

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of February 1st, 2022

Regular Meeting #3

The regular meeting of the Fort Scott City Commission was held February 1st, 2022 at 6:00 p.m. in the City Commission Meeting Room at City Hall, 123 S. Main Street, Fort Scott, Kansas.

ROLL CALL:

Commissioners P. Allen, J. Jones (via Zoom), T. Van Hoecke and Matthew Wells were present with Mayor K. Allen presiding.

INVOCATION: Sergeant Bill Downey, Fort Scott Police Department, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Bill Downey, Jackson Tough, Brad Matkin, Rachel Thompson, Mark McCoy, Jason Dickman, Rob Harrington, Travis Shelton, Nedra Barr, Doug Guns, Bill Lemke, Rachel Carpenter, Frank Halsey, Jimmy Kemmerer, Greg Schick, David Saker, Michael Mix, and Carl Brown (via Zoom).

PROCLAMATIONS/RECOGNITIONS: None

ADDITIONS TO AGENDA: City Clerk asked that Items G through Items J be added to the Consent Agenda.

CONSENT AGENDA:

- a. Approval of minutes of the regular meeting of January 18th, 2022 and special meeting of January 27th, 2022.
- b. Approval of Appropriation Ordinance 1305-A totaling \$241,893.82.
- c. Approval of Certificate of Substantial Completion – Union Lofts Alley
- d. Request to Pay #2 – Davis Structure & Development Corporation - \$77,775.50 – Clarifier #1 Replacement
- e. Request to Pay – SAM, LLC - \$5,889.00 – Manhole Inspections for GIS Mapping System
- f. Request to Pay – Nuss & Farmer – December legal fees - \$1,727.00
- g. Request to Pay – Triangle Builders - \$14,200.15 – Mayco Ace CDBG Project
- h. Request to Pay – Agricultural Engineering - \$1,600.00 – Mayco Ace CDBG Engineering Project (Final Payment)

- i. Request to Pay – Agricultural Engineering - \$100.00 – Mayco Ace CDBG Engineering Project (Final Inspection Invoice)
- j. Request to Pay – L. G. Barcus & Sons, Inc. - \$135,270.98 – Fort Scott Dam Improvements

T. Van Hoecke moved to approve the Consent Agenda with the addition of Items G through Item J. M. Wells seconded. All voted aye.

APPROVED CONSENT AGENDA WITH THE ADDITION OF ITEMS G THROUGH ITEM J.

Public Comment:

(Sign up required. Comments on any topic not on the agenda and limited to 5 minutes per person, at Commission discretion)

Greg Schick – Mr. Schick thanked the Commission for their time this evening. He referenced an article written by Gregg Motley that was in the Fort Scott Tribune recently that was titled Trust. He encouraged the Commissioners to read the article as it addresses gaining trust and losing trust. He stated that this is very important for City leadership. He stated that last week some trust was lost on a demolition job at 323 S. Hill Street between what they were told at the time of the demolition and then what was told to them later when payment was submitted. He asked them to take responsibility for their decisions that are made and stand behind their word.

David Saker – Mr. Saker said that he was with Dave’s Towing and Wrecking and Demolition and wanted to discuss the demolition on 323 S. Hill Street. He discussed the wall at that location and if it was taken out, the street would be washed out. He spoke to the Codes Manager and to the City Manager who told him to leave the wall. He brought in 20 loads of dirt to fill the area. He asked for clarification about what to do as he was told to remove the wall.

Bill Downey, Codes Manager, informed the Commission that what Mr. Saker said is correct. He was told to leave the wall. He and the City Manager were told by him that the County Landfill was not accepting large pieces of concrete.

Discussion was held about the project and the fact the contractor was told two different things. Discussion was also held that Eric Bailey was called and they found out the Landfill would take the concrete pieces.

Mr. Saker asked about payment on the project.

Discussion was held regarding if a change order needs to be submitted on the project.

Mr. Saker said that with all the rain he cannot get his equipment down into the hole for some time. He said that he will clean up the large pieces of concrete and can possibly drag them up the hill and will haul them off.

John Crain – Mr. Crain called and cancelled his appearance to speak.

