CITY OF FORT SCOTT
CITY COMMISSION MEETING

Minutes of February 15, 2011 Regular Meeting #4

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

ROLL CALL:

Commissioners Adams, Bukowski, Mason and Parker were present with Mayor Hedges presiding.

INVOCATION: Pastor Paul Rooks, Grace Baptist Tabernacle said a prayer asking God for guidance for the city and all government and city officials.

AUDIENCE IN ATTENDANCE: Ron Puterbaugh, Eric W. Bailey, Paul Ballou, Darrell Parker, Amber Hunziker, Erin Destefano, James Cox, Cindy Bartelsmeyer, Kent Hamlin, Kevin Allen, Debi Blancert, Ermalea Mitzner, Janet Braun, Jim Pitts, Thom Prue, Chuck Boully, Billy Webster, Laura Hyer, Frank E. Hornslager, Tom Gorman, Paul Rooks, and representing the press, Michael Pommier, Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS: None

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

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

B. Approval of Appropriation Ordinances 679, 930-A, 931-A, and 932-A totaling $471,964.99.

C. Resolution 14-2011 and Notice of Hearing With Reference to Alleged Unsafe and Dangerous Structure and Accessory Structure located at: 702 Heylman – Public Hearing Date - 3/15/2011 @ 6:15 p.m.

D. Resolution 15-2011 and Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at: 116 N. Judson – Public Hearing Date – 3/15/2011 @ 6:15 p.m.

E. Resolution 16-2011 and Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at: 621 S. Barbee – Public Hearing Date – 3/15/2011 @ 6:15 p.m.

F. Resolution 17-2011 and Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at: 114 Hulett – Public Hearing Date – 3/15/2011 @ 6:15 p.m.

G. December financials

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

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE: None

B. CITIZEN COMMENTS (Concerning Items Not on Agenda – 3 minute limit per citizen) -

Thom Prue – Asked if the purchase policy was followed with Ruddick's on the furniture purchased for the new City Hall.

Susan Brown notified him that the Commissioners were notified she was working with Ruddicks on furniture as some of it had to be specially designed due to the size of the offices.

Mr. Prue also questioned the amount paid to R.T.S. Electronics.

Susan Brown explained that a new server was purchased and installed.

Mr. Prue also asked about the utility bills for Memorial Hall.

City Manager informed him that the Codes Department is still housed there as well as the Genealogy Library which is open daily.

Mr. Prue asked about the City Attorney's legal bills and if they are itemized. He also asked if they had considered hiring a new City Attorney.

Susan Brown informed him that all the City Attorney's bills are itemized.

Kevin Allen – Asked about Broadway Street from 6th Street to Wall Street making it one way parking and asked for a study to be done as it

is a narrow street.

C. <u>PUBLIC HEARINGS:</u> None

<u>CONSIDERATION</u>:

1. Ordinance authorizing and providing for the Issuance of General Obligation Bonds, Series 2011-A - $775,000 – 2011 Street and Sidewalk Program and Lift Station Improvements – Chuck Boully, George K. Baum & Company informed the Commission that bids were received today for the purchase of the $775,000 General Obligation Bonds. There were a total of four (4) bids received with the low interest bid of 2.87% from UMB Bank, N.A. of Kansas City, Missouri. Approval of the low bid and approval of the Ordinance was recommended.

   Mason moved to approve the low bid of 2.87% from UMB Bank, N.A. of Kansas City, Missouri. Adams seconded. All voted aye.

   APPROVED LOW BID OF 2.87% FROM UMB BANK, NA OF KANSAS CITY, MISSOURI FOR PURCHASE OF THE $775,000 GENERAL OBLIGATION BONDS FOR THE 2011 STREET AND SIDEWALK PROGRAM AND LIFT STATION IMPROVEMENT PROJECTS.

   Mason moved to approve the Ordinance providing for the issuance and payment of the General Obligation Bonds. Parker seconded. All voted aye.

   APPROVED ORDINANCE NO. 3391 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2011-A, OF THE CITY OF FORT SCOTT, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

2. Resolution prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Bonds, Series 2011-A - Chuck Boully, George K. Baum & Company informed the Commission that this resolution provides for the cash flow details and for the bonds.

Mason moved to approve the Resolution directing the sale and delivery of the General Obligation Bonds. Parker seconded. All voted aye.

APPROVED RESOLUTION 12-2011 PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2011-A OF THE CITY OF FORT SCOTT, KANSAS; PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 3391 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. Resolution authorizing and directing the issuance, sale and delivery of General Obligation Temporary Notes, Series 2011-1 of the City of Fort Scott, Kansas - $635,000 – Sewer Lagoon, Water Tower, Main Trafficway Improvements - Chuck Boully, George K. Baum & Company informed the Commission that bids were taken for the sale of the General Obligation Temporary Notes in the amount of $635,000. There were a total of three (3) bids received with the low interest bid of 1.26% from UMB Bank, N.A. of Kansas City, Missouri. Approval of the low bid and approval of the Resolution was recommended.

   Mason moved to approve the low bid of 1.26% from UMB Bank, N.A. of Kansas City, Missouri. Adams seconded. All voted aye.

