

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of February 4, 2020

Regular Meeting #3

The regular meeting of the Fort Scott City Commission was held February 4th, 2020 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

ROLL CALL:

Commissioners K. Allen, P. Allen, and L. Watts were present with President of the Commission R. Nichols presiding. Mayor JoLynne Mitchell was absent.

INVOCATION: Pastor James Collins, First Southern Baptist Church, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Rachel Pruitt, Robert Uhler, Deb Needleman, Michael Mix, Susan Bancroft, Josh Jones, Janice Allen, Michael Hoyt, Carl Repp, Dandelyon Vredenburg, Diana Morriss, Deb McCoy, Matthew Wells, Stewart Gulagher, Patrick Wood, Mary Sanders, Greg Schick, Devin Tally, Chad Brown, Mark McKenney, James Collins, Jeff Fischer, Jara Martin, Cheryl Adamson, Max Fanning, Clayton Miller, and representing the press, Tammy Helm, Editor, Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS: American Legion Mid-Winter Forum Proclamation – January 31 – February 2nd, 2020 – City Clerk, Diane Clay, read a Proclamation which proclaimed January 31st through February 2nd, 2020 as American Legion Mid Winter Forum in our community.

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

President of the Commission, Nichols, asked if there were any items that need removed from the Consent Agenda.

Commissioner Pete Allen asked that Item D and Item F be removed from the Consent Agenda.

- A. Approval of minutes of the regular meeting of January 21st, 2020.
- B. Approval of Appropriation Ordinance 1255-A totaling \$707,843.95.
- C. Correction to December 17, 2019 minutes to reflect Ordinance No. 3556 creating the Street Advisory Committee in lieu of Ordinance No. 3356.
- D. Approval of Ace Pipe Cleaning Invoice - \$37,430 (pulled from last meeting) (5% retainage for work to be completed)
- E. Consideration of Approval of Change Proposal Request #8 – Crossland Construction – River Intake Project - \$37,408.00

F. Request to Pay #1 – Schneider Electric - \$276,133.87 – Energy Service Project

G. Approval of December financials

Lindsey Watts moved to approve the Consent Agenda with the removal of Item D and F. Kevin Allen seconded. K. Allen, L. Watts and R. Nichols voted aye. P. Allen voted no. Motion carried 3-1.

APPROVED CONSENT AGENDA WITH THE REMOVAL OF ITEMS D AND F.

Commissioner Pete Allen made a motion to remove Item D – Ace Pipe Cleaning Invoice from the Consent Agenda. Lindsey Watts seconded. All voted aye.

REMOVED ITEM D – ACE PIPE CLEANING INVOICE FROM PAYMENT.

Pete said he has several concerns that the projects were not done up to specifications that the City of Fort Scott adopted. He asked if the project was done up to O.S.H.A. standards. Another concern is if the trenches that were dug were backfilled correctly to our specifications. He asked if a leakage test was performed on the projects from manhole to manhole. He has concerns with manhole testing. There were 13 new manholes put in and they were not tested nor inspected by City personnel. A vacuum test was to be performed and he cannot find where that was done. Existing sewer lateral lines cannot be used, and those lines cannot be hooked up to our new sewer lines. The manhole covers were supposed to be coated and were not. Another item in our specifications state that Neenah covers be used, and that brand was not used but rather a cheaper brand. He believes they should all be replaced with our specifications that were adopted. He shared photos of his concerns with the other Commissioners. He asked them to look at 7th and Holbrook streets where the specifications were not done up to our codes.

Commissioner Watts asked if someone was overseeing this project.

Michael Mix said he was overseeing this job and he could respond to Pete's concerns. He has notified this company in writing about his O.S.H.A. concerns. He has asked them to come back and refill some of the projects they have done.

Discussion was held on all of Pete Allen's concerns with this company. Michael suggested that this item be tabled again and he will address each of these concerns with this company.

Jeff Deane, City Attorney, cautioned them to be careful about the Kansas Prompt Payment Act which is K.S.A. 16-1901 as it allows us to set a retainage at 5% or a higher number but not more than 10%. If we don't pay them for the work they have done, regardless of our concerns, we are subject to 18% interest if we don't pay them within 30 days, and the prevailing party gets costs, fees, and collections. While we have valid concerns, this particular law is in favor of the party asking for the payment.

