

September 16, 2024

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

Pastor Jeff Goetzinger from the First United Methodist Church was present to lead the Council and others present in prayer.

Present were Mayor Everett Green, Council members Craig Richards, Greg Mills, Josh Gooden, Barb Wilkinson, Adam Winter, Armando Tarango, City Attorneys Jennifer Cunningham (by Zoom) and Jimmy Dummermuth (by Zoom), City Administrator Brad Pendergast, and City Clerk Ruth Becker.

The Council and others recited the Pledge of Allegiance.

The minutes of the September 3, 2024, regular council meeting were presented.

Motion by Armando Tarango seconded by Josh Gooden to approve the minutes of the September 3, 2024, regular council meeting. Vote – Unam.

Appropriation Ordinance # 1020B was presented.

Motion by Josh Gooden seconded by Adam Winter to approve Appropriation Ordinance # 1020B. Vote – Unam.

Mayor Everett Green welcomed City resident Matthew Murray who was present to address the Council regarding the recent increase in his water bill. *Utility Billing History Inquiry* for billing statements from January 31, 2023, through the most recent billing on August 31, 2024, on Mr. Murray's account was provided for the Council to review prior to Mr. Murray's presentation. Mr. Murray explained that his most recent water bill more than doubled from the month prior, so he had talked to both Utility Billing Clerk Cathy Graff and City Clerk Ruth Becker about how the bill had been figured. He noted that both clerks explained that the water rates were most recently updated with the December 2023 billing (due for payment in January 2024) and that the base rate and subsequent usage tiers were designed to encourage water conservation by gradually increasing the fees incurred at each level of water usage, while at the same time were designed to bring in enough revenue city-wide to operate the water utility. While Mr. Murray acknowledged that he has been watering a garden for the past couple of months, he admitted that he was surprised by how much the amount of the bill increased. He asked the Council if the public had been made aware of the Council's discussions involving the review and ultimate change in the water rates. Mayor Everett Green responded first, indicating that there were several discussions about water rates that took place in regular session such as the current meeting and one special session in which the Council and any members of the public discussed only the water rates item. City Administrator Brad Pendergast further explained that during the months of June through November/December, there had been discussions about the potential changes to the water rates at nearly every meeting. Those discussions had been listed on City Council agendas which had been published in the Scott County Record the Thursday prior to each meeting. Mr. Murray explained his interpretation of the increase of each tier level noting that the increase for users in the highest usage tier were getting "the second best deal" in terms of increases to water rates. Mr. Pendergast explained that, although

the usage tiers were restructured with increased rates, the base rate was decreased to offset the fees at the lower usage levels, noting that the base rate no longer has any water usage included. Prior to the current water rates being put into place, the base rate included 2,500 gallons of water. Comments received during the public meetings indicated that people wanted a lower base rate and wanted to be charged only for the water that was actually used. He reiterated that the increase in water rates for customers that consume more water were put into place not only to encourage water conservation, but also to provide revenues that will be used to operate the water utility and to fund major, necessary improvements to the water system, such as the construction of the new water tower. Mr. Pendergast further explained that, because rates are needed to produce more revenue to sustain the business of operating the water utility, the City Council basically had two options that they could choose from. The first option was to raise the base rate on every account, which would charge low water users and high water users the same rates. The second option was to raise the rates on the usage tiers, which was viewed as much more equitable by charging the customers with the highest water usage the highest fees. Mayor Green thanked Mr. Murray for his presence and noted that he is welcome to attend any Council meeting. City Clerk Ruth Becker offered to send Mr. Murray notices of upcoming meetings, and briefly explained the process to begin receiving emailed agendas.

Provided in the packet was a draft of *City of Scott City Emergency Water Supply Plan - October 2024*. Consensus of the Council was that the document is structurally sound but that a few “personnel” sections need to be updated. The Council instructed Public Works Superintendent Terence Appel to update the appropriate personnel and return the document for final approval at the October 7, 2024, Council meeting.