Mark McCoy – Mark said that he wanted to speak on a sad note regarding the passing of Anne Emerson. Anne's contributions to this community were unmeasured. There was a proclamation in 2014 proclaiming Anne Emerson Day. A few of her accomplishments are as follows: Fort Scott Pride, Friends of the Fort, founder of Symbols of Sacrifice at the Fort Scott National Historic Site, Partnership in Preservation where thousands of dollars were raised for the Fort, bringing the Moving Wall from the Vietnam War to Fort Scott, and many various organizations. She was a co-founder of the Good Ol' Days event which is in its 40th year. She served for and assisted on local campaigns for U. S. Senator Bob Dole, Nancy Kassebaum, Sam Brownback, and Kansas Attorney General Derek Schmidt, Bob Marshall, and many others. In 2012, she was awarded the Woman of Distinction. Anne Emerson Day was proclaimed on April 22nd, 2014, by Cynthia Bartelsmeyer, Mayor, of the City of Fort Scott at the time.

Mark asked that a Proclamation be declared on February 5th, 2022, as Anne Emerson Day which is the day of her funeral. He hopes this will help comfort her family at this time.

Tim Van Hoecke stated that he liked her motto: Faith, Family and Fort Scott.

Old Business:

1. Wage Study - Approval of Ordinance No. 3601 – Salary Ordinance – Brad Matkin, Human Resource Director, informed the Commission that they were given this ordinance at the previous meeting and asked if they had any questions.

M. Wells moved to approve Ordinance No. 3601, the Salary Ordinance. T. Van Hoecke seconded. All voted aye.

APPROVED ORDINANCE NO. 3601 PROVIDING FOR THE SALARIES OF THE APPOINTIVE OFFICERS AND EMPLOYEES OF THE CITY OF FORT SCOTT, KANSAS AND REPEALING ORDINANCE NO. 3561.

Appearances:

Alison Leach – Not present.

Nedra Barr – Spyder Company – Ms. Barr appeared before the Commission and informed them about her software company that is in Fort Scott and is now a year old. They are located at 1st and Judson Streets. She has two partners in

her company. Their company is a spyware software company and she explained what they offered. She invited the City Commission to come and see their software business.

Frank Halsey – Kansas NICA Race – Mr. Halsey appeared before the Commission to inform them that he was contacted by the National Interscholastic Cycling Association. They wished to hold a cycling event on Sunday, April 24th, 2022, at Gunn Park Trails. The organizers would arrive on Saturday, April 23rd, 2022, and do their set-up. He called the City Clerk who went ahead and reserved the shelters for April 24th for this event. He would like to see this become an annual event. This could bring in hundreds if not more of people for the event. He asked for approval to shut the park to the public for this racing event and to reserve all shelters and camping area.

M. Wells moved to approve to reserve all shelters and reserve the entire park for Sunday, April 24th, 2022, for the NICA event. T. Van Hoecke seconded. All voted aye.

APPROVED TO RESERVE ALL SHELTERS AND THE ENTIRE PARK FOR SUNDAY, APRIL 24TH, 2022, FOR THE NATIONAL INTERSCHOLASTIC CYCLING ASSOCIATION EVENT TO BE HELD AT GUNN PARK TRAILS.

Rob Harrington – Neighborhood Revitalization Program – Mr. Harrington informed the Commission that USD 234, Bourbon County, and Fort Scott Community College as well as the City of Fort Scott have all signed the Interlocal Agreement for the Neighborhood Revitalization Program for 2022 through 2026. He will send this agreement to the Kansas Attorney General's office for their approval which could take up to 90 days. Matt Quick, Bourbon County Appraiser, is accepting applications currently.

Noble Health announcement – Mr. Harrington thanked the Commission for appearing at the announcement regarding the hospital. He estimated that there were 80 people in attendance. This will be great for the City.

New Business:

City Manager asked that these items be addressed in reverse order from the original agenda.

1. Consideration of water rate analysis – Michael Mix introduced Carl Brown of Getting Great Rates to the Commission. He was unable to appear in person due to the incoming snowstorm.

Carl Brown informed the Commissioners of his qualifications and references throughout the State of Kansas. He said that he can provide figures with data that is given to him of what the cost of water, sewer, and stormwater to be produced is. The total cost of the report for all three items is \$22,466.00.

Discussion was held between the Commission that all these rates were raised recently. They also discussed the report that was given to them by Earles Engineering which they had just received that evening.

The general consensus of the Commission is to use the data that Earles Engineering prepared for them at this time.

2. Consideration to send out for bids – three waterline projects – City Manager informed the Commission that there are three upcoming waterline projects. He would like to put them in an order to be bid out. The first project is the Industrial Park project to the south of K.D.O.T. He would like the City to do this project and believes they can do it. The other two projects he would like to see bid out which is the 6th Street waterline from Main Street to Ransom Street, and the third waterline project is the State Street project from 3rd Street to Wall Street.

T. Van Hoecke moved to approve for the City to do the Industrial Park south project and to bid out the other two waterline projects. P. Allen seconded. All voted aye.