Michael said that there is one outstanding invoice that is still awaiting. He has not received it yet.

More discussion was held on the improper work that was completed and payment of this invoice, inspections of the projects, and holding this company liable for their work.

City Staff will investigate this work and check out all these issues.

REMOVED ITEM D – ACE PIPE CLEANING INVOICE FROM PAYMENT.

Pete Allen made a motion to remove Item F – Schneider Electric payment of \$276,133.87. Kevin Allen seconded. Kevin Allen, Lindsey Watts, and Randy Nichols voted no. Pete Allen voted yes. Motion carried 3-1.

MOTION DENIED TO REMOVE PAYMENT FOR ITEM F.

Pete said that he hasn't seen the contract with this energy company. He highly objects to the City paying \$2,000,000 to this company when we have needs in Fort Scott with our sewers.

Susan Bancroft, Director of Finance, informed the Commission that this project was funded through a Lease Purchase that has already been completed. The money is sitting in an escrow account. The previous City Commission approved this.

Pete asked why we are paying for equipment that has not been put on the job yet. We have nothing to show for this.

Susan said that this is for the materials that are sitting in storage waiting to be installed.

Randy Nichols said that these items needed to be purchased due to escalating costs.

Michael Mix said that these crews were in town today. They have been in all the City buildings. They are installing light fixtures in the Water plant. This will be paid for with energy savings. The savings goes to pay back the debt. This is a wonderful opportunity to get upgrades to our mechanical systems and lights.

Susan said that this project needs to be paid for along the way.

Commissioner Nichols said that this is a guaranteed savings.

Pete Allen said that he is not in favor of this project. He doesn't believe we will see any savings. This is not good economics in his opinion.

Kevin Allen said that the previous Commission approved this project. There is no way to get out of this project. We need to make sure we are seeing savings.

Randy Nichols said that this is a good project. This group will demonstrate savings to the City. It is a budget neutral project.

Randy Nichols moved to approve the Schneider Electric payment. Lindsey Watts seconded. Kevin Allen, Lindsey Watts, and Randy Nichols voted aye. Pete Allen voted no. Motion carried 3-1.

APPROVED TO PAY SCHNEIDER ELECTRIC PAYMENT IN THE AMOUNT OF \$276,133.87 – ITEM F.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE: None

B. CITIZEN COMMENTS (Concerning Items Not on Agenda – 5 minute limit per citizen) - President Nichols asked that the 5 minute rule and Commission comments be included in the 5 minute rule this evening. We can hear the information and the City Manager can give the issue to a staff member to further investigate.

Michael Hoyt – First off, he asked who Gilmore and Bell is.

Susan Bancroft said they are the City's bond attorney.

Mr. Hoyt wondered what the \$10,500 payment went for. He wanted to direct a question to Mr. Deane. He thinks he led the public astray when he said last time that whenever you receive a complaint or make a complaint, you have to respond to it. That is not true. Any dumb person can file a complaint. It's the Attorney General who gives it probable cause and finder of fact. They asked you to respond. He did not. Correct?

Jeff Deane said he was not going to comment. It is his public comment time. He said he would not take away from your 5 minute time frame.

Mr. Hoyt said that Mr. Nichols said you could. He was yielding to him.

Jeff Deane said that he would not give him legal advice. They have talked about this.

Mr. Hoyt asked that they have?

Jeff Deane said that he was not going to give him legal advice.

Mr. Hoyt said that he was not asking him for legal advice. He was asking for him to tell the people of this town what K.O.M.A. actually says. He could spend all day sending in complaints, but they don't necessarily have to forward them to you for a reply.

Jeff Deane said that he has advised his client, who is the City of Fort Scott and the Commissioners, of his legal advice in this matter and doesn't have to share with him.

Mr. Hoyt said that you certainly are and certainly billed for it. We spoke about pulling the bill out. He would like that bill reviewed, specifically dates, 12/18, 12/19, 12/20, and 12/26 and since when do we give our legal counsel the right to have direct contact with the media. Never. He billed for 5 hours for a phone conversation with Ms. George of Fort Scott.Biz. No Dave (Martin), you're responsible for talking to the media. Not your attorney. He has asked Ms. Clay here to provide me with your scope of work letter, and your contract with the City. Thank you.