Provided by email and in hard copy format at the Council table were a letter of request from Perfect Auto Detailing owner Armando Tarango requesting that the City Council approve a variance to allow his business to construct a driveway approach larger than what is stated by City Code. City Code 7-1-3-Q-2 states that “where the frontage of the parcel of land exceeds fifty feet (50’) in width, the curb cuts for driveway approaches shall not exceed sixty percent (60%) of the frontage of said parcel of land; provided, however, that at least one curb parking space shall separate each driveway approach.” Mayor Everett Green noted that this item, as requested by Council member Armando Tarango acting on behalf of his business, Perfect Auto Detailing, was not on the originally published agenda. He explained that the exception allowing the item to be added to the agenda after publication would have been granted to any resident making a similar request. City Administrator Brad Pendergast informed the Council that the City Code for driveway approaches outlines guidelines that allow for an applicant to request a variance directly from the City Council without having to go through a formal process with the Planning & Zoning Commission. Mr. Tarango requested that the City Council allow an additional 48’ approach to the south side of his property, just west of the existing 88’ approach on 6th Street. Council members briefly discussed the original intent of the property as a service station, deciding that Mr. Tarango’s desire is consistent with what already exists on the property. Also discussed were the aesthetics and practicality of allowing an additional driveway approach to his business.

Motion by Barb Wilkinson seconded by Adam Winter to grant a variance allowing Perfect Auto Detailing to construct an additional 48’ driveway approach off 6th Street. Vote – 5, yes – 1, abstain – Armando Tarango.

Included in the packet was *Video Service Authorization Agreement* as provided by Zack O'Dell, CEO of S&T Communications, providing for a 3% franchise fee to be applied to their customer's bills and passed on to the City of Scott City. City Administrator Brad Pendergast noted that 3% is the same rate that Pioneer Communications collects and pays for their franchise agreement. He noted that City Attorney Jennifer Cunningham has reviewed the document and has approved its contents.

Motion by Greg Mills seconded by Josh Gooden to approve *Video Service Authorization Agreement* as provided by Zack O'Dell, CEO of S&T Communications, providing for a 3% franchise fee to be applied to their customer's bills and passed on to the City of Scott City. Vote – Unam.

Provided in the packet was an excerpt from the July/August 2024 edition the League of Kansas Municipalities' *Kansas Government Journal* entitled "Updates to the 2024 Standard Traffic Ordinance and the Uniform Public Offense Code." City Attorney representative Jimmy Dummermuth was present via Zoom to discuss these updates.

Presented for approval was *Ordinance No. 1268*, an ordinance regulating traffic within the corporate limits of the City of Scott City, Kansas, incorporating by reference the *Standard Traffic Ordinance for Kansas Cities, 51st Edition*, with certain omissions, deletions, modifications, additions, and certain penalties; amending current code Section 6-1-1; repealing current code Section 6-1-1, and any parts or portions of any ordinance enacting the same, all to the codification of the City of Scott City. Mr. Dummermuth began by explaining that the Scott City Police Department enforces traffic laws as set by the State of Kansas, and that each year the League of Kansas Municipalities publishes a new edition of the Standard Traffic Ordinances (STOs) that incorporate any changes made to the traffic laws at the state level. Mr. Dummermuth also explained that not everything in the STO must be adopted by a City—that items can be omitted or edited by each City as is desired as long as changes are not in conflict with the underlying state laws. Therefore, *Ordinance No. 1268* outlines the adoption of the *Standard Traffic Ordinance for Kansas Cities, 51st Edition* while outlining exceptions, omissions, and amendments made specific to the City of Scott City. The main changes to the STO at the state level include changes to the allowable types of ground-effect lighting on vehicles, infractions for spilling loads on the highways, and the procedures for handling unpaid tickets.

