

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of April 6<sup>th</sup>, 2021 (Amended)**

**Regular Meeting #7**

The regular meeting of the Fort Scott City Commission was held April 6<sup>th</sup>, 2021 at 6:00 p.m. in the City Commission Meeting Room at City Hall, 123 S. Main Street, Fort Scott, Kansas.

**ROLL CALL:**

Commissioners P. Allen, K. Allen, R. Nichols, and L. Watts were present with Mayor J. Jones presiding.

**INVOCATION:** Associate Pastor Allen Pruitt, Grace Baptist Tabernacle, said a prayer asking God for guidance for the City, our Government and City officials.

**AUDIENCE IN ATTENDANCE:** Travis Shelton, Russell Lingerfelt, Devin Tally, Michael Mix, Michael Hoyt, Susan Bancroft, Rachel Pruitt, Jon Carpenter, Jenna Campbell, Traci Reed, Bobby Reed, Bill Martin, Scott Johnson, Jason Solomon, Dave Bruner, Peter Earles, Janice Allen, and Allyson Turvey.

**PROCLAMATIONS/RECOGNITIONS:** Introduction of Jon Carpenter, new Law Enforcement Officer Academy Graduate – Travis Shelton, Chief of Police, introduced Jon Carpenter. He started with the department in August and left for academy in November. He graduated recently from academy. In normal conditions, many from the department, would have attended the graduation. Due to Covid, that is now limited. His family attended his graduation from the parking lot and celebrated with balloons and is very proud of him.

**ADDITIONS TO AGENDA:** There were no additions to the agenda.

R. Nichols moved to approve the agenda. L. Watts seconded. All voted aye.

**APPROVED AGENDA.**

**CONSENT AGENDA:**

- A. Approval of minutes of the regular meeting of March 16<sup>th</sup>, 2021 and special meeting minutes of March 23<sup>rd</sup>, 2021, and March 30<sup>th</sup>, 2021.
  - B. Approval of Appropriation Ordinance 1285-A totaling \$887,464.66.
  - C. Request to Pay – HDR Engineering, Inc - \$12,405.00 – Phase II Dam Improvements – River Intake Project
- P. Allen said he wished to address the minutes of the last meeting regarding the payment to Pipe Detectives.

City Manager asked Michael Mix to address this topic.

Michael said that they did three taps and then there were 15 hours of specialty removal which were roots mainly. They did make a mistake on their invoice that you saw. It said taps but it was specialty removal and 15 hours worth. That could be some of the confusion. It was just a labeling mistake.

P. Allen said that was approved by him. If the invoice was incorrect, it should have been addressed by Michael. That is false information. We are charged to pay the bills by information given to us.

Michael said that the invoice he signed off on was correct.

Kevin said that we only saw three taps when watching the videos.

Michael said that the finished product is the final inspection of those lines. Every second and minute is recorded. There is over five hours worth of root removal that was given to us.

P. Allen asked if he was guessing on the root removal.

Michael said that there is some amount of trust with a contractor. They did call him up when issues arose.

Discussion was held on documentation of calls.

Michael said that he reviewed all the videos and he believes they did an excellent job and charged us for what they did.

R. Nichols said that he asked the Clerk to document more of his comments under the micro meat packaging plant which she did. They are on their spot at the table.

L. Watts moved to approve the Consent Agenda. R. Nichols seconded. K. Allen, R. Nichols, L. Watts, and J. Jones voted aye. P. Allen voted no. Motion carried 4-1.

## **APPROVED CONSENT AGENDA.**

### **Public Comment:**

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

Michael Hoyt – Minutes from April 6<sup>th</sup>, 2021 – City Comment section – Michael Hoyt, citizen – Mayor Jones comments:

“Mr. Hoyt handed Bob Farmer, City Attorney, a copy of the United States Constitution. He asked him what the 21<sup>st</sup> amendment was. He answered that it was a repeal of the 18<sup>th</sup> amendment allowing the sale of alcoholic beverages.