Carl Repp & Dandelyon Vredenburg – Mr. Repp said that it was just him that would be speaking. He thanked the Commissioners for their time. He said he was not there to ask them to pay for anything. He was there to honor the past and to move towards the future. He asked for permission to replace the asphalt roof at 123 South National with a metal roof and bring it back to its original material. He passed around to the Commission a section of the metal roof that was still on the building. That is the original material as there was still historical roof that was left on one of the original gables after they added the parish house on in 1926. The Historical Preservation Guidelines suggest three areas of consideration, color, material, texture and design. We can match the color and the material, and the texture would add up to \$30,000 onto the cost of that roof, so they are choosing not to do that. The City officials have the right to allow discrepancies for historical preservation guidelines for economic and basic common sense reasons. This request is both economic and common sense. In 2017, they repaired and replaced the flat portion of the building with the best possible solution and contractors. With their own money this included repairing the structure and four inches of insulation in addition to the new service. When they bought the building, water was pouring into it. If they hadn't bought the building, that building would have been gone in 6 to 12 months. The floors were flooded on the first and second floors completely. They put over \$150,000 of their own money into this building. They have come to the City for nothing except to ask for repairs that they wanted to do. The current asphalt roof was destroyed by hail and wind. It's one of the only 12 X 12 pitches in Fort Scott in the historic district and is very susceptible to hail in the northeast and wind from the southwest. If they put another asphalt roof on there, it will only get ripped off. Their insurance rates have almost tripled because of the two claims they had because of the hail and wind. The Historic Board Committee said that they didn't use metal roofs in 1905 and denied it. That is false and they went back and realized that the original roof was metal. Then they said it was better to go back to the 1940's to an asphalt roof. He asked why. The cheap green asphalt is not closer to the original roof. It's actually a complete waste of money and energy. Right now, U.S. landfills are being filled with these types of shingles. The metal roof will bring up their efficiencies by 60% for heat and cool. Tonight, we heard the City's energy efficiency program to a tune of \$2,000,000. All they are asking is to support your citizens in doing the same thing. Their gas bill in a 10,000 square foot building is \$1,700 for the month of January partially due to the roof that is on that building. Preservation – replacing green asphalt with green asphalt is not preserving historic nature. They want a roof that will preserve the building and improve the building's longevity. Aesthetics – Some of the best buildings in the world have metal roofs. In most of the world, it is not seen as a barn roof, but a

very high end roof when you put a metal roof on. He has many pictures of many churches that are historic with metal roofs on them. It's not closer to the original, not even close. It's just closer to the current shingle roof from 2013 which they had to empty out of their courtyard as the previous owner dumped all the asphalt shingles there, which then went to the Fort Scott Landfill after that. If you drive through Nevada's Cottey College, you would see all the beautiful metal roofs. You could see how it could be done with beautiful historic buildings. You have a right to allow a metal roof that will preserve this building, save landfills, and keep 2nd and National beautiful, and not end up a parking lot like 1st and National. He is unaware of any decision by this particular Commission but urged them to take action on this issue and allow for a variance for 123 S. National and allow for a metal roof on their building and get underway with their restoration.

Kevin Allen said this is the first time he has heard of this. He asked again about the roof material.

Carl Repp said that the Design Review Committee is wanting them to put asphalt shingles on it. That is an enormous amount of money. They are willing to place the silver gray metal on the roof.

City Manager said that they went through the process and the Design Review Board denied their request. The previous City Commission supported their decision.

Carl Repp said that he thought the previous Commission tabled the request.

City Manager said that the Commission has the power to approve this request. The worse case scenario is that H.P.A. can remove this building from their historic list of buildings.

Randy Nichols asked that more information be brought back before this Commission at our next meeting so the entire board can see and hear this and make a decision.