Motion by Josh Gooden seconded by Armando Tarango to approve *Ordinance No. 1268*, an ordinance regulating traffic within the corporate limits of the City of Scott City, Kansas. Vote – Unam.

Presented for approval was *Ordinance No. 1269*, an ordinance regulating Public Offenses within the corporate limits of the City of Scott City, Kansas; incorporating by reference the *Uniform Public Offense Code for Kansas Cities, 40th Edition*, with certain omissions, deletions, modifications, additions, and amendments to the codification of the City of Scott City. Mr. Dummermuth explained that the Uniform Public Offense Codes (UPOCs) is also a League of Kansas Municipalities' publication which incorporates changes made at the state level for criminal offenses and the City of Scott City typically adopts them each year into the City's codes. He also noted that there were not many changes to the UPOC at the state level this year. Two main changes to the UPOC are related to law enforcement response to disorderly conduct and to instances of immunity when someone in possession of drugs reports the need for medical attention for someone else.

Motion by Armando Tarango seconded by Adam Winter to approve *Ordinance No. 1269*, an ordinance regulating public offenses within the corporate limits of the City of Scott City, Kansas. Vote – Unam.

Presented in the Council packet for approval was *Ordinance No. 1270*, establishing a procedure for securing the appearance of persons before the Municipal Court of the City of Scott City, Kansas by use of certain appearance bonds and conditions of release, by providing a procedure for revoking the same and by providing a procedure relating to appeals from aid court; creating new code sections 1-9-6, 1-9-7, and 1-9-8; all to the codification of the City of Scott City. City Attorney Jimmy Dummermuth informed the Council that there is a committee that was set up by the Kansas Supreme Court that gives cities three options when it comes to bonding. Cities may:

1. Conduct individual bond hearings for each person. This is the option that the City of Scott City currently uses. Using this option, a judge must set the appropriate bond.
2. Issue Own Recognizance (OR) bonds. This option allows individuals to be arrested and released “on their own recognizance.”
3. Issue a bond based on the offense, not on a hearing. This method is a combination of options 1 and 2. This is the option that is represented in *Ordinance No. 1270*. Individuals who are not able to pay the bond as issued may sign a Poverty Affidavit which would be forwarded to the judge, who will determine whether the individual can afford to pay the bond issued by the arresting officer. The judge can then reduce the amount of the bond, change it to a corporate surety bond, or change it to an OR bond depending on the situation.

Mr. Dummermuth indicated that in certain cases, such as domestic battery, a judge must issue a no-contact order that is designed to protect the victim and for any offenses that culminate in an arrest, bond conditions will be set that any new law violations while out on bond can result in the revocation of the current bond, more stringent requirements being assessed, or a larger bond being issued. This ordinance is designed to protect against repeat offenders. As part of this ordinance, the City attorneys will need to develop new bond forms such as the Poverty Affidavit and the Bond Schedule. Therefore, the effective date on the proposed ordinance is November 1, 2024, to allow time for the completion and approval of the forms. City Attorney Jennifer Cunningham reminded Council members of the discussion that was had when discussing the Scott County Law Enforcement Center Occupancy Agreement regarding City inmate jail stays and trying to minimize the number of inmates who are housed at the jail for more than 48 hours, in accordance with the agreement. She also indicated that this ordinance would ensure that the City is not holding inmates in ways that will violate the law and clean up bonding practices so that every case that comes through experiences a smooth process.

Motion by Josh Gooden seconded by Adam Winter to approve *Ordinance No. 1270*, establishing a procedure for securing the appearance of persons before the Municipal Court of the City of Scott City, Kansas by use of certain appearance bonds and conditions of release, by providing a procedure for revoking the same and by providing a procedure relating to appeals from aid court; creating new code sections 1-9-6, 1-9-7, and 1-9-8; all to the codification of the City of Scott City. Vote – Unam.

