

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of January 21, 2020

Regular Meeting #2

The regular meeting of the Fort Scott City Commission was held January 21st, 2020 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

ROLL CALL:

Commissioners K. Allen, P. Allen, R. Nichols and L. Watts were present with Mayor J. Mitchell presiding.

INVOCATION: Pastor Paul Rooks, Grace Baptist Tabernacle, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Tom Graham, Rachel Pruitt, Jara Martin, Brian Coomes, Paul Rooks, Robert Uhler, Deb Needleman, Eric Bailey, Sam Hayes, Ryan Coon, Daniel Creitz, Don George, Deb McCoy, Cheryl Adamson, Janice Allen, Michael Hoyt, Lindsay Madison, Matthew Wells, Michael Mix, Susan Bancroft, John Coon, Clayton Miller, Max Fanning, Jason Gorman, and representing the press, Jason Silvers, Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS:

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of January 7th, 2020.
- B. Approval of Appropriation Ordinance 1254-A totaling \$805,509.03.
- C. Request to Pay #2 – Strukel Electric, Inc. - \$125,107.65 (Electric Vault Building – Airport)
- D. Consideration of Pay Request #5 – Crossland Construction – River Intake Project - \$242,379.46

Commissioner Kevin Allen asked what Item C was – the Electric Vault Building.

Rachel explained that is a grant that was received through F.A.A. entitlement funds. It is a 90%/10% grant. This is for the construction of a vault building to house all the electrical equipment in. This is their first payment.

Discussion was held regarding Item D, which is the River Intake Project. Commissioner Pete Allen asked if inspections were being done on this project. Susan Bancroft said there is an inspector on the job.

Commissioner Kevin Allen questioned the legal fees for Gilmore & Bell in the amount of \$10,500.

Susan Bancroft informed them that this is for legal fees for the Equipment Lease Purchase. A bond attorney has to be hired to do the paperwork for this project and this is their fees.

Commissioner Kevin Allen questioned the Wellness Incentive Program.

Deb Needleman said that this is a wellness program for the employees. You have to have 720 minutes of activity for a month-long period. The employee tracks this and their supervisor signs off on it and then she and the City Manager approve it. The employee is reimbursed \$20.00 towards a health club membership, bank the money to make a purchase for something related to physical activity, or get a \$20.00 G & W gift card for purchase of healthy foods.

Commissioner Kevin Allen questioned the Ace Pipe Cleaning invoice in the amount of \$39,400. Discussion was held regarding the different types of repair and the related costs.

Pete Allen made a motion to remove the Ace Pipe Cleaning Invoice from the Appropriation Ordinances to be paid. Lindsey Watts seconded. All voted aye.

APPROVED TO REMOVE THE ACE PIPE CLEANING INVOICE FROM THE APPROPRIATION ORDINANCES.

Randy Nichols made a motion to approve the Consent Agenda. The motion died for lack of a second.

Kevin Allen said he had another question on the Appropriation Ordinances. He questioned the fees for the Lauber Municipal Law Firm.

Kevin Allen made a motion to remove the payment for the Lauber Municipal Law Firm. Randy Nichols seconded. Roll call was not taken due to further discussion. Kevin Allen mentioned discussing this in executive session.

Jeff Deane, City Attorney, said that there isn't any way to avoid it. The bill is public and you are in a public meeting.

Kevin mentioned that there was a lot assessed due to the Kansas Open Meetings violation. Should the City absorb the costs?

Jeff Deane said that the complaint lodged with the Attorney General's office was reviewed there and they sent a letter of inquiry to the City Commission. We had to respond as a City to these allegations.

Kevin asked if the costs assessed were excessive.

Jeff Deane said the costs were all accounted for in this invoice.

Kevin Allen moved the Consent Agenda. Randy Nichols seconded. All voted aye.

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

Commissioner Randy Nichols said that he wished to revisit the 5-minute time frame for citizen comments. He said that he believes that we are putting a burden on the Mayor and the Commission.

Randy Nichols moved to change the time limit to 5 minutes flat for citizen comments. The motion died for lack of a second.

Kevin Allen said that he hears from people that they feel they are limited and that isn't enough time. He said he will stand strong on the 5 minutes and allow for more time if the Commission allows it.