Diana Morriss – Ms. Morriss welcomed the new panel of City Commission to the service which you were elected to and are now expected to exhibit as elected representatives of the citizens of Fort Scott. It seems that many of our recent panels of Commissioners have either been unaware or failed to understand the hierarchy of City government. She reminded them each that as a City Commissioner, you are charged with the management of our City. It is your responsibility. While any deficiency or disagreement brought to light sometimes seems to be viewed as negativity, she begged them to view these observations as a true concern for the efficient management of Fort Scott. Part of the platform that she ran on during the primary election was frugality, and she had a lot of support for that portion. To that end, she examined the expense reports from October 2017 through February 5th. She was led to do this after the last Commission meeting when there was a lot of discussion centered around how we might not be able to afford the repair and maintenance of our City's crumbling infrastructure. She said that without a solid infrastructure, the City has a future that is dubious at best. She would like the Commissioners to

spend time and closely examine the expense reports that you approve every two weeks and consider areas where a little penny pinching or different management might be wise. She said she truly valued education and training but does however expect a return on that investment. The taxpayers of Fort Scott have paid for travel and training over the past 2 ½ months, amounts to \$21,000 and some. At that rate, we will have invested over \$101,000 in travel and training this next year. As she has examined the expenses in this short period of time, the management of taxpayer dollars resembles more of a management style of a benevolent family business rather than a government entity. While she prides herself on being generous somewhat, she does have to watch her generosity with her own funds. It would behoove you Commissioners to demand management that shows consideration of the taxpayers whose dollars fund our city and to encourage a mindset that these monies are a public trust. I find a number of expenses that I believe a majority of taxpayers would find objectionable or at least questionable. The salaries of most of our administrative personnel exceed the income of most of the people who pay those salaries. In light of that, she thinks that most of these business meetings could take place during regular office hours, rather than over breakfast and lunch, where we pick up the tab. Most of us would find a provision for clothing for our City Manager highly objectionable. Many would ask why we pay for gifts, why we send flowers, why we provide parties, why we supply tickets to local events, and why we make charitable donations from our tax dollars. Are those expenditures truly acceptable? These funds come from our tax coffers? She doesn't mean to sound like a scrooge but she does think it is the responsibility of the Commission to demand management that full consideration of the money being spent comes from all the people that live and work and shop in Fort Scott. Many of the expenses that she examined are justified, but there are others which are highly questionable, and with this new Commission she hopes that you will each embrace the responsibility to which you've been entrusted. She thanked them for their time.

Kevin Allen said that he has met with the City Manager already on this issue. He wants to make sure what we buy is necessary.

Deb McCoy – Ms. McCoy said that she was going to be doing a continuation on what Diana said. There are several concerns she has with expenditures of the tax dollars. When a government entity receives monies from a state and federal government, most of the state, county and city governments follow the guidelines of the federal government when it comes to spending our tax dollars. There should be policies and procedures available to employees as a guide to what is acceptable and not acceptable when it comes to spending our tax dollars. She too reviewed the expense reports from 10/17 to 2/5. The phones and Ipad account for that fourteen week period was \$8,072.00. Payments to Verizon for 23 devices at a monthly cost ranges from \$14.27 to \$246.20. On the expense report ending in 12/4, there were additional charges for \$987.00 and two LED screens at \$240.00 were purchased. The next account was office supplies. Office supplies range from soda which was \$47.94, to breakroom supplies, zip log bags, toners, Joplin Culligan water cooler at \$189.93, copy paper, address labels, cartridges, paper towels, toilet paper, and envelopes. Total expenditures were \$3,681.60 for a four week period. When it comes to cleaning supplies, we pay a cleaning person from \$40.00 to \$100.00 to clean at

