We will listen to comments, and we may have some follow-up questions. Then, we want to take the time to properly research the issues, and if any action is to be taken, we will do that at a later time.”*

Kathy Haxton approached the podium to voice her concerns for the lack of shade and clean water at Mahler Dog Park. Mrs. Haxton provided a printed narrative along with photos of the park and potential structures for shade over benches and picnic tables. She also included a screenshot of an all-in-one water bottle filling station, bi-level drinking fountain, and pet drinking station. Mrs.

Haxton noted that she and her dogs visit the park several times a week, and she thanked those who were responsible for creating the park and those who are maintaining the park. She added that the addition of options for shade both inside and outside of the fenced-in areas would be an asset to the park. She provided a picture of one park-user who brings his own canopy to provide shade for himself and his dogs. Regarding the need for water at the park, she noted that there is currently only one dog bowl, and it is broken. Mrs. Haxton requested that the City Council consider the addition of some shade and water options to the park. Mayor Everett Green noted that he had been made aware of Mrs. Haxton's intent to speak during open agenda and of the topic to which she would speak. Therefore, prior to the meeting, Mayor Green contacted the Scott Community Foundation to see if any funds remained in the account that was used to construct Mahler Dog Park. It was determined that there is still approximately \$5,000 in the account which could be used to provide some of the requested upgrades to the park. He noted that City officials and staff will consider this request. Mayor Green thanked Mrs. Haxton for her visit.

Mayor Green inquired if anyone else in the audience would like to address the Council. City Resident Ever Palacios approached the podium and stated that he had been a Scott City resident for 16 years and owned several businesses in town. He explained that he had obtained the property at 910 Madison Street and was wanting to construct a carport to fit an existing slab. He indicated that he had purchased a 12' x 20' carport, which was then cut and rebuilt to fit the existing 30' x 30' 7" slab. His concern was that the project was shut down by the building department because the carport was not being built to code. There were concerns about the structure being able to withstand snow loads in the winter. City Administrator Brad Pendergast asked if he could speak to this issue. Permission was granted. Mr. Pendergast noted that the existing structure had been cut and stretched, which was not what the structure was engineered for. Although Mr. Palacios had indicated that he had tested the structure with a 5,500 pound load, Mr. Pendergast noted that he could not guarantee the 18,000 pound snow load which is required by code for that size of structure. He noted that to proceed with the project as Mr. Palacios had intended, Mr. Palacios would need to hire an engineer or architect that could determine whether the structure has an adequate wind and snow rating. Mr. Pendergast explained that until it is evident that the structure can withstand wind and snow as indicated by building codes, the City will not approve a permit. Mayor Green explained that the codes that are being enforced in this situation are enforced with everyone who builds a similar structure. He explained that the reason that the City Codes are enforced is to ensure the safety of those who are utilizing the structure in the present as well as those who may utilize the structure in the future. A minor issue of not meeting the setback requirements was also brought to the Council's attention. The potential need to apply for a variance with the Planning & Zoning Commission was discussed briefly. Mayor Green thanked Mr. Palacios for bringing this issue to the Council's attention and assured him that City staff will continue to work with him to help him to resolve the issue.

No one else spoke under the open agenda.

Pool Manager Marci Patton and Assistant Pool Manager Jessica Berry were not in attendance. *Monthly Pool Update for Council Packet* with figures through July 31, 2024, was included in the packet for Council's information. Mayor Everett Green reminded the Council that the pool is now closed, the last pool party has been concluded, and the lap swimmers have finished their season.

Building Inspector Jerek Wasinger updated the Council on the progress being made toward updating the building codes used by the City of Scott City. He reported that he has obtained all

but the Residential Building Codes, which should be arriving soon. He indicated that he would follow the lead of his colleagues in Garden City regarding implementation, noting that the Garden City Building Department will not begin their review of the Building Codes until January 2025. Mr. Wasinger indicated that he has been educating himself on the differences so that he is ready for the updates. Mr. Wasinger concluded by providing updates on the Eastridge Villas II construction and on steel erection progress at Dirks Enterprises just north of town.