Mayor Mitchell said that she feels that we all want people to be heard. When you have further issues that take more time, the Commissioners and City Staff are all open to meeting with them.

Jeff Deane, attorney, explained the Kansas Open Meetings Act to the Commission regarding public comments.

Randy Nichols made a motion to change the time limit for citizen comments to 5 minutes flat. Mayor Mitchell seconded. Nichols, Watts, and Mitchell voted aye. K. Allen and P. Allen voted no. Motion carried 3-2.

APPROVED TO CHANGE THE CITIZEN COMMENT TIME FRAME TO 5 MINUTES FLAT.

A. APPEARANCE: Don George, Kansas Department of Wildlife, Parks & Tourism – Mr. George appeared before the Commission to inform the Commissioners about the Communities Fisheries Assistance Program (C.F.A.P.) program that the City of Fort Scott participates in. Several years ago the City decided to participate in this program and not charge for City fishing permits. The State pays the City not to charge for fishing permits. The State pays the City two checks a year. These funds are used for enhancing fishing opportunities. The amount paid is estimated to be \$24,000. The City notifies the State how this amount is used. The State assists in stocking fish in all the City ponds. This includes Fort Scott Lake, Rock Creek Lake, the two FSCC ponds, and the two ponds in Gunn Park. He estimates that since 1987, 230,000 channel cat have been stocked in City lakes. There has been about 60,000 trout put in Fern Lake at Gunn Park. There was 491,000 walleye stocked, blue gill and bass in all these ponds. He also updated them on grants the City has used with the State.

Commissioners informed him of the newly formed Lake Advisory Board Committee. Robert will invite Mr. George to the next meeting.

B. CITIZEN COMMENTS (Concerning Items Not on Agenda – 5 minute limit per citizen) -

Tom Graham – Mr. Graham said that he is the Lake Patrol Officer for Lake Fort Scott. He patrols all the lakes in the City. He attended the Lake Fort Scott Advisory Committee a couple of weeks ago. They asked him to ask the Commission if it would be possible to have a big fireworks display at Lake Fort Scott financed by the people of Lake Fort Scott. Ethan Hart and Shaun Pytlowany would be shooting off the fireworks as they are both licensed. They also have liability insurance. They would like to shoot these off at Sciortino Park. They would like the City's permission for this event. They would like to shoot these off on July 4th, 2020. They will have a rural fire truck also there.

City Manager said that the City will contact their insurance company also. He said he is also concerned with congestion if the event grows. That is why the City moved their fireworks event to July 3rd due to the safety issue.

Mitchell moved to approve the fireworks event at Sciortino Park only at Lake Fort Scott on July 4th for a public fireworks display. Watts seconded. All voted aye.

APPROVED THE FIREWORKS EVENT AT SCIORTINO PARK ONLY AT LAKE FORT SCOTT ON JULY 4TH FOR A PUBLIC FIREWORKS DISPLAY.

Eric Bailey – Eric informed the Commission that he wished to address the Joplin Toolbox issue and he had a couple of questions. This originally wasn't on the agenda on Friday but found out it was on there now. He asked if the Commission was ready to approve this tonight and if they have looked at the map. On the purple lines on his map, the ones that you should be doing, or should you be looking at the red lines which are in dire need of repair. He said that there are questions that need to be asked about the Joplin Toolbox. He just doesn't know what is going to be presented to the Commission tonight.

Kevin Allen said he would like to see this map. He knows it is on the wall, but he would like to see it up close.

Matthew Wells – Matt said his remarks are also about the Joplin Toolbox. He said this company is headquartered in Paris, France. He believes the CIPP is a questionable method to repair our sanitary sewers. There are 1.6 miles to be replaced at a cost of \$250,000 to the citizens. By definition, it is just a repair and not a replacement and the cost would use up all of the budget for 2020 for sanitary sewer. He did some research and found a company named Sage Water Inc. and it is the nation's leading pipe replacement company with over 28 years of business. They have replaced over 32 million feet of pipe along the way as the largest and only nationwide company exclusively for pipe replacement. They constantly look to innovate and stay ahead of their

competition. They have many customers who have hired them time and time again. They regularly evaluate all the new technologies and over the years have looked at the pipe lining to add to their portfolio services. As they went through the pipe lining evaluation process, they found a number of concerns and they could not ignore these concerns. They decided not to include pipe lining to their core business. In this company's opinion, the risk associated with lining pipes is too great to offer to their clients. They cannot recommend this solution to their clients. He asked the Commission to do more research on this issue. The Joplin Toolbox is not a good deal for our City. He did some basic research and this is more suited for civil engineering work for more detailed design specifications to be carried out prior to letting the contract. He compared prices between the Joplin Toolbox and another company called R. H. Price. He compared prices for manholes and pipe lengths. He asked the Commission to be more educated on the Joplin Toolbox and look at other companies out there. He also suggested using our own City crews and saving money.