City Hall, Memorial Hall, and the Police Department. Supplies are also purchased for cleaning supplies, toilet paper, trash can liners, soap, and paper towels. Mats are obtained through Cintas and they also showed an expenditure for some first aid kits. Total expenditures in the fourteen-week period was \$11,211.00. Thanksgiving holiday turkeys for employees was \$1,781. The Christmas employee party was \$2,040.00 and three other departments charged their Christmas party totaling \$505.00 with a grand total of \$2,545.00. Event expenses for H.P.A. dinner and Fort Scott Jamboree totaled \$190.00. Other expenses include the Biggest Loser Program which is a City wide program was paid \$405.00 for 27 participants. Donations to different organizations throughout the City totaled \$1663.00. Rental building for meetings was \$300.00. Chamber of Commerce annual membership dues are \$100.00 per person, and \$700.00 plus spent. Shirts purchased for the City Manager, and his contract does not have an expenditure clause for clothes. Code footprint for an elected City official totaled \$1,729.00. Code footprints usually should be paid for by the owner. She called several surrounding cities and they do not pay for code footprints. As a previous government employee for 31 years, it is concerning that our City government is using tax dollars on expenditures that is not in agreement with federal laws. She took it upon herself to contact surrounding cities to see how they handle their expenditures on break room supplies, department parties, donations, gifting, and phones. They follow the federal guidelines. They do not pay for membership dues for employees who choose to be in an organization. They do pay for special certifications and usually have one Christmas get together for all employees. They do not give Thanksgiving presents. Birthdays or other special events of gifts are not provided for by the City. If a department chooses to do something for an employee, contributions are made by the employees and the employees bring in food. Retirements – one City provided a \$400.00 cap and another City provided a \$250.00 cap. They do not provide breakroom supplies, soda, or water. The employees have a kitty and they buy their supplies as needed. Telephones are only given to the persons on call such as the City Manager, Utility Techs, Police and Fire. They have about 9-10 phones total and they pay a stipend to the employee of \$11.24 to the employee. Our City handbook does not provide information on gifting and expenditures. We may benefit from a contracted central supply where people can get their office and janitorial supplies. Why are we paying all these funds? We need to get back down to the basics. We are spending a lot of money that could be used on things that benefit all taxpayers, such as infrastructure, streets, fire and police. We need to get real.

Susan Bancroft explained the Biggest Loser program to the Commission and how it works. Buck Run hosts the program and the City just runs the funds through us and it is paid directly back to them. She also said that at their next City Commission meeting the purchase policy will be brought before them to review.

Matthew Wells – Mr. Wells said that since the 1880's, Fort Scott has had a water and a sewer distribution system with no major overhauls. We have used iron water pipes and clay sewer pipes, with both having a life expectancy of 50 years. Most of these pipes have been in the ground well over 125 years. Those pipes are a health hazard to the citizens, livestock and wildlife in our community. Sewer pipes are leaking internally and externally, leading to

contamination of our soil and overflowing of our treatment plant and distribution system. Our crumbling sanitary sewer systems has huge infiltration problems with external leaks into the system due to the deterioration of our piping, manholes, and lateral lines. This is causing unhealthy sanitary sewer overflows and is a huge contributor to excessive operational costs at the disposal plant. Our massive electric bill there is directly proportional to the amount of waste and storm water it must pump and process. Case in point, in 2018, the wastewater electric bill was \$171,000. Last year, an excessive rainfall year, the electric bill rose to \$185,000. This also caused wear and tear on equipment which means shorter life expectancy. Our City is now faced with the task of, not patching, but rebuilding our sewer lines, a task that has been shunned aside for many years. You might ask why we have allowed our sewers to get so antiquated to the point of having major sanitary sewer overflows. It is because our leaders are limited in their knowledge and expertise in the fields required to fix the problems and we have not hired persons with that schooling, training or talent and ability. We are now faced with the expenditure of in excess of \$15,000,000 to bring our sanitary sewers up to standard. In 1975, the City Commission passed an ordinance establishing a fee to be added to our water bills each month. It was specifically to be used for repair, maintenance and replacement of our sanitary sewer system. It was stated the revenue was to be used for no other purpose. It was also stipulated that the revenue was to be reported every six months and the fee was to be adjusted to insure there were enough funds to repair, maintain, and replace our system. That ordinance is still on the books. Fortunately, the rebuilding of our sanitary sewer system is a labor intensive task. One that is teachable. We can hire and train necessary personnel who live here. We don't have to hire out of town contractors to take our money home with them. By re-piping of our sanitary sewer system, we can keep money in the community. When dollars are spent locally, they can in turn be re-spent locally, raising the overall level of economic activity, paying more salaries, and building the local tax base. This re-circulating of money leads to an increase of economic activity, with the degree of expanse entirely dependent on the percentage of money spent locally. It is the added economic benefit of local businesses to a local economy. This means more money will be circulating in the local economy, which may lead to more public infrastructure and raising more money in taxable transactions to fund local government services. By re-piping our sanitary sewers, the following can be expected: 1) We will put to work an additional 6 to 10 workers; 2) We will be training those workers and providing skills that could lead to a better way of life for them; 3) We will be cooperating with Bourbon County by purchasing fill and bedding rock from quarries located in the county, thereby providing revenue to the landowner on whose property the quarry is on; 4) We can enforce City code in the re-piping thereby training our Codes Department to inspect and enforce codes; 5) We can add crew or crews as additional money becomes available through repurposing sanitary sewer revenue and obtaining grants and revenue bonds; 6) Morale of the community will improve when citizens recognize their tax money is being used to improve their quality of life; 7) People from out of town will recognize Fort Scott is trying to improve by re-piping the old sewer lines instead of just patching as we have been doing for the past 100 years; 8) We will be writing job descriptions, duties, and responsibilities and advertising for new workers to be selected based upon qualifications with preference given to local help.