Police Chief Colton Schmitt reported that newly hired Officer Eli Amack will begin training at the Kansas Law Enforcement Training Center (KLETC) from August 26 through December 13, 2024. He informed the Council that the Police Department/Sheriff's Office competed against the Scott County Fire Department and Scott County EMS in the *Battle of the Badges* during the Lake Scott Rod Run Car Show the previous Saturday in Patton Park. The lemonade challenge brought in \$800 that will be donated to USD 466 to help pay for school lunches. Police Chief Schmitt plans to contact Ryan Roberts at the Scott Community Foundation to see if any matching funds are available. Officers will conduct STEP (Special Traffic Enforcement Program) enforcement from August 17 - September 2, 2024, with heavy focus given to DUI's. Scott City Police Department will partner with Safe Kids Kansas and State Farm to implement a new program called *Bucks for Buckles* at the beginning of the school year. This program raises safety belt awareness by giving \$1 to each buckled occupant in cars in school zones (when all occupants are buckled) and distributing educational materials to occupants in vehicles in which not all passengers are wearing their seat belts. This campaign is meant to raise awareness only; no tickets will be issued.

Police Chief Colton Schmitt had provided information in the Council packet regarding the need to upgrade the radio system for dispatch services. He noted that as he was reviewing this quote from VLS Communications, Inc., he and Sheriff Jeff Pounds realized that there are more items listed in the quote than are needed. The current quote of \$38,876.36 will likely be reduced by several items before it is ready to be reintroduced to the Council. At that point, Police Chief Schmitt will request the use of 911 funds to cover the cost of the equipment and installation.

Parks Superintendent Terence Appel had provided information for four playground systems that had been found online for the Council's consideration. Mr. Appel reminded them that the City had gone through the appropriate bidding process with no bids having been submitted and so he had been directed to find an appropriate system to replace equipment that had recently been removed from Palmer Park. Mr. Appel reminded the City Council that the City is applying for a grant to be used to help with the cost of the playground equipment, if awarded. City Administrator Brad Pendergast explained that ARPA funds could be used to pay for a portion of the equipment and that if the cost were to be reimbursed in full, the ARPA fund would need to be paid back. The Council briefly discussed the four options presented, ranging in cost from \$30,828.95 to \$35,291.60 which included estimated shipping costs. Consensus of the Council was to leave the color scheme to Mr. Appel's discretion.

Motion by Jeff Allen seconded by Barb Wilkinson to allow Terence Appel to purchase the "Katherine" playground system with a cost not to exceed \$37,000.00 due to the impracticability to further bid out this equipment. Vote – Unam.

Mr. Appel noted that the Rod Run event held at Patton Park the previous Saturday had no negative occurrences. He also informed the Council that he will contact Ryan Roberts at the Scott Community Foundation regarding fund balances available for dog park improvements and will begin planning for those improvements.

Street, Water, & Sewer Superintendent Terence Appel requested to advertise for bids for the replacement of a box drainage culvert for the Alice Avenue drainage project. Estimates for this portion of the project are estimated to be between \$150,000 and \$175,000. City Administrator Brad Pendergast stated that this would be a good project on which to use remaining unobligated ARPA funds. There was a brief discussion on the role that KDOT may have in this project due to the proximity of the existing culvert to US 83. Mr. Appel indicated that the location is outside of KDOT's right-of-way, but if the need arises, he will file for a permit.

Motion by Greg Mills seconded by Armando Tarango to authorize Mr. Appel to advertise for bids for the replacement of the box drainage culvert for the Alice Avenue drainage project. Vote – Unam.

Mr. Appel provided some updates regarding the drainage at Eastridge Villas II, noting that Dirks Enterprises will use a drone to map out the area and suggested that the City proceed with GMS' recommendation to build a ditch and take the drainage to the big pond. Also suggested is to widen the pond and add ridges to capture the overflow. Mayor Green inquired about the drainage at the corner of Alice Avenue and Jefferson Street. Mr. Appel indicated that he has also visited with Brandon Dirks about this area, and about Mr. Dirks' opinion that the drainage in this area would be a separate project all by itself. The trees in the area are part of the problem. Mr. Dirks will provide cost estimates for each of the projects being discussed.