C. PUBLIC HEARINGS: None

CONSIDERATION:

1. Consideration of approval of final plat for the property more commonly known as 401 Woodland Hills Boulevard – Approval of Ordinance No. 3557 – Rachel Pruitt, Economic Development Director, informed the Commission that Sam Hayes and Daniel Creitz are both here with C.H.C. and also Brian Coomes with Olsson Engineering. This subdivision of land began before Thanksgiving. This is as quick as it could come before you. There was a 21 day publication period before it could be heard before the Planning Commission and a 14 day waiting period between the Planning Commission and the City Commission meetings. There is one parcel of land that is 35 acres that is owned by Mercy. The proposed lot split into separate lots will allow for future development and deeds of property and donations of land for hopefully health care development. In the minutes of the Planning Commission, by adopting the subdivision of land, public access of land will be allowed to each of those lots. Currently Woodland Hills Boulevard is a privately owned road. This will allow public access and public right of way roads and allow public easements for the water and sewer to these separate lots. Ascension Via Christi sent a letter of support for this subdivision final plat as they were unable to be here tonight.

Daniel Creitz, said he was general counsel for C.H.C. and located in Pittsburg, Kansas. He asked that the Commission continue to move forward on the subdivision of the land. They plan to build a 25,000 square foot medical facility on the west parcel of land. The sooner this is subdivided, the sooner they can get the deed, apply for U.S.D.A. loans, and they can break ground. This is very important to them. They have enjoyed a great medical practice up

here with great patients, great providers, and a great community. He would appreciate their moving forward on this.

Nichols moved to approve the final subdivision plat and approve Ordinance No. 3557. Kevin Allen seconded. All voted aye.

APPROVED ORDINANCE NO. 3557 APPROVING THE FINAL SUBDIVISION OF PLAT OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF FORT SCOTT, KANSAS, UNDER THE AUTHORITY GRANTED BY K.S.A. 1973 SUPP. 12-708 – APPROVED FINAL PLAT SUBDIVISION LOCATED AT 401 WOODLAND HILLS BOULEVARD.

2. Consideration of Contract with Suez Treatment Solutions for SCADA upgrades to the ozone system at the Water Treatment Plant – Michael Mix, Public Utilities Director, informed the Commission, that this item was tabled from the previous meeting. This SCADA update is included in the USDA loan. Michael said that this is a sole vendor for this item.

Commissioner Kevin Allen said that he was the one who asked for it to be tabled. He went to the plant and went through the ozone building.

K. Allen moved to approve the contract for the SCADA upgrades to the ozone system with Suez Treatment Solutions, Inc. in the amount of \$184,847.00. R. Nichols seconded. All voted aye.

APPROVED THE CONTRACT FOR THE SCADA UPGRADES TO THE OZONE SYSTEM WITH SUEZ TREATMENT SOLUTIONS, INC. IN THE AMOUNT OF \$184,847.00.

3. Consideration of purchase of Composite Wastewater Sampler to obtain samples for K.D.H.E. and waive the bidding process - Michael Mix, Public Utilities Director, informed the Commission, that we have deposit samplers for testing per our K.D.H.E. permit. One of these samplers, original to the plant in 2002, is no longer functioning and needs replaced as soon as possible. Currently, his crew is collecting grab samples rather than composite. He asked the Commission to approve this low quote that he received and forego the competitive bidding process. The three quotes were from Accurate Laboratory Supplies in the amount of \$7,186.43, Hach in the amount of \$11,012.00, and USA Blue Book in the amount of \$7,194.50. The quotes from Hach and USA Blue Book did not include shipping. The quote from ALS did include shipping. He asked approval for the low quote from Accurate Laboratory Supplies in the amount of \$7,186.43 and to waive the competitive bidding process.