All sanitary sewer funds generated would be placed in a special re-piping account. Wastewater utility is proposed to generate \$2.2 million in 2020. Cost to fund the disposal plant (according to proposed budget) is approximately \$400,000 leaving approximately \$1.8 million to pay off debt and funding of the re-piping project (debt pay-off for wastewater is in the \$65,000 range) leaving approximately \$1.7 million for re-piping. That would fund over 8 miles of new pipe. There has been a fake wastewater administration account set up to funnel \$319,000 of the wastewater funds. This would fund the re-piping of approximately 1 ½ miles of sewer lines. The administration fee should be adjusted to 1% of the funds generated. There is another fake water administration account set up to funnel \$655,000 from the water revenue. That amount would fund over 3 miles of new sewer line. Again, the administration fee should be held to 1% of the funds generated. According to the ordinance, that revenue could be borrowed from the water funds, used for sanitary sewers and paid back at a later date. Total funding for 2020 for re-piping should be approximately \$2.7 million if we put the revenue where it belongs and keep it out of the general fund. Figuring 90 new manholes at a cost of \$360,000, we would have about \$2.3 million for re-piping or 10 miles. He gave the Commissioners a handout of his prepared speech.

C. PUBLIC HEARINGS:

Lindsey Watts moved to open the Public hearing at 7:16 p.m. Randy Nichols seconded. All voted aye.

OPENED PUBLIC HEARING AT 7:16 P.M.

6:15 p.m. Resolution No. 7-2020 -Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure located at 421 W. 5th Street –
Robert Uhler said that structure is in bad condition. It is open to the elements. He is asking for a time frame of 60 days to either repair or remove this structure.

Mark McKenney said that he was representing the McKenney family. He said that Skitch brought them a dumpster. They have taken off the siding that was bad. The foundation is in good shape still. The red part of the roof is bad. It is not leaking. There are broken windows. They are having a family meeting soon and will make a decision about this house and decide whether to repair or remove this structure. If it is removed, they will do that.

Robert asked to remove this from the unsafe and dangerous listing and he will work with the McKenney family on this property.

Kevin Allen moved to remove this structure from the dangerous and unsafe listing and for Robert Uhler to work with the owner of the structure. Lindsey Watts seconded. All voted aye.

APPROVED TO REMOVE THE STRUCTURE AT 421 W. 5TH STREET FROM THE DANGEROUS AND UNSAFE LISTING AND FOR ROBERT UHLER TO WORK WITH THE PROPERTY OWNER.

He will update the Commission at their next meeting.

Kevin Allen moved to close the Public Hearing at 7:20 p.m. Lindsey Watts seconded. All voted aye.

CLOSED PUBLIC HEARING AT 7:20 P.M.

EXECUTIVE SESSION:

City Manager asked that a 15 minute Executive Session be held to discuss preliminary discussions relating to the acquisition of real property. There is no action anticipated. This will include the City Commission, Jeff Deane, City Attorney. Susan Bancroft, Director of Finance, Robert Uhler, Community Development Director, and Dave Martin, City Manager.

Kevin Allen moved to recess into a 15 minute Executive Session to include the City Commission, Jeff Deane, City Attorney. Susan Bancroft, Director of Finance, Robert Uhler, Community Development Director, and Dave Martin, City Manager to discuss preliminary discussions relating to the acquisition of real property. There is no action anticipated. Lindsey Watts seconded. All voted aye.

RECESSED INTO EXECUTIVE SESSION AT 7:23 P.M.

CAME OUT OF EXECUTIVE SESSION AT 7:38 P.M.