APPROVED FOR THE CITY TO DO THE INDUSTRIAL PARK SOUTH OF K.D.O.T. WATER LINE PROJECT AND TO GO OUT FOR BID FOR THE 6TH STREET WATERLINE FROM MAIN STREET TO RANSOM STREET PROJECT, AND THE STATE STREET WATERLINE PROJECT FROM 3RD AND STATE TO WALL STREET.

3. Consideration to purchase an asphalt emulsion storage tank – City Manager said that he and the Public Works Manager have looked for a 7,000 gallon emulsion tank for the City's upcoming street projects. They have located a tank from Hampton Equipment, Inc. of Raymond, Illinois in the amount of \$60,146.26. He said that it could take up to 90 to 120 days to receive this tank.

Discussion was held among the Commissioners regarding the County and using their equipment.

J. Jones moved to table this discussion until more information can come from the County about their emulsion storage tank. (His motion died for lack of a second).

Discussion was held regarding the City moving quickly on this purchase so the projects can be done this year on the City streets.

M. Wells moved to approve the purchase of the 7,000 gallon asphalt emulsion storage tank from Hampton Equipment, Inc. of Raymond, Illinois in the amount of \$60,146.26. P. Allen seconded. P. Allen, T. Van Hoecke, M. Wells, and K. Allen voted aye. J. Jones voted no. Motion carried 4-1.

APPROVED THE PURCHASE OF THE 7,000 GALLON ASPHALT EMULSION STORAGE TANK FROM HAMPTON EQUIPMENT, INC. OF RAYMOND, ILLINOIS IN THE AMOUNT OF \$60,146.26.

4. Consideration of survey of land by Bourbon County Landfill – City Manager discussed the survey of the City land by the Bourbon County Landfill.

Commissioners asked Jason Dickman of Earles Engineering if they were able to do the survey.

Jason said that he will get the City a quote on this and see what their schedule is.

K. Allen left the room at 8:24 p.m.

5. Consideration of demolition bids – 619 S. Ransom – City Manager said that there were two bids received. The low bid without dump fees was from Dave's Demolition in the amount of \$800.00. The second bid received was from Skitch's Hauling & Excavation in the amount of \$1,484.00.

T. Van Hoecke moved to approve the low bid from Dave's Demolition in the amount of \$800.00 for the demolition of 619 S. Ransom Street without dump fees. M. Wells seconded. All voted aye.

APPROVED LOW BID FROM DAVE'S DEMOLITION IN THE AMOUNT OF \$800.00 FOR THE DEMOLITION OF 619 S. RANSOM STREET WITHOUT DUMP FEES.

K. Allen returned to the room at 8:25 p.m.

6. Discussion of docks at Lake Fort Scott – Doug Guns, Facilities Director, informed the Commission that he reached out to Kansas Department of Wildlife and Parks to see what grants are available. The submission of the grants cannot occur until Summer. He did receive a quote from one company but does not want to reveal that amount in case we send out bids. He also discussed setting priorities for the Lake and their projects. He said that decisions need to be made where the additional docks would be located and then approved through K.D.W.P. If a grant is received, it will pay 50% and the City will pay 50% but that is for a fishing dock only.

Discussion was held regarding the type and material of docks desired. Discussion was held also regarding electricity to the camping area.

Doug mentioned having different phases of the upgrades at the Lake.

Direction was given by the City Commission to Doug Guns to draft an R.F.P. for two boat docks with specifications and to also look at any available grants.

7. Consideration of 2022 contract with Bourbon County R.E.D.I. – Robert Harrington, Director of Bourbon County R.E.D.I., informed the Commission that the 2022 contract is before them for approval. The City will contribute \$65,000 towards this organization in 2022.

M. Wells voted to approve the 2022 Intra-Jurisdictional Agreement for Bourbon County R.E.D.I. T. Van Hoecke seconded. All voted aye.

APPROVED THE 2022 INTRA-JURISDICTIONAL AGREEMENT FOR BOURBON COUNTY R.E.D.I.

8. Review Letters of Interest for Land Bank Board – City Manager said that Letters of Interest were taken for the Land Bank Board. Letters of interest were received from the following: Cliff Yarick, Clifford Keppen, Rhonda Dunn, Susan Bancroft, Diann Tucker, Rachel Carpenter, Bailey Lyons, Robert Coon, Stacy Wood, Patrick Wood, and Craig Campbell. Motions were accepted for the four open positions.

T. Van Hoecke made a motion to appoint Rhonda Dunn to the Land Bank Board. (There was no second so the motion died for lack of a second).