K. Allen moved to approve the quote from Accurate Laboratory Supplies in the amount of \$7,186.43 and to waive the bidding process on this project. R. Nichols seconded. All voted aye.

APPROVED THE QUOTE FROM ACCURATE LABORATORY SUPPLIES IN THE AMOUNT OF \$7,186.43 AND TO WAIVE THE BIDDING PROCESS ON THIS PROJECT.

4. Consideration of approval of Joplin Toolbox Contract for 2020 sanitary sewer work - Michael Mix, Public Utilities Director, informed the Commission, that he wanted to thank Eric Bailey and Matt Wells for their input and assistance. He is very interested in what they both have found.

Discussion was held between the red lines and the purple lines. Michael Mix said that the red lines have to be dug up. The purple lines can be lined.

Michael Mix explained the lining process of the sewer pipes to the Commission.

Discussion was held regarding time frames and if we have time to wait and put this project off.

Commissioner Pete Allen said that we have the crews and equipment ready to go. Our money is going out of town to the Joplin Toolbox and we should keep it local.

Commissioner Watts said she would like to see numbers and what it would look like to use our own crews versus paying the Joplin Toolbox.

Commissioner Pete Allen said that he and Kevin Allen have over 80 years of experience in dealing with excavation and sewers. He doesn't think the Joplin Toolbox is the direction to go.

Michael Mix said that Ace Pipeline will be here on Monday. He has been waiting for them for over a year. Instead of asking for \$250,000, he is only going to ask for \$130,000. He prioritized the purple lines and will have the worse lines piped first. This leaves \$120,000 in reserve for health care opportunities that may arise. He only is asking for \$130,000. He said that if it was a point repair, we could not do it cheaper than the Joplin Toolbox. He shared comparisons between the City crew costs and what Joplin Toolbox would charge.

Discussion was held on putting these jobs out for bids and engineering costs. It was also held on life expectancy of the pipes.

City Manager said that Commissioner Pete Allen and Kevin Allen bring expertise to this table. If we can afford a crew, he will work with Susan to look at the budget.

Michael asked them to vote on the \$130,000 and complete half of the purple lines on the map. He has been waiting on them for one year to come and complete this project.

Commissioner Nichols said he doesn't think we know all the financial information that is needed for this project. There are still questions.

Commissioner Kevin Allen made a motion to table this issue and look at all our options before the money is spent. (The motion died for lack of a second).

Commissioners Watts said that she feels this is not in the best interest of the taxpayer's money. She would like to see numbers in front of her rather than opinions.

Commissioners Nichols said we can table it or we can go ahead and approve this smaller amount that he has requested. It may delay some other part of the process.

City Manager said that there is some economic development issues that may be needed with infrastructure costs that could come out of this budget.

Mayor Mitchell asked if this was tabled what would be brought before them again?

Commissioner Kevin Allen said that their job is to give direction to the City Manager.

Randy Nichols made a motion to utilize the \$120,000 for the Joplin Toolbox for the projects he can get done and then direct City Staff including Human Resources, Economic Development, and the Finance Department to bring us back a solid plan that shows what to do with the rest of the funds and how to move forward in the years to come. This includes how to use our City crews together and equipment and bring a plan to them. (The motion died for lack of a second).

Commissioner Pete Allen said that he has studied the Joplin Toolbox for some time. He thinks this is a terrible deal and costing the City at least double for what the City crews can do the work for. We need to keep the money local.

Mayor Mitchell asked if the two Commissioners could put a plan together by Friday. This would include the City Manager and

Director of Finance working with them also as well as any other directors needed.

JoLynne Mitchell made a motion for the two Commissioners (Pete Allen and Kevin Allen) with the expertise to speak with Dave Martin and the Finance Director to begin work immediately to see if there is a plan available for the lines that need replaced immediately and move forward with that. This will keep the money local and use City crews. Lindsey Watts seconded. All voted aye.

Commissioner Nichols said that we need to decide to call the Joplin Toolbox people off for Monday.

Mayor Mitchell said she thinks they should be called off.

Michael Mix asked about the lines that go underneath buildings. He said that one of the long sections go underneath the High School.

Jeff Deane said that there will not be another Commission meeting between now and Friday. Michael will need direction on how to proceed.