   APPROVED LOW BID OF 1.26% FROM UMB BANK, NA OF KANSAS CITY, MISSOURI FOR PURCHASE OF THE $635,000 GENERAL OBLIGATION TEMPORARY NOTES FOR THE SEWER LAGOON, WATER TOWER, AND MAIN TRAFFICWAY IMPROVEMENTS.

   Parker moved to approve the Resolution authorizing the issuance, sale and delivery of the General Obligation Temporary Notes in the amount of $635,000. Adams seconded. All voted aye.

   APPROVED RESOLUTION NO. 13-2011 AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2011-1, 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 ACTIONS CONNECTED THEREWITH.

4. Ordinance including and incorporating certain land within the city limits of Fort Scott – Lots 14, 15 and 16 – John & Cindy Bartelsmeyer – City Attorney informed the Commission that the Bourbon County Commission had met and approved their resolution to annex the property belonging to John & Cindy Bartelsmeyer into the City limits. He also asked that this be passed on an emergency basis with only one reading. The property is Lots 14, 15 and 16, Gunn Park Addition. Approval was recommended.

   Mason moved to approve Ordinance 3392 with an emergency reading. Adams seconded. All voted aye.

   APPROVED ORDINANCE NO. 3392 INCLUDING AND INCORPORATING CERTAIN LAND WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF FORT SCOTT, BOURBON COUNTY, KANSAS – LOTS 14, 15, AND 16, GUNN PARK ADDITION – JOHN AND CINDY BARTELSMEYER. APPROVED ON AN EMERGENCY BASIS.

5. Transportation Revolving Loan KDOT RTF 0059 Loan Agreement Amendment – Amending Resolution and attachments to loan agreement – City Manager informed the Commission he received a notice from Jonathan Small, K.D.O.T. counsel that an internal audit was finished regarding the City's Transportation Revolving Loan Fund. The audit showed that an incorrect total interest rate appeared on Loan Agreements Exhibit B-1 as the Loan Rate. It read 3.59% when it should have correctly read 3.63%. This was a typographical error. The amortization schedule is correct so the change is needed to correct the typographical error. Approval was recommended.

   Mason moved to approve the changes in the K.D.O.T. Transportation Revolving Loan Agreement documents to reflect the correct loan rate of 3.63%. Parker seconded. All voted aye.

   APPROVED RESOLUTION 18-2011 AUTHORIZING THE EXECUTION OF A CERTAIN AMENDMENT TO AN EXISTING LOAN AGREEMENT BETWEEN FORT SCOTT, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF TRANSPORTATION; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN

CONNECTION WITH THE FIRST AMENDMENT TO THE LOAN AGREEMENT.

6. Lake Fort Scott Yearly Frontage Fee Ordinance Amendment – City Manager informed the Commission that this ordinance states that the yearly frontage fee for Lake Fort Scott in the amount of $150.00 is payable in one lump sum due on the anniversary date. He also asked that this be passed on an emergency basis with only one reading.

   Mason moved to approve the Lake Fort Scott Frontage Fee Ordinance amendment on an emergency basis. Parker seconded. All voted aye.

   APPROVED ORDINANCE 3393 AMENDING SECTION 1 OF ORDINANCE NO. 2317 OF THE CITY OF FORT SCOTT, KANSAS SETTING THE YEARLY FRONTAGE FEES ON THE LOTS AT LAKE FORT SCOTT – ENSURES THAT THE YEARLY FRONTAGE FEE OF $150.00 SHALL BE PAYABLE IN ONE LUMP SUM DUE ON THE ANNIVERSARY DATE OF THE ASSIGNED LOT. APPROVED ON AN EMERGENCY BASIS.

7. Consideration of Bids – Farm Ground Lease – Wastewater Treatment Plant – City Manager informed the Commission that bids were taken for the farming of approximately 100 acres at the Wastewater Treatment Plant. The high bid was from Jingles Endicott in the amount of $12,105. Approval was recommended.

   Bukowski moved to approve the bid from Jingles Endicott in the amount of $12,105 for farming 100 acres at the Wastewater Treatment Plant. Adams seconded. All voted aye.

   APPROVED BID FROM JINGLES ENDICOTT IN THE AMOUNT OF $12,105 FOR FARMING THE 100 ACRES AT THE WASTEWATER TREATMENT PLANT FOR 2011.

8. Consideration of Bids – Three Police Interceptor Units – Ron Puterbaugh, Chief of Police informed the Commission that bids were sent out to purchase three new Ford Crown Victoria Police Interceptor Units. The City received two (2) bids. Shepherd Team Auto Plaza bid $26,468.48 per unit for a total of $79,381.44 and Shawnee Mission Ford bid $26,383.00 per unit for a total of $79, 158.00. Due to the small price difference, he recommended Shepherd Team Auto Plaza be awarded the bid in the amount of $79,381.44. There are funds budgeted in the Public Safety Equipment Fund for this purchase.

Susan Brown also mentioned that she will talk with the local banks regarding a lease purchase or will possibly go with Ford Motor Credit Company for financing these units. There will be three units that will be sold through Purple Wave Auction later this year.