Street, Water, and Sewer Superintendent Terence Appel updated the Council on progress being made in obtaining estimates for new ground cover for the playground at Patton Park. He has been working with a company in Kansas City who is preparing quotes for both pour-in-place and astroturf-type options. Mayor Green noted that he has been in contact with County Commissioner Perry Nowak who, on behalf of Scott County, has offered to cost share ½ the cost to re-surface the playground up to \$75,000.00, noting that Mr. Nowak is confident that ADA-compliant ground cover can be obtained for approximately \$150,000.00. Mayor Green expressed his appreciation of Scott County's willingness to work with the City on this. Ryan Roberts at the Scott Community Foundation has been contacted regarding funding for this venture, and he had indicated that there is a possibility that there may be funds available.

Mr. Appel's final update to the Council was to notify them that the street crew will participate in the demonstration of a street sweeper on September 4, 2024. After seeing the demonstration, Mr. Appel will put together specifications and will plan to request bids for a new street sweeper. There was a brief discussion regarding using the current sweeper as a trade-in. The Council will further discuss whether trade-in, outright sale, or auctioning of the current sweeper will best benefit the City.

City Attorney Jennifer Cunningham joined the meeting via Zoom.

City Clerk Ruth Becker reminded the Council that the next regular Council meeting will be held on Tuesday, September 3, 2024, in observance of Labor Day.

City Administrator Brad Pendergast noted that bids for the Building a Stronger Economy (BASE) grant will be opened during the September 3, 2024, regular Council meeting. Mr. Pendergast also noted that he had met with County Commissioner Cody Ellis regarding drainage issues at Park Lane Nursing Home. Mr. Pendergast shared the City's flyover map with Mr. Ellis

and noted that he, Building Inspector Jerek Wasinger, and Street, Water, and Sewer Superintendent Terence Appel will continue to work with Mr. Ellis and Scott County staff to find a resolution.

City Attorney Jennifer Cunningham had nothing to report.

Financial and Investment Reports had been provided in the Council packet for review. Council member Craig Richards informed the Council that he had spoken with City Treasurer Renee Cure about interest rates of Certificates of Deposit (CDs) that would soon be coming due. He informed her that interest rates have begun to fall, but some of our local banks are still offering 5%+ interest rates. He asked her to lock in a rate of 5% or higher for up to a year when renewing CDs coming up for bids if the City does not need fluid cash.

Mayor Green expressed his appreciation for City Administrator Brad Pendergast, noting that during Mr. Pendergast's recent absence, he had to handle some issues that the City Administrator usually handles, and it reminded him how valuable it has been to have a City Administrator to manage the day-to-day issues that arise. He also expressed appreciation of department heads and City staff.

Motion by Josh Gooden seconded by Barb Wilkinson 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, City Council, City Attorney, City Administrator, Police Chief, and City Clerk, with the open meeting resuming in the Council room at 7:55 p.m. Vote – Unam.

The Council came out of executive session.

Mayor Green called the open meeting back to order.

No action was taken, but Mayor Green made a statement referring to the purchase of a Dodge truck for the Police Department in February 2024. Mayor Green reminded the Council that the purchase of a new police vehicle was put out for bid and the bid was awarded to Perfect Auto for a 2023 new Dodge pickup. At the time the bid was awarded, the Council acknowledged that Perfect Auto is owned by City Council member Armando Tarango, who appropriately abstained from the vote to award the bid to Perfect Auto. At the time that the bid was awarded, there had been some questions about how the condition of the vehicle being “new” was represented to the City Council. Mayor Green stated that he believes that any misunderstandings have been cleared up and he believes that Mr. Tarango represented the truck exactly as it was, represented himself well and appropriately, and that the decision to purchase the Dodge pickup was made with good information.

Motion by Josh Gooden seconded by Jeff Allen 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, City Council, City Attorney, City Administrator, Public Works Superintendent, and City Clerk, with the open meeting resuming in the Council room at 8:13 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 Adam Winter seconded by Armando Tarango to adjourn at 8:14 p.m. Vote – Unam.

Everett M. Green  
Mayor

Ruth Becker  
City Clerk