City Clerk Ruth Becker inquired if the City of Scott City would once again participate in the Employer Cost Sharing program for the Scott Community Wellness Fair by paying for the tests and vaccinations provided to participating employees. Mrs. Becker indicated that the employees who take part in the Wellness Fair pay only the tax on the benefit as per IRS guidelines. She also

indicated that the participation in the Wellness Fair has varied from year to year, but that the benefit has been well-utilized. She noted that in the past six years, the number of participants ranged from 7 to 14 and the amount remitted by the City of Scott City for tests and immunizations ranged from \$683.00 to \$1,105.00. She also noted that City Council members are eligible for this benefit.

Motion by Josh Gooden seconded by Armando Tarango for the City of Scott City to participate in the Employer Cost Sharing program for the Scott County Wellness Fair to be held at the Scott County Hospital on October 5, 2024, with employees paying the taxes on the amount of the benefits received as a payroll deduction. Vote – Unam.

Mayor Everett Green announced that the next item on the agenda was to open bids for a box culvert for the drainage project at Alice Avenue and Main Street. Mayor Green opened one bid from Smoky Hill, LLC, which listed a total bid price of \$175,942.00 which included \$161,162.00 for a 8' x 2' Precast Box, \$4,940.00 for curb removal and replacement (\$95.00 per foot for approximately 52 feet), and \$9,840.00 for additional pavement removal and replacement (\$164.00 per square yard for approximately 60 square yards). Engineering on the box culvert was briefly discussed. It was the recommendation of Public Works Superintendent Terence Appel to accept the bid from Smoky Hill, LLC.

Motion by Josh Gooden seconded by Greg Mills to approve the bid of \$175,942.00 for the box culvert and removal & replacement of curb and additional pavement for the drainage project at Alice Avenue and Main Street, with \$171,212.89 being paid out of the remaining balance of the ARPA Fund and the remaining \$4,729.11 being paid out of the General Fund-Special City Projects Department. Vote – Unam.

Mayor Everett Green read aloud the proclamation that had been provided in the Council packet, declaring September 28, 2024, and each subsequent September 28, as Maria E. DeGeer Founder's Day.

Motion by Craig Richards seconded by Adam Winter to approve the Mayor's Proclamation declaring September 28, 2024, as Maria E. DeGeer Founder's Day. Vote – Unam.

Mayor Green stated that he had recently visited with Jason Hundertmark about serving on the Planning & Zoning Commission to fill the recently unexpired term left by Jason Baker. He noted that Mr. Hundertmark was willing to accept the role. Mayor Green noted that he is pleased to find more people, especially younger people, who are expressing an interest in this type of service to their community. Mayor Green requested to appoint Jason Hundertmark to the Planning & Zoning Commission.

Motion by Adam Winter seconded by Armando Tarango to approve Mayor Green's appointment of Jason Hundertmark to the Planning & Zoning Commission to fill the unexpired term left by Jason Baker through January 2026. Vote – Unam.

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 #16*. The request for disbursement, in the amount of \$611,735.90 covers GMS, Inc. Invoice No. 37 for engineering and administrative services, and Miller Pipeline, LLC *Application and Certificate for Payment No. Four (4)* for Schedule 1 services.

Motion by Josh Gooden seconded by Greg Mills to authorize the payment of \$611,735.90 from the KDHE Loan Fund. No vote was taken.

City Clerk Ruth Becker indicated that the motion needed to include all three elements of the drawdown request, including the payment of invoice to GMS, payment of application and certificate for payment to Miller Pipeline, and the submission of the request for disbursement from the KDHE Revolving Loan Program.

Josh Gooden rescinded his motion to authorize payment of \$611,735.90 from the KDHE Loan Fund. Greg Mills rescinded his second.

Motion by Josh Gooden seconded by Greg Mills to authorize the payment of \$48,662.29 to GMS, Inc. for engineering and administrative services covered under invoice #37, to authorize the payment of \$563,073.61 to Miller Pipeline, LLC for Schedule 1 services listed on *Application and Certificate for Payment No. Four (4)*, and to submit *Exhibit E – Request for Disbursement from KDHE Revolving Loan Programs #16* for KPWSLF Project #2982 in the amount of \$611,735.90. Vote – Unam.