CONSIDERATION:

1. Consideration of street light for the alleyway behind Luther's BBQ – 3 West Oak Street – Robert Uhler, Community Development Director, informed the Commission that he is seeking permission to contact Evergy to place a street light at the alley at 3 West Oak for safety purposes.

Kevin Allen made a motion to approve to contact Evergy to place a street light at the alley at 3 West Oak for safety issues. Lindsey Watts seconded. All voted aye.

APPROVED TO CONTACT EVERGY TO PLACE A STREET LIGHT AT THE ALLEY AT 3 WEST OAK FOR SAFETY ISSUES.

2. Consideration to solicit bids on the replacement of the outside stairs at Memorial Hall – 1 East Third Street - Robert Uhler, Community Development Director, informed the Commission that he is seeking permission to go out for bid to replace the steps at Memorial Hall. He will seek two bids to either repair or completely replace these steps. The bids will be solicited locally and brought back before them.

Kevin Allen moved to solicit bids for the repair or replacement of the steps at Memorial Hall. Randy Nichols seconded. All voted aye.

APPROVED TO SOLICIT BIDS FOR THE REPAIR OR REPLACEMENT OF THE STEPS AT MEMORIAL HALL.

3. Consideration to hold a Public Hearing on the advisability of creating a Community Improvement District within the City of Fort Scott, Kansas; Establishing a Community Improvement District Sales Tax to finance improvements within such district, providing for the giving of notice of such public hearing, and authorizing actions related thereto – Approval of Resolution No. 8-2020. – Rachel Pruitt, Economic Development Director, informed the Commission that she is seeking approval to hold a public hearing for a Community Improvement District for the property to be known as Dollar Tree development. Highlights of this development will be that it is a 10,000 square feet of retail space with 1.5 acres along the Highway 69 Corridor. It will provide up to 15 new jobs with estimated annual sales of \$1,000,000 to \$1,500,000 and will be open by September 2020. The Community Improvement District involves the following: The developer will pay the project costs of \$861,000 with estimated reimbursement of \$242,000 with a 1% CID tax – annual reimbursement of \$11,000 for a period of 22 years.

Discussion was held regarding the current CID District which includes Hibbitt, Factory Connection, Gordman's, and Dairy Queen. That brings in \$30,000 annually.

Rachel asked for approval for Resolution 8-2020 setting a public hearing for the proposed CID district.

Kevin Allen moved to approve Resolution No. 8-2020 setting a public hearing for the proposed CID District. Lindsey Watts seconded. All voted aye.

APPROVED RESOLUTION NO. 8-2020 CALLING A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY OF FORT SCOTT, KANSAS; ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO FINANCE IMPROVEMENTS WITHIN SUCH DISTRICT, PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING, AND AUTHORIZING ACTIONS RELATED THERETO. – DOLLAR TREE –

4. Consideration of EMS Medical Director Contract – Susan Bancroft, Director of Finance, informed the Commission that this is the annual contract for Dr. Katrina Burke as the Medical Director for Bourbon County EMS of which she has been since 2017. In accordance with Kansas Statue 65-6126, each emergency medical service will have a medical director appointed by the operator of the service to review and implement medical protocols, approve and monitor activities of attendance. Dr. Burke has been very active with E.M.S. this past year in reviewing and implementing and educational review with pre-

hospital care. The City does all the EMS services and this is a flow through to pay for their services. We would like to keep Dr. Burke as our Medical Director.

Randy Nichols moved to appoint Dr. Katrina Burke as the EMS Medical Director. Lindsey Watts seconded. All voted aye.

APPROVED TO APPOINT DR. KATRINA BURKE AS THE EMS MEDICAL DIRECTOR.

5. Consideration of Letter of Support to Bourbon County for health care
– Dave Martin, City Manager, informed the Commission that as you know at the last City Commission meeting, you approved the replatting of the land for CHC and Via Christi to rebuild their facilities. There has been discussions with Bourbon County as possibly working and taking over that building and working with the current partners there. We were made aware of that after the last meeting. We have met with the County and discussed some concerns we had. They are not asking us for money but asking for a letter of support. He asked for a motion to approve the following letter: “Please accept this letter from the City of Fort Scott Commissioners as an offering of our support and commitment to continue to work together to enhance healthcare in Bourbon County. We support your efforts in working with key healthcare allies in the region in developing a new model of rural healthcare in the previous Mercy facility here in Fort Scott. The City of Fort Scott is committed to supporting the most robust and long-term sustainable healthcare services for our community. We are excited to be involved with this endeavor and look forward to future involvement”.