P. Allen moved to appoint Craig Campbell to the Land Bank Board. J. Jones seconded. All voted aye.

APPOINTED CRAIG CAMPBELL TO THE LAND BANK BOARD.

J. Jones made a motion to appoint Stacy Wood to the Land Bank Board. (There was no second so the motion died for lack of a second).

M. Wells moved to appoint Patrick Wood to the Land Bank Board. J. Jones seconded. All voted aye.

APPOINTED PATRICK WOOD TO THE LAND BANK BOARD.

K. Allen moved to appoint Robert Coon to the Land Bank Board. J. Jones seconded. P. Allen, J. Jones, M. Wells, and K. Allen voted aye. T. Van Hoecke voted no. Motion carried 4-1.

APPOINTED ROBERT COON TO THE LAND BANK BOARD.

M. Wells moved to appoint Bailey Lyons to the Land Bank Board. J. Jones seconded. All voted aye.

APPOINTED BAILEY LYONS TO THE LAND BANK BOARD.

9. Discussion of R.F.Q. – City Engineer – City Manager said that he was asked to put this item on the agenda for discussion.

Discussion was held regarding keeping Earles Engineering as their City engineering firm versus hiring an in-house engineer.

City Manager asked them how they would fund an in-house City engineer.

P. Allen said that he thinks the City is working good with Earle's and we have a good future with them.

P. Allen moved to not go out for R.F.Q.'s for City Engineer and to keep Earles Engineering as their City Engineer. M. Wells seconded. All voted aye.

APPROVED TO NOT GO OUT FOR R.F.Q.'S FOR CITY ENGINEER AND TO KEEP EARLES ENGINEERING AS THEIR CITY ENGINEERING FIRM.

10. Discussion of R.F.Q. – City Attorney – City Manager said that he was asked to put this item on the agenda to see if there is any other interest in the community.

K. Allen made a motion to retain Bob Farmer as the City Attorney. T. Van Hoecke seconded. J. Jones, T. Van Hoecke, M. Wells, and K. Allen voted aye. P. Allen voted no. Motion carried 4-1.

APPROVED TO RETAIN BOB FARMER AS CITY ATTORNEY.

11. Consideration of Resolution authorizing the Redemption and Payment of its Taxable Industrial Revenue Bonds, Series 2015-A (Bourbon County Assisted Living Project), and authorizing the City to Consent to the Assignment of certain documents in connection with its Taxable Industrial Revenue Bonds, Series 2015-B – City Manager said that in 2015 the City issued Taxable Industrial Bonds, Series 2015-A and Series 2015-B (Bourbon County Assisted Living, LLC – “Tenant”) and (Community National Bank – “Bank”). The Bank purchased the Series 2015-A bonds, and the tenant purchased the Series 2015-B bonds. The tenant desires to sell the project to a new entity (Fort Scott Senior Living, LLC) which will have some of the same investors as the original tenant entity. As part of that process, the tenant will pay off and retire the Series 2015-A bonds owned by the bank. The Series 2015-B bonds will remain outstanding and be transferred to Fort Scott Senior Living, LLC. The Bank has consented to and is supportive of the proposed actions. These actions require the City’s consent and approval as well as the issuer of the bonds. Approval will not affect the property tax exemption granted or the liability, debt limit or credit rating of the City. Approval of the Resolution and any associated documents is recommended.

J. Jones moved to approve Resolution No. 5-2022 and any associated documents for this transaction. T. Van Hoecke seconded. J. Jones, T. Van Hoecke, M. Wells, and K. Allen voted aye. P. Allen voted no. Motion carried 4-1.

APPROVED RESOLUTION NO. 5-2022 OF THE GOVERNING BODY OF THE CITY OF FORT SCOTT, KANSAS AUTHORIZING THE REDEMPTION AND PAYMENT OF ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2015-A (BOURBON COUNTY ASSISTED LIVING PROJECT); AND AUTHORIZING THE CITY TO CONSENT TO THE ASSIGNMENT OF CERTAIN DOCUMENTS IN CONNECTION WITH ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2015-B (BOURBON COUNTY ASSISTED LIVING PROJECT).

Reports and Comments:

A. Commissioner Reports and Comments:

A. City Manager Comments: Kelley had several items to discuss with the Commission:

K & G Striping – Kelley said that he will have staff go back to them as he believes there is double charges for the project. He thinks the correct amount is about \$4,250.00.

CDBG Sanitary Sewer Award – Kelley said that the City was awarded a \$700,000 sanitary sewer CDBG grant. The City part will be \$400,000.

KDOT grants – Kelley said that City staff is working on grants with K.D.O.T.