Michael said that another option is he could single out the lines that just go underneath the buildings that cannot be cut. There is an \$8,000 mobilization fee every time they come. If they have to come back and come back, that will get expensive.

City Manager asked if he had an idea what it would cost to do the lines that go underneath the buildings.

Michael said he could figure it out. He thinks the best thing to do is to halt it right now.

APPROVED FOR THE TWO CITY COMMISSIONERS (PETE ALLEN AND KEVIN ALLEN) WITH THE EXPERTISE TO SPEAK WITH DAVE MARTIN AND THE FINANCE DIRECTOR TO BEGIN WORK IMMEDIATELY TO SEE IF THERE IS A PLAN AVAILABLE FOR THE LINES THAT NEED REPLACED IMMEDIATELY AND MOVE FORWARD WITH THAT. THIS WILL KEEP THE MONEY LOCAL AND USE CITY CREWS.

5. Consideration to solicit bids for cleaning and repainting of aquatic center pool – Robert Uhler, Community Development Director, informed the Commission, that he is requesting to solicit bids for sandblasting and painting the pool. He will notify all local painters of this bid opportunity. He asked for approval to solicit bids.

Kevin Allen moved to approve to solicit bids for the sandblasting and painting of the pool. Lindsey Watts seconded. All voted aye.

APPROVED TO SOLICIT BIDS FOR THE SANDBLASTING AND PAINTING OF THE POOL.

6. Consideration of Audit contract for 2019 with Diehl, Banwart & Bolton – Susan Bancroft, Director of Finance, informed the Commission, that this is the annual contract for Diehl, Banwart & Bolton to conduct our yearly audit. The amount of the contract is \$18,700.00.

Kevin Allen moved to approve the 2019 audit contract with Diehl, Banwart & Bolton in the amount of \$18,700.00. Randy Nichols seconded. All voted aye.

APPROVED 2019 AUDIT CONTRACT WITH DIEHL, BANWART, & BOLTON IN THE AMOUNT OF \$18,700.00.

COMMISSION/STAFF:

A. Director Updates: None

B. City Commission:

Randy Nichols – Nothing to report.

Kevin Allen – Remarked that this town means a lot to him. He hopes they can always work together with each other.

Lindsey Watts – Nothing to report.

Pete Allen – Remarked that he appreciates the opportunity to serve on the Commission and he enjoys working with each one of the Commissioners and looks forward to getting projects done.

JoLynne Mitchell – Asked the City Attorney about the fees on his invoice with reference to the residency and the ADA charges.

Jeff Deane said that right after he was hired, the residency issue came up. This referred to someone living in a commercial area and living on the first floor. The question came up if there was an ADA law we need to make sure our codes were in compliance. His answer was that the City had to be in compliance with federal law.

D. City Manager:

1. Residency Ordinance – City Manager said that Commissioner Kevin Allen asked him to research our ordinances on residency. They have changed from 1969 to current date. Diane has copies if you want one.

2. You Tube – City Manager said that the City of Pittsburg spent about \$50,000 on a New Tech Telecaster to film their commission meetings. They said we could get something smaller and spend about \$10,000 - \$15,000 and spend about \$600 for a camera. If you would like for us to pursue getting a system, he will do so. If the City does keep record these meetings, they will become public record and have to be archived.

Jeff Deane said that he covers the City of Peculiar and he can check with them and see what they do. They have a link on their website, and it takes you to a You Tube channel. He will check into that.

EXECUTIVE SESSION:

Mayor Mitchell asked that a 15 minute Executive Session be held to consult with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship. There is no action anticipated. This will include the City Commission, City Attorney and City Manager.

Nichols moved to recess into a 15 minute Executive Session to include the City Manager, the City Attorney and the City Commission to discuss consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship. There is no action anticipated. K. Allen seconded. All voted aye.

RECESSED INTO EXECUTIVE SESSION AT 8:45 P.M.

ADJOURNMENT:

K. Allen moved to adjourn the meeting at 9:00 p.m. P. Allen seconded. All voted aye.

ADJOURNED MEETING AT 9:00 P.M.

The next regularly scheduled meeting is to be held on February 4th, 2020 at 6:00 p.m.

RECORDED BY:

**DIANE K. CLAY
CITY CLERK**