Kevin Allen said that this is a great way for the City to work with the County. We are excited to keep health care here in our town. It would definitely affect our population if we didn't. He is excited to move forward with this.

Randy Nichols said that for public scrutiny and history and transparent issues, he wanted to bring out some history on this. Historically, this hospital was built in the vision of what health care was for at that time. We had lots of beds and lots of inpatient beds. Health care has changed and continues to change in terms of hospital beds, length of hospital stays, ability to support specialty care in a rural area. We had general surgery, general O.B. which is no longer specialty. The support of the community also helped the survival of this hospital. Having said that, when Mercy decided to leave, there were lots of discussions and a task force formed. There were lots of interested people but none of them felt like under those circumstances could support the hospital building. He credited Reta Baker to making sure we had two entities that would assist us in health care in this community. They started moving forward with building their own facilities while there were evaluations moving forward with looking at the current building. As it was looked at,

there were risks and benefits with this plan. The community needs to go into this looking through wide open eyes. This building, for tradition health care, been an albatross. This new medical mall model is completely new, untested, what do we do, where are we headed, let's do the best we can. There is an emotional theme in the community about saving the building. There were private funds put into it. Saving the building for the sake of saving the building is not a fiscal responsible decision. I think the people that are saving the building are doing it for the reason of repurposing the building and that is primary care, specialty care, ER, expanded ER of some fashion, and the rest of the building is still up in the air. Some may be tax supported and some may not. If we're not careful and it's mismanaged it can lead to too much competition.

Randy Nichols moved to approve to sign the Letter of Support to Bourbon County for health care. Kevin Allen seconded. All voted aye.

APPROVED TO SIGN THE LETTER OF SUPPORT TO BOURBON COUNTY FOR HEALTH CARE.

COMMISSION/STAFF:

A. Director Updates: Sewer Project – Michael, Chad, Susan, Deb – Michael Mix updated the Commission on the proposed sewer rehabilitation project. He went through the outline that was in their agenda packet. Michael addressed his department and Chad's department working together to do some sewer repairs in house. Deb reported on hiring City employees and issues that we have faced in the past. Discussion was held regarding local contractors and if they would be interested in doing this type of work. Michael said that he would need a decision from them soon. He said he viewed the website that Matthew Wells shared and it does not pertain to our system.

Pete Allen asked for a work session to develop a plan to give direction to the City Manager and Staff. We need to develop a vision. He would like to have it immediately and have the Commission polled to see when they could meet.

Pete Allen made a motion to hold a work session to develop a vision and a plan for our sewer system and for the City Clerk to poll the Commission and determine a date. Kevin Allen seconded. All voted aye.

APPROVED TO HOLD A WORK SESSION TO DEVELOP A VISION AND A PLAN FOR OUR SEWER SYSTEM.

B. City Commission:

Kevin Allen – Nothing to report.

Lindsey Watts – Lindsey asked the Commission if they would consider moving the March 3rd City Commission meeting to the following week March 10th as she has a conflict with the March 3rd date.

Randy Nichols moved to move the March 3rd, 2020 meeting to March 10th, 2020. Kevin Allen seconded. All voted aye.

MOVED MARCH 3RD, 2020 MEETING TO MARCH 10TH, 2020.

Pete Allen – Pete passed out a picture of a house south of the High School on Scott Avenue that has some codes violations.

City Manager will have this looked into.

Pete asked about the building at 118 E. Wall Street which is a three story building. He said that it is bulging in front and shared photos of it.

Robert Uhler said that the City is aware of this structure and is working on it.

JoLynne Mitchell – Not present.

Randy Nichols – Nothing to report.

D. City Manager: Nothing to report.

ADJOURNMENT:

Lindsey Watts moved to adjourn the meeting at 8:48 p.m. Randy Nichols seconded. All voted aye.

ADJOURNED MEETING AT 8:48 P.M.

The next regularly scheduled meeting is to be held on February 18th, 2020 at 6:00 p.m.

RECORDED BY:

**DIANE K. CLAY
CITY CLERK**