Mr. Hornberger reported that GMS personnel has continued to attempt contact with Watco regarding the issuance of railroad permits, but they have still not received a response. He also reported that Hydro Resources expects to drill another test well near the end of the current week or beginning of next week. If everything comes back as approved by KDHE, they will begin the process of drilling the permanent well. Mr. Hornberger reported that Gerard Tank & Steel completed the installation of RAP piers (rammed aggregate piers) about a week prior and they expect to begin the foundation work the first part of October. Finally, Mr. Hornberger reported that Miller Pipeline has moved out of Scott City since they cannot move forward with the project until all railroad permits have been approved. They will then re-mobilize to Scott City.

Under the open agenda, City resident Ever Palacios requested to speak. Mayor Green read the following statement:

“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. The City Council 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.”

Mr. Palacios stated that he had brought an engineering report for the carport that he is constructing, as instructed by the Council the last time he approached them during Open Agenda. The Council thanked Mr. Palacios and asked him to provide the report to Building Inspector Jerek Wasinger.

Nothing else was reported under the open agenda.

Pool Manager Marci Patton was not in attendance. Nothing was reported on her behalf. *Monthly Pool Update with Figures through August 31, 2024* was provided in the packet for Council's review.

Building Inspector Jerek Wasinger was present to update the Council on progress being made on Eastridge Villas II. He noted that the final duplex had passed underground plumbing inspections earlier in the day and that ductwork has been in progress for the past few weeks. The electrician is scheduled to begin working within the next week. Framing has begun on all units except 6, 7, & 8. Roofers are expected to begin tomorrow on the Community Building and the first few duplexes. The goal is for the Community Building and the first duplexes to be completed by the end of November with 2 units per month being completed after that. Estimated project completion is the end of February 2025. Mayor Green and Council members thanked Mr. Wasinger for his report.

Police Chief Colton Schmitt had provided an updated quote from VLS Communication, Inc. for an encrypted channel dispatch console. Police Chief Schmitt stated that he and Scott County Sheriff Jeff Pounds had reviewed the original quote of \$38,876.36 and were able to remove several unnecessary items. The updated quote of \$5,332.63 will provide everything that the Scott City Police Department Dispatch Services will need to bring the department into compliance with new state statutes. Police Chief Schmitt requested that his department be allowed to purchase the upgraded equipment using 911 funds, as it is an allowable use of these funds.

Motion by Armando Tarango seconded by Josh Gooden to approve the purchase of upgraded equipment to provide for an encrypted channel dispatch console at a cost of \$5,332.63 to be paid out of the 911 Fund. Vote – Unam.

Police Chief Schmitt informed the Council that he, Sergeant Jay Poore, Officer Whitney Savolt, and Police Commissioner Armando Tarango had recently conducted interviews for two candidates for the open Police Officer position. He also updated the Council that several members of his department are receiving training in NCIC (National Crime Information Center) database use, leadership, and DUI training. School Resource Officer (SRO) Kayli Conway is working on getting the SRO program back up and running with grades 7 – 12.

Parks Superintendent Terence Appel had nothing to report.

Street, Water, and Sewer Superintendent Terence Appel reported that his crew had participated in a demonstration of a street sweeper. The demonstration went well. Mr. Appel requested to advertise for bids for an air regenerative street sweeper. City Administrator Brad Pendergast explained that he would like to have bids due a few days prior to them being brought back to the Council table so that he would have time to review them and look at financing options for each of the bids received.

Motion by Josh Gooden seconded by Adam Winter to allow Street, Water, and Sewer Superintendent Terence Appel to advertise for bids on an air regenerative street sweeper with bids being due back to City Hall by 5:00 p.m. on Thursday, October 17, 2024. Bids, and financing options provided by City Administrator Brad Pendergast, will be placed on the October 21, 2024, City Council agenda. Vote – Unam.