Adams moved to approve the bid from Shepherd Team Auto Plaza in the amount of $79,381.44 for purchase of three (3) Ford Crown Victoria police interceptor units. Hedges seconded. All voted aye.

APPROVED BID FROM SHEPHERD TEAM AUTO PLAZA IN THE AMOUNT OF $79,381.44 FOR PURCHASE OF THREE (3) FORD CROWN VICTORIA POLICE INTERCEPTOR UNITS.

9. Consideration of Bids – Waterline Materials Bid – City Manager introduced Bill Lemke who informed the Commission that bids were taken for purchase of waterline materials. The Water Distribution Department is preparing to perform a water main renewal project on Arthur Street from 2nd to 5th Street and from Arthur Street to Andrick Street on 5th Street. Five (5) bids were received with the low bid from Schulte Supply, St. Peters, Missouri in the amount of $13,909.50. That is a delivered price and the materials will be shipped by the requested delivery date. Approval was recommended.

   Parker moved to approve the low bid from Schulte Supply, St. Peters, Missouri in the amount of $13,909.50 for the purchase of waterline materials for the Arthur Street project. Adams seconded. All voted aye.

   APPROVED LOW BID FROM SCHULTE SUPPLY, ST. PETERS, MISSOURI IN THE AMOUNT OF $13,909.50 FOR THE PURCHASE OF WATERLINE MATERIALS FOR THE ARTHUR STREET PROJECT.

COMMISSION/STAFF:

A. City Commission:

Adams – Nothing to report.

Mason – Remarked that the City crews did an excellent job in clearing the streets from all the snow storms recently.

Also remarked that he was here for a period of time while the open house was held at the new City Hall on February 14th. He heard very positive remarks regarding the building and the move.

Parker – Also remarked that the City crews did a great job with the streets during the snow storms.

Also remarked that she heard what an excellent job our Fire Department did with a lady in distress with her CO2 detector that went off early one morning.

Bukowski – Remarked that he was glad to see the positive emails from citizens that had wrote in about the good job the City crews did with the streets. He said that the City Manager said that little overtime was incurred also.

City Manager said that the crew split into two shifts and worked 24 hour periods but little overtime was incurred.

Hedges – Nothing to report.

B. **City Attorney:** Informed the Commission that the City had a house up for condemnation at 416 S. Eddy. This house was recently involved in a fire and it is time for the City to take bids. Mr. Farmer asked the City to delay taking bids as she is still in the hospital. The house has been boarded up and secured.

Parker moved to table the demolition bids at 416 S. Eddy until the resident is out of the hospital. Mason seconded. All voted aye.

TABLED TAKING DEMOLITION BIDS FOR THE PROPERTY AT 416 S. EDDY UNTIL THE RESIDENT IS OUT OF THE HOSPITAL.

C. **Assistant City Manager:** Nothing to report.

D. **City Manager:**

1. Open Government – City Manager stressed that the City has an open government and if any residents have questions to come in at any time and visit with him.

2. HUD – Storm Drain Study – City Manager announced that the Storm Drain Study for the entire City will be paid for with funds from the Flood Mitigation Program.

3. Economic Development – City Manager informed the Commission that a group of individuals would be meeting on Friday to discuss economic development and the best interest in the future for the position of Economic Development Director.

4. Memorial Hall – City Manager informed the Commission that Memorial Hall is still housing two Codes individuals. There are some concerns with security issues and the building. They have visited with an engineering architect regarding the moving of the Police Department to Memorial Hall. This is a long process and this is just the beginning of the process.

5. Open House – The Open House held on February 14th, 2011 was well attended by the public and many positive comments were received.

6. Memorial Hall Country Music Show – On March 3rd, 2011 the Country Music Show will begin at Memorial Auditorium again. The sound system has been checked out and does need to be upgraded. It is mostly the speaker and amplifiers and will have to be totally rewired. City Manager said that the County Music Show is wanting to reimburse the City for this expense by having some fundraising events also.

   Discussion was held regarding the purchase policy and if the Commission could designate an amount that could be spent due to the time frame of the music show and our next City Commission meeting.

   It was also asked that Jim Shoemaker be included as a consultant when the bids are composed as he is very knowledgable on sound systems.

   Mason moved to authorize expenditures up to $15,000 with competitive bids and to use Jim Shoemaker as a consultant

in this process to upgrade the sound system at Memorial Auditorium. Hedges seconded. All voted aye.

APPROVED EXPENDITURE UP TO $15,000 WITH COMPETITIVE BIDS AND TO USE JIM SHOEMAKER AS A CONSULTANT IN THIS PROCESS TO UPGRADE THE SOUND SYSTEM AT MEMORIAL AUDITORIUM.

ADJOURNMENT:

Hedges moved to adjourn the meeting at 7:25 p.m. Adams seconded. All voted aye.

ADJOURNED MEETING AT 7:25 P.M.

The next regularly scheduled meeting is to be held on March 1st, 2011 at 6:00 p.m.

RECORDED BY:

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DIANE K. CLAY
CITY CLERK