Airport – Kelley said that there is plenty of asphalt weight for the jets landing at the Airport. It is the length of the runway that is the problem. He visited with the engineer for the Airport this week on this.

B. Director Comments:

Discussion of City fees – Bill Downey, Codes Manager, handed out the current fee schedule for building, plumbing, and electrical permits. He has looked at surrounding cities also. He brought this information for them to research and will discuss it again in two weeks.

C. Commissioners Reports and Comments:

J. Jones – Josh thanked Traci Reed for her service to the City and wished her the best on her new endeavors.

- Josh questioned why the engineering firm contract was paid out of reserves.

Kelley will check into this.

- Sale of Lake property – Josh said that he would like this item on the next agenda. He would like to see the sale of six additional lake properties at Lake Fort Scott.

Kevin showed the Commission a map of Lake Fort Scott and where the City property is located.

Tim said he would like to see a map actually stating where City property is at Lake Fort Scott.

- Buoys at Lake Fort Scott – Josh asked if the buoys at Lake Fort Scott could be moved in.

Chief Shelton said that he would get with Tom Graham on this.

T. Van Hoecke – Tim said that he would like to give his condolences to the Anne Emerson family.

Tim thanked Traci Reed for her 14 years of service to the City of Fort Scott.

Tim thanked the City for the pedestrian walking signs at 1st and 2nd on National Avenue.

Tim said he asked the City Clerk to email you the unsafe structure list which she did. He would like this to be discussed at the 2/15 meeting so you will have time to review the list.

Tim handed out the 4th of July fireworks ordinance. He asked that it be amended so citizens can shoot off fireworks from 7:00 a.m. until 12:00 a.m. (midnight) on July 3rd and July 4th. It is currently only on July 4th.

T. Van Hoecke made a motion to amend the Fireworks Ordinance to allow citizens to shoot off fireworks from 7:00 a.m. until 12:00 a.m. (midnight) on July 3rd and July 4th. M. Wells seconded. All voted aye.

APPROVED TO AMEND THE FIREWORKS ORDINANCE TO ALLOW CITIZENS TO SHOOT OFF FIREWORKS FROM 7:00 A.M. UNTIL 12:00 A.M. (MIDNIGHT) ON JULY 3RD AND JULY 4TH.

Tim thanked Rob Harrington and Bourbon County R.E.D.I. for the announcement about Noble Health and bringing a hospital back to our community.

Tim said that he feels that the City Commission is doing good things but that is more that can still be done. He still thinks there is some division in our community, and we still have a lot of work to do. We are too small to be divided over petty things. He will do everything he can to help bridge this gap.

P. Allen – Pete said that he had reviewed the Wastewater System Evaluation Report and is very concerned about the Davis Lift Station. This lift station handles all the sewage into the City of Fort Scott. He thinks we need to prioritize our projects and make sure to address the Davis Pump Station also.

Jason Dickman said that he would look at elevations on the Old Faithful Project and the Davis Lift Station.

Pete informed Kelley that there is a manhole study that Michael Mix has.

Pete stated that that the City is working on grants with K.D.O.T. for Highway 54.

M. Wells – Matthew asked about the project on the 500 block of Andrick and if it is complete.

Kelley will check on that.

Matthew handed out a brick street proposed guideline to go with Pete's proposed brick street and alley guideline.

Matthew asked about the Municipal Court expansion.

City Clerk told him that the two different software companies are not yet working together, and it will just take more time.

Matthew also remarked that Anne Emerson was a one-of-a-kind person who loved Fort Scott.

K. Allen – Kevin thanked Traci Reed for her 14 years of service to the City of Fort Scott.

Kevin gave the City Manager a change in the verbiage on the demolition contract for him to review.

Kevin thanked the City crews for their great work on the brick street repair they have been doing, especially the work by City Hall.

Kevin said that the person he wanted to recognize for this quarter fell and broke his hip. He asked them for suggestions.

Kevin remarked that he is excited about Noble Health coming to our community.

Kevin asked about the wooden signs at the entrance to Lake Fort Scott and the entrance to Fort Scott. Chad Cliffman can reseal these. He will send the City Manager his contact information.

Kevin informed the public that Gunn Park is closed as well as Riverfront Park due to the impending snowstorm. There is also no Municipal Court on Thursday.

He wished Josh Jones to get well.

Adjournment:

M. Wells moved to adjourn the meeting at 10:19 p.m. K. Allen seconded. All voted aye.

ADJOURNED MEETING AT 10:19 P.M.

Respectfully submitted,

Diane K. Clay, MMC
City Clerk