

September 30, 2024

The City Council of Scott City met in special session on the above date at 6:00 p.m. in City Hall.

Present were Mayor Everett Green, Council members Craig Richards, Jeff Allen, Greg Mills, Josh Gooden, Bo Parkinson, Barb Wilkinson, Adam Winter, City Attorney Jennifer Cunningham (by Zoom), City Administrator Brad Pendergast, and City Clerk Ruth Becker.

Others present were: GMS Resident Project Manager Mark Hornberger.

Presented to the Council prior to the meeting, and at the Council table, was *Agreement on 8th Street Repair Plan, Warranty, and Limited Release of Liability, City of Scott City, Kansas*, an agreement between the City of Scott City (City), Nowak Construction Co., Inc. (Nowak), and GMC, Inc. Consulting Engineers (GMS).

City Administrator Brad Pendergast noted that this agreement was painstakingly completed over the last several months by City Attorney Jennifer Cunningham, Triplett Woolf Garretson, LLC Attorney Tyler E. Heffron, and himself. Mr. Pendergast noted that the other two parties, Nowak and GMS, have already signed the agreement and began work on the repairs earlier in the day. He informed the Council that he will be the City's representative who will sign off at each phase of the project's checklist as noted in Exhibit B. Mr. Pendergast noted that this checklist is being carefully monitored by all parties, and that he had visited the job site twice earlier in the day.

City Attorney Jennifer Cunningham clarified that the new warranty on the repair work is valid for one year from the date that the agreement is signed.

Council member Bo Parkinson inquired if the agreement allowed the City to recoup any of the legal fees that had been incurred throughout this process. Mr. Pendergast indicated that no legal fees will be recovered by this agreement.

Mayor Everett Green reiterated that Mrs. Cunningham, Mr. Heffron, and Mr. Pendergast put in a lot of work to bring this agreement to fruition and that everyone worked very well together.

Council members asked GMS Resident Project Representative Mark Hornberger for an update on the project. Mr. Hornberger informed the Council that asphalt should be delivered, and a paver should be on site the following day, and the overlay on the street is expected to occur on Wednesday of the current week. The street is expected to be opened to traffic by the end of the week.

Motion by Josh Gooden seconded by Jeff Allen to authorize the Mayor's signature on *Agreement on 8th Street Repair Plan, Warranty, and Limited Release of Liability, City of Scott City, Kansas*.
Vote – Unam.

Motion by Adam Winter seconded by Josh Gooden to adjourn at 6:07 p.m. Vote – Unam.

Everett M. Green
Mayor

Ruth Becker
City Clerk