

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING (AMENDED)**

**Minutes of May 5, 2020**

**Regular Meeting #9**

The regular meeting of the Fort Scott City Commission was held May 5<sup>th</sup>, 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:** There was no invocation given.

**AUDIENCE IN ATTENDANCE:** There was no audience in attendance other than a very few City staff.

**PROCLAMATIONS/RECOGNITIONS:** None

**APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:**

- A. Approval of minutes of the regular meeting of April 21<sup>st</sup>, 2020.
- B. Approval of Appropriation Ordinance 1262-A totaling \$615,308.86.
- C. Request to Pay #4 – Schneider Electric - \$216,807.84 – Energy Service Project
- D. Approval to Pay #5 – Struckel Electric – Electric Vault Project - \$5,130.00
- E. Approval to Pay – Olsson – Electric Vault Project Engineering - \$5,193.01

Pete Allen asked that Item C – Schneider Electric be removed from the Consent Agenda.

Lindsey Watts moved to approve the Consent Agenda with the removal of Item C. JoLynne Mitchell seconded. R. Nichols, L. Watts, and J. Mitchell voted aye. K. Allen and P. Allen voted no. Motion carried 3-2.

**APPROVED CONSENT AGENDA.**

Pete Allen said he could not see on the Schneider Electric invoice where it had been signed off by the engineer or inspections conducted on this project.

R. Nichols moved to table the Schneider Electric payment until the May 19<sup>th</sup>, 2020 meeting. L. Watts seconded. All voted aye.

**TABLED THE SCHNEIDER ELECTRIC PAYMENT.**

**APPEARANCE/COMMENTS/PUBLIC HEARING:**

**A. APPEARANCE:** None

**B. CITIZEN COMMENTS** (Concerning Items Not on Agenda – 5 minute limit per citizen) - Comments will not be taken during this meeting. If you have a topic to discuss not listed on the agenda, please contact a City Commissioner or send a written request to [dclay@fscity.org](mailto:dclay@fscity.org).

**C. PUBLIC HEARINGS:** None

**CONSIDERATION:**

(Kevin Allen was asked to leave the room while the first item was discussed).

1. Request to Pay – Skitch’s Hauling & Excavation, Inc. – February - \$1,185.00 – Porta Pottie Services

L. Watts moved to approve the payment to Skitch’s Hauling & Excavation for porta-pottie services for February in the amount of \$1,185.00. J. Mitchell seconded. P. Allen, R. Nichols, L. Watts, and J. Mitchell voted aye. Motion carried.

**APPROVED THE PAYMENT TO SKITCH’S HAULING & EXCAVATION FOR PORTA-POTTIE SERVICES FOR FEBRUARY IN THE AMOUNT OF \$1,185.00.**

(Kevin Allen returned to the meeting).

2. Approval to publish 2020 Budget Amendment and to hold a public hearing on May 19<sup>th</sup>, 2020 at 6:00 p.m. – Susan Bancroft, Director of Finance, informed the Commission that she is asking to hold a public hearing on May 19<sup>th</sup>, 2020 to amend the 2020 budget. There are four funds which need amended:

	<u>2020 Adopted</u>	<u>2020 Proposed</u>
Special Alcohol & Drugs	\$12,850	\$47,679
Special Parks & Recreation	\$12,580	\$37,617
E911	\$135,500	\$140,333
Storm Water Utility	\$189,493	\$979,375

K. Allen moved to hold a public hearing on May 19<sup>th</sup>, 2020 at 6:00 p.m. to amend the 2020 budget. L. Watts seconded. All voted aye.

**APPROVED TO HOLD A PUBLIC HEARING ON MAY 19<sup>TH</sup>, 2020 AT 6:00 P.M. TO AMEND THE 2020 BUDGET.**

3. Consideration to repeal Ordinance No. 3556 and approve Ordinance No. 3562 establishing a Street Advisory Board - Jeff Deane, City Attorney, informed the Commission that this has been approved but he wanted to

read the ordinance to the Commission as it was passed at the last meeting. No questions were brought up on this ordinance.

4. Consideration of appointments to Street Advisory Board (Six (6) City residents – One (1) County resident within 3-mile limit) – JoLynne Mitchell, Mayor, informed the Commission there are sheets in front of them in alphabetical order for them to review. She will call out the proposed names and each Commissioner will vote and the votes will be tallied and read aloud. They will each need to vote for six City residents and one County resident. The proposed names are as follows: Brian Allen, Nick Barrows, Randy Bohlken, Ralph Carlson, Denny Davis, Charles Gentry, Clete Hall, Diana Morriss, Greg Schick, Matthew Wells, and Gary Cullor, the County resident.

J. Mitchell moved to approve the highest vote getters of Brian Allen, Nick Barrows, Randy Bohlken, Ralph Carlson, Charles Gentry, and Clete Hall – the six City residents, and Gary Cullor the County resident. L. Watts seconded. All voted aye.

**APPROVED THE HIGHEST VOTE GETTERS OF BRIAN ALLEN, NICK BARROWS, RANDY BOHLKEN, RALPH CARLSON, CHARLES GENTRY, AND CLETE HALL – THE SIX CITY RESIDENTS, AND GARY CULLOR THE COUNTY RESIDENT TO SERVE ON THE STREET ADVISORY BOARD.**

5. Consideration of appointments to Design Review Board - JoLynne Mitchell, Mayor, informed the Commission there are sheets in front of them in alphabetical order for them to review. She will call out the proposed names and each Commissioner will vote and the votes will be tallied and read aloud. They will each need to vote for three City residents. The proposed names are as follows: Frank Adamson, Darren Crays, Debra McCoy, Arnold Schofield, Judy Warren, Matthew Wells, Stacy Wood, and Rick Zingre’.

J. Mitchell moved to approve the highest vote getters of Arnold Schofield, Stacy Wood, and Rick Zingre’. L. Watts seconded. K. Allen, R. Nichols, L. Watts, and J. Mitchell voted aye. P. Allen voted no. Motion carried 4-1.

**APPROVED THE HIGHEST VOTE GETTERS OF ARNOLD SCHOFIELD, STACY WOOD, AND RICK ZINGRE’ FOR THE DESIGN REVIEW BOARD.**

6. Consideration of appointments to Planning Commission - JoLynne Mitchell, Mayor, informed the Commission there are sheets in front of them in alphabetical order for them to review. She will call out the proposed names and each Commissioner will vote and the votes will be tallied and read aloud. They will each need to vote for four City residents and one County resident. The proposed names are as follows: Cheryl Adamson, Josh Jones, Carol MacArthur, Debra McCoy, Judy Warren, and the two County residents are Pam Hightower and Don Tucker.

There was a tie between Debra McCoy and Cheryl Adamson and another vote was taken for those two candidates.

J. Mitchell moved to approve the highest vote getters of Cheryl Adamson, Josh Jones, Carol MacArthur, and Judy Warren for the four City residents and Pam Hightower for the County resident. R. Nichols seconded. K. Allen, R. Nichols, L. Watts, and J. Mitchell voted aye. P. Allen voted no. Motion carried 4-1.

**APPROVED THE HIGHEST VOTE GETTERS OF CHERYL ADAMSON, JOSH JONES, CAROL MACARTHUR, AND JUDY WARREN FOR THE FOUR CITY RESIDENTS AND PAM HIGHTOWER FOR THE COUNTY RESIDENT FOR THE PLANNING COMMISSION.**

7. Approval of Hay Bid – Airport – Dave Martin, City Manager, informed the Commission that bids were taken for the 130 acres of hay ground to be hayed this summer at the Airport. There were three bids received: Triple M Farms - \$6,580.00; Dale Bollinger - \$5,388.00; and Dr. Ricky Kellenberger - \$5,200.00. Approval for the high bid from Triple M Farms was recommended.

K. Allen moved to approve the high bid of Triple M Farms for the hay bid at the airport in the amount of \$6,580.00. L. Watts seconded. All voted aye.

**APPROVED HIGH BID FROM TRIPLE M FARMS FOR THE 130 ACRES OF HAY GROUND AT THE AIRPORT IN THE AMOUNT OF \$6,580.00.**

8. Discussion of Pool Opening – Dave Martin, City Manager, informed the Commission that Chasity Ware, Aquatic Center Manager, sent an email asking that the City Commission postpone their decision on opening or closing the pool until June 1<sup>st</sup>. According to the Governor's latest Executive Order, the Phase 2 plan would allow 30 individuals in the pool at a time. After June 15<sup>th</sup>, there are no limits on gatherings. He asked that this be tabled until we are closer to June 1<sup>st</sup>.

R. Nichols moved to table the pool opening discussion until after June 1<sup>st</sup>. J. Mitchell seconded. All voted aye.

**TABLED THE POOL OPENING DISCUSSION UNTIL AFTER JUNE 1<sup>ST</sup>, 2020.**

9. Discussion of Fuel Bid - Susan Bancroft, Director of Finance, informed the Commission that she was approached this week about bidding out our fuel. We currently have a fuel holding tank at Public Works and we get our fuel from a County resident, and have for years, pay whatever the price of fuel is at the time with a 10% discount. This company has asked if they can give us a quote and lock in the rate for a year. She would like to give this option to our current vendor also.

Susan said that our Public Works, Public Safety, EMS, and our street sweeper are mainly the highest users. She said she has audited fuel sales for the last few months. She has looked at weekend purchases and odd hours to ensure that people using fuel at that time is actually being used correctly.

K. Allen said that he would like to bid this item out to all vendors in town.

K. Allen made a motion to put the fuel sales out for bids with all fuel vendors. R. Nichols seconded. All voted aye.

**APPROVED TO PUT THE FUEL SALES OUT FOR BID WITH ALL FUEL VENDORS.**

**COMMISSION/STAFF:**

**A. Director Updates:**

Travis Shelton – Margrave Street School zone discussion – Chief Shelton informed the Commission that back in March the length of the school zone on Margrave Street was discussed regarding shortening the length. The current school zone is .4 of a mile in length. He said that he visited with Terry Chance, Principal, Fort Scott Christian Heights school and he does not have an issue with shortening it. He also contacted the administration of USD 234 to get feedback from them. He talked with Joe Allen, USD 234 Transportation Director who stated they would like to see that 10<sup>th</sup> Street and 12<sup>th</sup> Street are both included in the school zone as it is better for the school bus drivers to pull out on Margrave in a 20 mph zone than a 35 mph zone. If the school zone included one half block south of 12<sup>th</sup> Street and one half block north of 10<sup>th</sup> Street, the zone would be .2 of a mile. If only including 10<sup>th</sup> Street, the school zone would be .1 of a mile. He talked to Chad Brown, and he estimated to move the flashing lights, the cost would be between \$2,000 to \$3,000.

K. Allen said that he would be in favor of shortening it to the .1 of a mile for the school zone. He thinks there are more children walking on Shepherd Street than on Margrave Street. He would not move the electric or the poles. He would like them taken down. He would like to see it shortened to .1 of a mile.

R. Nichols moved to change the school zone on Margrave Street to one half block south of 12<sup>th</sup> Street and one half block north of 10<sup>th</sup> Street, which would be .2 of a mile. L. Watts seconded. R. Nichols, L. Watts, and J. Mitchell voted aye. K. Allen and P. Allen voted no. Motion carried 3-2.

Kevin Allen asked if he could also make a motion.

K. Allen moved to change the school zone to just include 10<sup>th</sup> Street and be .1 of a mile in length. P. Allen seconded. K. Allen and P. Allen voted aye. R. Nichols, L. Watts, and J. Mitchell voted no. Motion denied 3-2.

**APPROVED TO CHANGE THE SCHOOL ZONE ON MARGRAVE STREET TO ONE HALF BLOCK SOUTH OF 12<sup>TH</sup> STREET AND ONE HALF BLOCK NORTH OF 10<sup>TH</sup> STREET WHICH WOULD BE .2 OF A MILE IN LENGTH.**

Robert Uhler – Shiney Studio roof update – Certificate of Appropriateness  
– Robert informed the Commission that the State Historic Preservation Office has given the approval for the roof replacement at 123 S. National. The Design Review Board verbally approved this change in the roof contingent upon approval by SHPO. He asked approval for the Certificate of Appropriateness to replace the roof at 123 S. National.

J. Mitchell moved to approve the Certificate of Appropriateness for the roof replacement at 123 S. National. R. Nichols seconded. All voted aye.

**APPROVED CERTIFICATE OF APPROPRIATENESS FOR THE ROOF REPLACEMENT AT 123 S. NATIONAL.**

**B. City Commission:**

Kevin Allen – He had several items:

- He stated that the City website address is difficult to find. Can we do anything about that? Change the name?

City Clerk told him that the Chamber has fortscott.com.

Susan said that all have links to each other pages.

Kevin would like to see this researched to see if we can share a web address with the Chamber.

- He asked about the golf course.

City Manager said it was open.

Kevin questioned the free golf for several months and how we are collecting revenue. He thinks we should have had someone there collecting money to play. He said we have been publicly criticized for this and using our amenities for free.

City Manager said that it was a COVID-19 issue he believed.

- He asked for a report on Andrick Street. He hasn't seen any progress on that street. It has been going on for nine months now.

City Manager said that they are getting ready to replace the water lines now. They have been talking with Pete on this project also. They have discussed the issue on bidding this project out.

Pete said he has plans and specifications ready on this project. Our current situation is that we have five or six people on our Street Department. We don't have enough people and expertise to get this project completed. We need to hire it out. We have many problems with potholes in this town. He said that Margrave Street is falling apart. We have streets that are deteriorating. We aren't doing any maintenance on our streets. If we don't start on a maintenance program, we will be in terrible trouble. 12<sup>th</sup> Street is in bad condition with the joints that are 6" wide. His recommendation is to bid this job at Andrick Street out to pour the concrete and get the curbs done. The water line still has to be replaced and base rock needs to be brought in. He asked that a decision be made tonight on Andrick Street.

Kevin said that the plans Pete drew up were amazing. He said that the City crew is a good crew but they have too much to do. It is the Commission's job to get them help. He asked Dave about when the prisoners can help assisting with the streets. He said that they can patch potholes.

City Manager said that the prisoners cannot work until the COVID-19 pandemic is lifted.

Kevin said that this can be free work provided to us. We can have an officer do security for them. He said that we need to use these prisoners after the COVID-19 is lifted. He said that citizens need to see progress if a sales tax is ever going to pass.

Chief Shelton said that there are differences between a police officer and a detention officer and he would need to look into that.

Susan discussed the two sales taxes. The one renewing this year is the County 1 cent sales tax. Those dollars go into our general fund and amount to about \$700,000 a year. The City receives about ½ a percent. This helps fund the street program. In 2021, the ½ cent sales tax comes up for a vote again and she would like to see this dedicated to the streets. That brings in approximately \$1,000,000. This is a true City tax which is why the amount the City receives is higher than that 1 cent sales tax. She is getting information together for Josh Jones and can bring it before the Commission if they wish.

City Manager said that the Commission will have to approve the question for the ballot.

- His next item was when the next Lake meeting will be held. He would like to see a time determined. The last he knew is that Robert was taking a poll when people can meet. He thinks the sewer issue will come up at this meeting. He has talked with Michael Mix about this

program. He said that each resident pays about \$60.00 a month and a portion of that goes toward paying off the sewer. There was no bonus for paying off your sewer. There is a certain brand of pump and a certain company do the work. At the bottom of the lake, the pumps only last about three years and a person has to pay about \$900. If you live at the top of the lake the pump will last about seven years. How long are we tied to this company and these rules? He said that Farlington Lake residents pay \$7.00 a month and those funds go into an account that pays for all repairs.

City Manager said that he would meet with Justin Meeks of the County and discuss this and he will get a copy of Farlington Lake's contract. Our contract says that the County is the sewer district and the County says that they are not. He will get back with them on this.

- He also wanted to talk about Rural Water District. When a customer has a leak in the City of Fort Scott, they can call a plumber and get it repaired and provide proof to the City and get an adjustment on their bill. She called Rural Water and they don't do that. He knows a lady that had a leak that was \$2,300 and she had to pay it in a three month period. He was told by Rural Water that the City doesn't give them a break. He thinks the City should find out how we can help County residents with leaks.
- He asked if we could have a report every two weeks on Streets. Dave could have whoever he wanted to come and give them a report and it would keep them updated on their projects. This would also show transparency in government.
- His last issue was when the Fire Marshal is going to come and talk to them about the code footprint.

Jeff Deane said that the Fire Marshal responded to them by email.

Kevin Allen said he would call the Fire Marshal tomorrow.

- Dave asked him about Gunn Park.

Kevin said that by shelter house #3 there is a big dropoff with a 4" edge that a child could drop off of. Rock needs brought in there. This is from years of neglect.

City Manager will check this out.

- Kevin asked where we are on the resolution that he brought up on filling the vacancy of a Commissioner.

City Attorney said that it was defeated at the last meeting.

City Clerk said that the Commission will take letters of interest.



Lindsey said that parts of his resolution were not constitutional.

Jeff will bring this back to the next meeting.

Kevin said that he will call the League and talk to their legal counsel.

Randy Nichols – He remarked that there is awareness of the passage of the 1 cent sales tax and Pete is working on that.

The Street Advisory Board will be a good committee to start the planning process with our infrastructure needs.

Pete Allen – He remarked that he would like to instruct our City staff to complete the work at Andrick, complete the water line, complete the demolition, and also get the base rock put in ready for a contractor to begin the concrete work. He would like this work completed by June 1<sup>st</sup>. This could be easily completed in two weeks. He would like to see the entire project completed by July 1<sup>st</sup>.

Kevin said that he believes that the curb can be salvaged and used as it is currently laid.

Kevin Allen made a motion to go out for bid on curb and gutter in the 500 block of Andrick, and that the City crew finish their work with a deadline of June 2<sup>nd</sup>, 2020. Lindsey Watts seconded. All voted aye.

**APPROVED TO GO OUT FOR BID ON CURB AND GUTTER IN THE 500 BLOCK OF ANDRICK, AND THAT THE CITY CREWS FINISH THEIR WORK WITH A DEADLINE OF JUNE 2<sup>ND</sup>, 2020.**

Pete also asked if we can provide some relief to the residents on Andrick Street. He brought up at the last meeting possibly giving the residents in the 500 block of Andrick a year free of water and sewer. Pete said he talked to a resident that said he is moving to Colorado.

Susan said that this will amount to around \$2,398.62. Susan said a credit could be given to the residents for a twelve month period. She would prefer to use the prior twelve month period and apply it to that account.

Jeff Deane said he will check and see if this is legal or not to do this.

Discussion was held regarding offering the residents a golf, pool, or fitness membership.

Pete made a motion as a form of relief to give the residents in the 500 block of Andrick free water and sewer for a year provided it is legal per the City Attorney. Kevin Allen seconded. All voted aye.

**APPROVED TO GIVE RELIEF TO THE RESIDENTS IN THE 500 BLOCK OF ANDRICK FREE WATER AND SEWER FOR A YEAR**

**PERIOD PROVIDED THIS IS LEGAL PER THE CITY ATTORNEY WHICH COULD AMOUNT TO \$2,398.62.**

Lindsey Watts – She said that she was the person who asked for more information from the Street Advisory board and she apologized that three people dropped their names from the list. She would like to see that included in our boards when filling positions, so we know more information about the individuals.

She also believes that every project we have should be bid out every year. Everyone should get the same treatment and it is transparent as possible.

JoLynne Mitchell – She remarked that it is important that the Lake Advisory Committee meet as they have concerns especially with their fireworks event coming up.

Dave said that he just checked with Robert and the meeting is set for May 16<sup>th</sup>, 2020.

Kevin thought one of the problems was that the City Clerk was not available to take the minutes.

Diane told him that it was due to COVID-19 and keeping the count around ten people.

JoLynne said that they need to make a dedicated time to meet.

JoLynne said that she hopes that the pool will open and we are working hard for that to happen.

**C. City Manager:**

1. City Engineer – Dave said that we have only had one applicant for City engineer so far.
2. County meeting – Dave said that they had a good meeting with the County last Friday. They will hold off on a joint meeting now due to COVID-19 and schedule this later. They discussed interlocal agreements for gravel and asphalt but decided to wait until June 1<sup>st</sup>, 2020. The County and the City both need to wait and see what the tax revenues look like for June. They will meet again on June 1<sup>st</sup>.

Susan said that rock and asphalt still costs the City money.

Pete said that we will have need for 100,000 ton of rock if they are able to make it. We could save \$4.00 a ton on rock.

**ADJOURNMENT:**

Nichols moved to adjourn the meeting at 8:18 p.m. Mitchell seconded. All voted aye.

**ADJOURNED MEETING AT 8:18 P.M.**

The next regularly scheduled meeting is to be held on May 19<sup>th</sup>, 2020 at 6:00 p.m.

**RECORDED BY:**

**DIANE K. CLAY  
CITY CLERK**