Mr. Appel announced that the chip-sealing of fifty-one city streets was recently completed by B & H Paving. Crack-sealing is planned for this winter.

Well #11 had some problems over the weekend. Mr. Appel will have an electrician run a continuity test that will help to determine if the problem is a drive or the submersible pump. Mayor Everett Green asked Mr. Appel to clarify the location of Well #11, who indicated that Well #11, the City's least productive well, is located across the street from Patton Park just to the east of the La Fiesta restaurant.

Mr. Appel also reported having issues with the back up battery for the well controller and alarm system. He has ordered a replacement at a cost of approximately \$855 and it should be delivered by Friday.

Street, Water, & Sewer Superintendent Terence Appel reported that Absolute Comfort had recently installed a lawn sprinkler system which alerted them to very low water pressure. It was determined that it was likely that Pate Construction had damaged a water line when they tapped into the water line on Jackson Street as part of the K-96 Water System Improvements project. The issue has been resolved, serving as a reminder to check the flow meter of water lines before they are covered.

Mr. Appel's final report was that KDOT is almost finished with their bore and that PUSH (S&T Communications' contractor) should have their portion of the fiber line project completed by November.

City Clerk Ruth Becker reminded the Mayor and Council members that they are invited to attend a reception honoring Cathy Graff on Thursday, September 26 from 3:00 p.m. to 5:00 p.m. at City Hall as she retires from the City of Scott City as the Utility Billing Clerk after 26 years of dedicated service.

City Administrator Brad Pendergast announced that the Scott Community Foundation (SCF) has received an award from the Kansas Department of Commerce. SCF Director Ryan Roberts is unable to attend the award ceremony on October 3, 2024, in Great Bend, so Scott County Development Committee Executive Director Katie Eisenhour will attend in his stead. She requested that anyone who would like to attend let her know, as she has reserved a table for the ceremony. Mayor Green asked Council members to check their calendars, and if available, communicate their availability to Mr. Pendergast.

Mr. Pendergast informed the Council that a KDOT cost-share grant application was submitted earlier in the day for work to be done on 9th Street. The 9th Street project involves grinding buildup from years of chip-sealing and then replacing it with new overlay from Crescent Avenue to Antelope Street (15 city blocks). As part of the application process, letters of support were issued by USD 466 Superintendent Jamie Rumford and Emergency Management Services Director Tim Stoecklein who expressed the importance of this street for not only travel to and from the schools, but also for emergency services. If the KDOT grant is approved and the City can proceed with the project, Mr. Pendergast stated that the traffic signals at 9th and Main Street need to be replaced, because the plate no longer works. He and Mr. Appel would like to look at the potential to replace it with a camera-based system. In addition to upgrading the traffic signals, Mr. Pendergast believes that there is a need for protected left turns from 9th Street onto Main Street to eliminate the backup of traffic on 9th Street during school drop-off and pick-up times.

City Attorney Jennifer Cunningham informed the Council that the Scott City Municipal Court will be changing their processes for diversions. She noted that there will be additional expectations for those who are granted diversions and that funds received from diversions will be given back to the Police Department.

Financial and investment reports for August 2024 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 Mayor, Council, City Administrator, City Attorney, Chief of Police, and City Clerk, with the open meeting resuming in the Council room at 8:02 p.m. Vote – Unam.

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

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 Mayor, Council, City Administrator, City Attorney, Chief of Police, 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 Craig Richards seconded by Barb Wilkinson that the City Council recess into executive session to consult with the City Attorney on a legal matter 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 8:25 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 Everett Green briefly stated that he had recently attended the governing body meeting for the League of Kansas Municipalities where they discussed the upcoming League Annual Conference. He is excited about the agenda offered to participants of the conference.

Motion by Adam Winter seconded by Armando Tarango to adjourn at 8:26 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk