CITY OF FORT SCOTT
CITY COMMISSION MEETING

Minutes of November 15, 2011 Regular Meeting #22

The regular meeting of the Fort Scott City Commission was held November 15th, 2011 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

ROLL CALL:

Commissioners Bukowski, Mason, and Parker were present with Mayor Adams presiding. Commissioner Bartelsmeyer was absent.

INVOCATION: Randy Handley said a prayer asking God for guidance for the city and all government and city officials.

AUDIENCE IN ATTENDANCE: Diana Mitchell, Randy Handley, Ron Puterbaugh, Bill Lemke, Steve Buerge, Chuck Boully, Lindsay Madison, Scott Moore, Eric W. Bailey, Macy Cullison, Brent Crays, and Audra Young and representing the press, Jason Silvers, Staff Reporter, Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS:

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

A. Approval of minutes of the regular meeting of November 1st, 2011.

B. Approval of Appropriation Ordinances 699, 987-A, 988-A, and 989-A totaling $587,026.26.

C. Request to Pay – Hofer & Hofer – BRCC Addition - $12,109.50

D. Request to Pay #1 – Larkin Aquatics - $325,800

E. Resolution No. 40-2011 and Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure and Accessory Structure located at 111 S. Wilson – Public Hearing Date – January 3rd, 2012 at 6:15 p.m.

F. Christmas Parade Permit – Chamber

G. October financials

H. Modification Order F-0022 – Remove one (1) 175 watt mercury vapor street lights on wood pole at 1108 Gunn Park. Install one (1) 70 watt high pressure sodium street light on wood pole at 1108 Gunn Park.

I. Request to Pay – Ron Hurd Construction – Golf Cart Path - $4,179.83 (358 linear feet)

J. Request to Pay - Sludge Technology, Inc. - $45,596.00

Mason moved to approve the Consent Agenda. Bukowski seconded. All voted aye.

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. <u>APPEARANCE</u>:

Steve Buerge, President – Bourbon County Economic Development Council Inc. – Request for Funding and Update – Mr. Buerge appeared before the Commission to give an update and request the annual funding of $33,750 for 2011. He informed the Commission of their annual expenses and grants the Board had given this past year. He also requested the $40,000 from the City that Bedco had already given with their $40,000 for the Epoch Group coming to town.

Susan Brown said that these were budgeted items with $33,750 coming from the General Fund and the $40,000 coming from Promotion of Industry fund.

Parker moved to authorize $33,750 for Bourbon County Economic Development Council Inc. funding for 2011 and the $40,000 repayment for Epoch Group. Mason seconded. All voted aye.

APPROVED $33,750 ALLOCATION FOR BOURBON COUNTY ECONOMIC DEVELOPMENT COUNCIL INC. FOR 2011 AND REPAYMENT TO BEDCO IN THE AMOUNT OF $40,000 FOR THE EPOCH GROUP.

Diana Mitchell – Christmas in the Park Request – Mrs. Mitchell appeared before the Commission to request the following:

Close Gunn Park from Wednesday, November 30th through December 3rd, 2011. The Park will reopen on Sunday, December 4th, 2011 to allow

individuals to drive through and look at the lights and then reopen completely on Monday, December 5th, 2011.

She also asked for the following streets to be closed on December 3rd from 12:00 noon until the event is over.

9th to 10th Street on Osbun Street
8th to 10th Street on Burke Street
9th Street from Horton to Burke
Park Avenue
8th Street to Park Avenue on Heylman Street

Christmas in the Park will take place on Saturday, December 3rd, 2011 from 5:00 p.m. to 8:30 p.m.

Mason moved to approve the closing of Gunn Park and the street closings for Christmas in the Park on December 3rd, 2011. Parker seconded. All voted aye.

APPROVED THE CLOSING OF GUNN PARK AND THE STREET CLOSINGS FOR CHRISTMAS IN THE PARK ON DECEMBER 3RD, 2011.

B. CITIZEN COMMENTS (Concerning Items Not on Agenda – 3 minute limit per citizen) - None

C. PUBLIC HEARINGS: None

CONSIDERATION:

1. Ordinance authorizing and providing for the Issuance of General Obligation Sales Tax Bonds, Series 2011-B of the City of Fort Scott, Kansas (2nd and final reading)

   Chuck Boully, Vice President, George K. Baum & Company, Bond Counsel for the City appeared before the Commission regarding the General Obligation Sales Tax Bonds and the Temporary Notes. He informed the Commission that bids were taken for $3.9 million General Obligation Sales Tax Bonds, Series 2011-B. There were five (5) bids received with the low bid from Country Club Bank/City State Bank at the net interest rate of 1.639% which amounts to $360,158.33. This is an excellent interest rate for the next 10 years.

Mr. Boully also commended Susan Brown on her interview with Moody's Investors Service out of New York City. They bonds were rated this year and received an excellent rating of A2. He commended Susan on the way she handled the interview and how she answered all their questions.

Approval of the low bid from Country Club Bank/City State Bank is recommended.

Mason moved to approve the low bid from Country Club Bank/City State Bank at the low interest rate of 1.639%. Parker seconded. All voted aye.

APPROVED LOW BID FROM COUNTRY CLUB BANK/CITY STATE BANK AT THE LOW INTEREST RATE OF 1.639% FOR THE NEXT TEN (10) YEARS FOR THE $3.9 MILLION GENERAL OBLIGATION SALES TAX BONDS – AQUATIC CENTER AND BUCK RUN COMMUNITY CENTER ADDITION.

Susan Brown, Assistant City Manager informed them they need to approve the Ordinance authorizing and providing for issuance of the General Obligation Sales Tax Bonds.

Mason moved to approve Ordinance No. 3405 to authorize the issuance of the General Obligation Sales Tax Bonds. Parker seconded. All voted aye.

APPROVED ORDINANCE NO. 3405 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION SALES TAX BONDS, SERIES 2011-B OF THE CITY OF FORT SCOTT, KANSAS; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH. - $3.9 MILLION SALES TAX BONDS - AQUATIC CENTER AND BUCK RUN COMMUNITY CENTER ADDITION.

2. Resolution prescribing the form and details of and authorizing and directing the same and delivery of General Obligation Sales Tax Bonds, Series 2011-B of the City of Fort Scott, Kansas - Susan Brown, Assistant City Manager informed them they need to

approve the Resolution authorizing and providing for issuance of the General Obligation Sales Tax Bonds.

Bukowski moved to approve Resolution 41-2011 to authorize the issuance of the General Obligation Sales Tax Bonds. Parker seconded. All voted aye.

APPROVED RESOLUTION NO. 41-2011 PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION SALES TAX BONDS, SERIES 2011-B, OF THE CITY OF FORT SCOTT, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 3405 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH. - $3.9 MILLION SALES TAX BONDS - AQUATIC CENTER AND BUCK RUN COMMUNITY CENTER ADDITION.

3. Resolution authorizing and directing the issuance, sale and delivery of General Obligation Temporary Notes, Series 2011-2 of the City of Fort Scott – Mr. Boully informed the Commission that bids were taken the for $250,000 General Obligation Temporary Notes, Series 2011-2. There were two (2) bids received with the low bid from UMB Bank, N.A. at the low interest rate of 0.6722% which amounts to $3,370.00. This is an excellent interest rate also for the next 10 years.

   Parker moved to approve the low bid from UMB Bank, N.A. at the low interest rate of 0.6722%. Mason seconded. All voted aye.

   APPROVED LOW BID FROM UMB BANK, N.A. AT THE LOW INTEREST RATE OF 0.6722% FOR THE NEXT TEN (10) YEARS FOR THE $250,000 GENERAL OBLIGATION TEMPORARY NOTES – SANITARY SEWER IMPROVEMENTS.

   Mason moved to approve Resolution 42-2011 to authorize the issuance of the General Obligation Temporary Notes in the amount of $250,000 for the Sewer Improvement Project. Parker seconded. All voted aye.

APPROVED RESOLUTION NO. 42-2011 AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2011-2 OF THE CITY OF FORT SCOTT, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTUIONS CONNECTED THEREWITH. - $250,000 GENERAL OBLIGATION TEMPORARY NOTES –SEWER IMPROVEMENT PROJECT.

4. Consideration of 2006 Plumbing Code Adoption (2nd and Final Reading) - Brent Crays, Codes Manager informed the Commission that this ordinance is for the 2nd and final reading tonight and if passed would update the Plumbing Code from the 1997 code to the 2006 Plumbing Code. Approval was recommended.

   Parker moved to approve the 2006 Plumbing Code adoption. Mason seconded. All voted aye.

   APPROVED ORDINANCE NO. 3404 AMENDING CHAPTER 15.12 OF THE FORT SCOTT MUNICIPAL CODE TO UPDATE THE "INTERNATIONAL PLUMBING CODE TO THE 2006 EDITION FOR THE CITY OF FORT SCOTT".

5. Consideration of Bids – Automatic Flushing Bids – Bill Lemke, Water Collections Supervisor informed the Commission that bids were taken for the purchase of ten (10) automatic flushing hydrants that would enable the hydrants to automatically flush on a timed basis set by City personnel. The flushing of the hydrants will enable the chlorine in the City's water system to not become stagnant. There were two bids received with the low bid from Water Products, Inc. of Harrisonville, Missouri in the amount of $14,964.60. Approval was recommended.

   Mason moved to approve the low bid from Water Products, Inc. for purchase of ten (10) automatic flushing hydrants. Parker seconded. All voted aye.

APPROVED LOW BID FROM WATER PRODUCTS, INC. OF HARRISONVILLE, MISSOURI IN THE AMOUNT OF $14,964.60 FOR PURCHASE OF TEN (10) AUTOMATIC FLUSHING HYDRANTS.

COMMISSION/STAFF:

A. Director Updates:

Macy Cullison – Macy gave the Commission an update on the job fair that was recently held that was sponsored by the Chamber. She also gave an update on new businesses that have recently come to town. She will be working closely with Bedco to help market the Industrial Park in the near future.

Eric Bailey – Eric gave the Commission an update on projects for the Street and Parks Departments.

Commissioner Parker asked him about a big pothole at the end of Charles and Broadway. Mr. Bailey will check into it.

B. City Commission:

Bartelsmeyer – Not present.

Bukowski – Nothing to report.

Mason – Nothing to report.

Parker – Nothing to report.

Adams – Nothing to report.

C. City Attorney: Commended Susan Brown on the bond rating interview. It was not free but the interest rates the City received will more than pay for the costs.

D. Assistant City Manager:

October financials – Susan Brown went over the October financials with the Commission and the projections look good at this point in time. She has cut off spending and final projections will depend on weather conditions.

Sales Tax – Susan passed around the sales tax report which shows the 1% sales tax that was effective July 1st, 2001.

E. City Manager:

1) Employee Pre-Holiday Dinner – City Manager reminded the Commission of the Pre-Holiday Dinner on Thursday night at Buck Run at 6:00 p.m.

2) Employee Bonus – City Manager asked the Commission for approval to give City employees a $100.00 Christmas bonus this year excluding Bob Farmer and himself.

Mason moved to authorize a $100.00 Christmas bonus for City employees. Parker seconded. All voted aye.

APPROVED $100.00 CHRISTMAS BONUS FOR CITY EMPLOYEES.

3) Public Meeting – Fort Scott High School – December 5th, 2011 – City Manager informed the Commission that there will be a public meeting held on Monday, December 5th, 2011 in the Commons area at the Fort Scott High School. This meeting will be held to address parking concerns on Broadway from Wall Street to Charles and on 12th Street from Crawford to Main. These are main bus routes and there is a lot of congestion in these two areas. A letter will be sent to all residents in this area to invite them to this meeting. The recommendations for the street changes are to make 12th Street from Crawford to Main "No Parking on South Side". The recommendation for Broadway Street is "No Parking on the East side" from Wall to 6th Street and "No Parking in Street" from 6th Street to Charles Street. USD #234 is also in support of this proposed change. This will come back to the City Commission for their approval at a later meeting.

4) Lake Fort Scott – City Manager said he had received emails from individuals who were concerned about the water level at the lake. He gave them a report from Ag Engineering that reports that levels are fine at the lake but it has been a dry summer and the lake is down. Also the State of Kansas mandated that brush be cleaned out and that makes the water level more visible. This

report will be sent to the State of Kansas and then be available to the City Commission after their approval.

5) Western Insurance Building – City Manager informed the Commission that a window blew out of the Western building yesterday. The Fire Chief and Brent Crays checked more windows and there are more in danger of falling. The City put up barricades to protect citizens from getting hit by any falling glass. They met with the City Attorney and discussed options. The City Attorney will contact Mr. Paul House regarding the windows. They also called in someone to come and look at the windows to see about securing them. They will be boarded up as a last resort. The barricades will stay up for now to protect citizens.

ADJOURNMENT:

Mason moved to adjourn the meeting at 6:43 p.m. Parker seconded. All voted aye.

ADJOURNED MEETING AT 6:43 P.M.

The next regularly scheduled meeting is to be held on December 6th, 2011 at 6:00 p.m.

RECORDED BY:

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DIANE K. CLAY
CITY CLERK