Bourbon County Commission – This morning at their meeting they have dictated to us on how they are going to handle an advisory board for an HR Assistant/Administrator and that we are going to share. He has been very

active in these discussions. This is no reflection on the person appointed. That's not the way we do it. We solicit letters of interest and then you vote on them. He doesn't see why this should be any different on an advisory board shared by the County or with the City.

K. Allen said that this is the first time he has heard about this.

Mr. Hoyt said that they were speaking on shared services or interlocal agreement. Both terms were thrown but Justin advised that it was going to be a shared service.

City Attorney said until the County notifies us, and we see it in black and white, it's a pointless discussion. He said he appreciates the heads up, but he doesn't know how we talk about something that we don't know anything about.

Josh said "that Michael was just bringing it to our attention and to be aware."

Mr. Hoyt's next item was he was handing out research and history he has done on the 1% sales tax that is levied within the City. In 1983, this body passed an ordinance or a resolution describing how they would spend the sales tax. It describes an election and those election ballot questions have been sought after, and as of this morning, they had not been found. It gives some other details of how the sales tax was passed by contacting the state tax bureau. In 1987, there was another resolution that says that we're going to renew the same tax, but we didn't sunset it like we did in 1983. It would sunset after four years. He is finding this very suspect and doesn't know what happened but feels there is a valid enough flaw in these two elections and these two resolutions, that he will be putting together a petition to repeal the 1% sales tax in the City of Fort Scott. He will time it to be on the November ballot so we will not be involved in a special election thing again. He wants to give you an opportunity to fix it. If you as a body can come up with a charter ordinance that reflects what the intent of the voters were in 1983 and 1987, we have not yet determined what resolution levied that tax. If you can put together a resolution to fix it, he's fine, otherwise, you stand to lose it. He will remind you how did Charter Ordinance 31 work for you. He's not trying to devastate the City. All he is trying to do is make us do it right. There were no reductions or income elimination taxes. He said to keep reading the newspaper articles. They almost describe an 1983 election that didn't occur. He is here to inform you that he is putting together a petition to repeal the sales tax and will start as soon as he gets the ballot question and the sufficiency on the petition from Justin Meeks.

Pete asked how do we fix this? Is there a way we as a body can fix this?

Mr. Hoyt said that there is a way and that Bob would have to advise you. Either by a charter ordinance and then the electors would have 60 days to object, or a resolution that would put it back on the ballot. It would be confusing because you would be voting for and against it in the same ballot. He doesn't want us to be devastated by a revenue shortage, but he just wants us to do it right. The allocations of the revenue was 80% streets, 10% one thing and 10% another. Get a mix of the two that you can live with in the 1983 and 1987 resolutions, and he will stay home.

Scott Johnson – Mr. Johnson said that he appreciates the positive communication with Fire, Police and the Sheriff. He printed off a list of items that he wants out of the Eagle Block building. He doesn't know what he needs to do to clarify or what needs to

be done to get a contract written properly. What he agreed to on record he feels like has not been done. He isn't trying to backtrack on it but just wants clarification. Also, if there was an interested party, why wasn't he notified of it. He said the building didn't need to get to this point and it should be looked into. He left a list of items that he wished to remove from the building at 10 N. National with the City Clerk. He said that he is working on the marina at Lake Fort Scott still. He has been working with Travis Shelton and Dave Bruner on this. He won't be selling any fuel, tobacco, or alcohol there. Even though it is a City lake, it is on County property. It will be just ice and snacks and things like that.

**City Manager Report and Comments:** Jeremy Frazier, City Manager, informed the Commission that on March 25<sup>th</sup> he took part in a guided tour of the First Source building led by Rachel with a local realtor for a prospective new tenant. There could be potential future discussions at which time it would come before the Commission for consideration. He said that the City is blessed to have engaged policy makers, staff, and citizens. In an effort to select a qualified engineering firm, administration organized a committee which included himself, Commissioner Pete Allen, Commissioner Kevin Allen, Susan Bancroft, and Gary Cullor. In addition, he thanked these individuals for serving on this committee for selecting, interviewing, and negotiating the contract for engineering services which he hopes you approve today. He also thanked Leah Bowman for her assistance in checking the engineering background references. He attended a See-Click-Fix kickoff on March 30<sup>th</sup>. This will begin rolling out in May or June. The meeting outlined the rollout process. He met with Congressman Jake LaTurner and his staff while touring the National Historic Fort along with the Mayor and Park service staff. The Congressman was very gracious and expressed a desire to serve the community of Fort Scott. He attended the Chamber Coffee, grand opening and ribbon cutting on April 1<sup>st</sup> of Old 54 Cycle. It was a well attended and well organized event. The City appreciates the Chamber's leadership and work serving the business community of Fort Scott. He met with the Mayor and County leadership to discuss a possible additional School Resource Officer in the schools and also expansion of the baseball field. They also discussed other potential cost sharing ideas for the future. He participated in a guided tour of Lake Fort Scott and thanked Tom Graham, the Lake Patrol Officer. He knows everybody at the Lake. He met with Senator Jerry Moran to discuss needs and goals for the community of Fort Scott. He said that Randy and Kevin both joined him at Labconco this morning. He also met with residents in the area of Nelson Park to discuss drainage and sanitary sewer issues in that area of town that need addressed. The City has several job postings for several positions and urged anyone interested to review and apply for the open positions.

**Director Reports:** None

**Old Business:**

1. Approval of Ordinance amending Assessment of Mowing Costs from \$300.00 to \$75.00 – Ordinance No. 3576 – Susan Bancroft, Director of Finance, informed the Commission that this was approved at the last meeting. The ordinance will make it official which will change the mowing assessment from \$300.00 per mowing to \$75.00 per mowing.

K. Allen moved to approve Ordinance No. 3576 which lowers the mowing assessment from \$300.00 to \$75.00. L. Watts seconded. All voted aye.

**APPROVED ORDINANCE NO. 3576 AMENDING SECTION 8.24.040, ABATEMENT, ASSESSMENT OF COSTS, OF CHAPTER 8.24, WEED CONTROL, OF THE FORT SCOTT MUNICIPAL CODE. LOWERED MOWING ASSESSMENT COSTS FROM \$300.00 PER MOWING TO \$75.00 PER MOWING.**

2. Discussion of Golf Course Tiered Memberships – City Manager informed the Commission that the Golf Course Advisory Board met on March 24<sup>th</sup>, 2021 to discuss the tiered memberships. The Board suggested that Shannon O’Neil collect zip codes from the golfers and bring back to the City Commission in 2022 to gather data. A recommendation can be made at that time.

K. Allen said that he did hear some negative feedback from the players and there is some resistance.

Discussion was also held regarding paying the yearly membership in installments. Susan said that the City’s point of sale system will not allow for that. She said she could explore a different point of sale system if directed to.

**Appearances:** None

**Public Hearings:** 6:15 p.m. – Petition for Vacation of the platted 2<sup>nd</sup> Street East of South Lincoln Street – Approval of Ordinance No. 3577

L. Watts moved to open the Public Hearing at 6:32 p.m. R. Nichols seconded. All voted aye.

**OPENED PUBLIC HEARING AT 6:32 P.M.**

City Manager asked Ally to address this issue.

Allyson Turvey, Codes Administrator, said she received a petition from a resident to vacate the platted 2<sup>nd</sup> Street east of South Lincoln Street. There was a map included also on this particular street. The street dead ends between two properties. They found the part of their storage facility was on the City’s easement. Each of the

surrounding property owners have signed off on the petition to vacate this alley. This was requested by Mike Rogers and Austin DuVall.

There were no comments from the audience.

R. Nichols moved to approved Ordinance No. 3577 – Vacation of Street. L. Watts seconded. R. Nichols, L. Watts, and J. Jones voted aye. K. Allen and P. Allen both abstained. Motion carried 3-2.

**APPROVED ORDINANCE NO. 3577 TO VACATE THE PLATTED 2<sup>ND</sup> STREET LOCATED EAST OF SOUTH LINCOLN EAST BETWEEN LOTS 11, BLOCK 9, ANDRICK'S ADDITION, AND LOT 1, BLOCK 9, ANDRICK'S ADDITION, AND LOT 1, BLOCK 10, ANDRICK'S ADDITION, TO THE CITY OF FORT SCOTT, KANSAS, MORE COMMONLY KNOWN AS 2<sup>ND</sup> STREET EAST OF SOUTH LINCOLN STREET.**

L. Watts moved to close the Public Hearing at 6:38 p.m. R. Nichols seconded. All voted aye.

**CLOSED PUBLIC HEARING AT 6:38 P.M.**

**New Business:**

1. Approval of Ordinance No. 3578 – Ordinance authorizing the levy of a .5% Citywide retailer's sales tax and related matters – City Manager asked Susan to address this issue.

Susan said that this Ordinance approves the ½ cent sales tax that just passed, and it basically is what needs to be sent to the State. There was a revised copy at the table with the definition that stated the purpose of this .5% sales tax.

J. Jones asked if she was 100% sure that the 1% sales tax that was referenced in the document was a general purpose tax and not a special purpose tax. Susan said that she has a letter from the State of Kansas that verifies that and she can provide them with a copy if needed.

R. Nichols moved to approve Ordinance No. 3578 authorizing the levy of a .5% sales tax in the City. L. Watts seconded. R. Nichols, L. Watts, and J. Jones voted aye. P. Allen voted no. K. Allen abstained.

**APPROVED ORDINANCE NO. 3578 OF THE GOVERNING BODY OF THE CITY OF FORT SCOTT, KANSAS, AUTHORIZING THE LEVY OF A ONE-HALF PERCENT (0.5%) CITY-WIDE RETAILERS' SALES TAX AND RELATED MATTERS.**

2. Consideration of Change Order – Mayco Ace CDBG Project – Rachel informed the Commission that on February 16<sup>th</sup>, 2021, the City Commission approved the Mayco Ace CDBG Project and authorized the Mayor to sign all pertinent documentation. According to our purchase policy, all change orders have to come to the City Commission for approval. This change order is for \$8,500. This will

probably not be the last change order due to the condition of the roof. This change order is due to the drop-down ceiling and all the old electrical they found when cleaning this out.

R. Nichols moved to approve the Change Order #1 in the amount of \$8,500 for the Mayco Ace CDBG project. L. Watts seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

**APPROVED CHANGE ORDER #1 IN THE AMOUNT OF \$8,500 FOR THE MAYCO ACE CDBG PROJECT.**

Rachel said that there will be another Change Order coming. She asked if they would approve the next Change Order to prevent another meeting contingent upon the State approving it.

City Manager said that he would encourage them to bring the Change Order back to the Commission.

L. Watts asked if this would be holding up the project.

Rachel said that a special meeting would have to be called.

L. Watts made a motion to approve for the Mayor to sign the next Change Order after it is approved at the State level. R. Nichols seconded. R. Nichols, L. Watts, and J. Jones voted aye. P. Allen voted no. K. Allen abstained. Motion carried 3-1-1.

**APPROVED FOR THE MAYOR TO SIGN THE NEXT CHANGE ORDER FOR THE MAYCO ACE CDBG PROJECT AFTER IT IS APPROVED AT THE STATE LEVEL.**

3. Discussion and presentation of importance of water/sewer rate study – Jason Solomon – Kansas Rural Water Association – Jason Solomon, Kansas Rural Water Association, appeared before the Commission to encourage the City to consider using someone for a more advanced water/sewer rate study. Kansas Rural Water Association's rate study is very general. He recommended Carl Brown as he can give the City a model and an analysis to make decisions in the future. This study can assist with grant funding in the future. It is an important decision for the future. He provided the City with references for Carl Brown and urged them to check him out and his references.

K. Allen asked if we could get a free water rate study from Kansas Rural Water Association.

Mr. Solomon said yes. It would be very basic though and not have a lot of detailed information.

City Manager asked if K.R.W.A. thought our system was too complex.

Mr. Solomon said yes but they can provide a basic analysis for the City.

K. Allen moved to get a free water rate analysis from Kansas Rural Water Association. P. Allen seconded. All voted aye.

**APPROVED TO GET A FREE WATER RATE ANALYSIS FROM KANSAS RURAL WATER ASSOCIATION.**

4. Consideration of Wrecker Rotation Policy – Traci Reed, Dispatch Supervisor, informed the Commission that we have several different towing companies in the City. They serve on a day-to-day rotation basis. They have had several issues with tow companies showing up when it is not their designated day, without proper identification imposed by the State of Kansas, making complaints on another wrecker service, jumping calls, inconsistencies, and charges. She spoke with the Chief of Police and Sheriff Martin. Sheriff Martin got together a policy and shared it with her. In the past, the City and County have always been the negotiating factor with tow companies. With this policy, if approved, will address all of these situations.

L. Watts asked if it had been approved by the County.

K. Allen said when they had a meeting, one of the topics was storage fees. He asked if this would include a heavy truck like a semi truck.

Sheriff Martin said that he reached out to insurance companies and their adjusters will be on site within a week or less. After that agreement is made, those rates can increase to what they need to be.

K. Allen asked about penalties.

Traci said with the first penalty will come as a certified letter saying an investigation would be started. The Sheriff, Chief of Police, and herself will get together and decide the outcome. There is a written warning, probationary status, or suspension.

Sheriff Martin said a jumping of a call would be a written notice. It would depend on the circumstances. He did say that the County has not signed off on this as this is a question of operations for the Sheriff Department and he does not need Commission approval for that.

K. Allen moved to approve the Tow Rotation Policy. L. Watts seconded. All voted aye.

**APPROVED TOW ROTATION POLICY.**

5. Consideration of Dispatch Contract – Bob Farmer, City Attorney, said that the Bourbon County Commission approved the Dispatch Contract this morning at their meeting. This lease agreement is for ten (10) years and commences on June 1<sup>st</sup>, 2021 and ends on June 1<sup>st</sup>, 2031. The City will pay no monthly rent to the County. The City will pay for all repairs to the building and no remodeling will be



completed without the County's approval. He suggested since they have not seen it they could table it at this time.

Discussion was held how quickly they need to proceed with the work they are doing.

L. Watts suggested moving this to the bottom of the agenda and then come back to this item.

J. Jones moved to approve the Dispatch Contract. K. Allen seconded. All voted aye.

**APPROVED DISPATCH CONTRACT LEASE AGREEMENT BETWEEN THE CITY AND BOURBON COUNTY.**

6. Consideration of Contract Mowing Bid – Ally Turvey said the City went out for contract mowing for yards with weeds violations. The bids were opened on March 25<sup>th</sup>, 2021 at 10:00 a.m. The apparent low bidder is Justin Uhler of Fort Scott in the amount of \$17.50 for residential properties and \$20.00 for large residential properties. She recommended the low bid for Justin Uhler.

R. Nichols moved to approve the low bid for contract mowing from Justin Uhler. L. Watts seconded. All voted aye.

**APPROVED LOW BID FOR CONTRACT MOWING FROM JUSTIN UHLER IN THE AMOUNT OF \$17.50 FOR RESIDENTIAL PROPERTIES AND \$20.00 FOR LARGE RESIDENTIAL PROPERTIES.**

7. Consideration of RFP's – 10 N. National – Ally Turvey said that we had a Land Bank meeting a couple of weeks ago where the Board proposed to go out for RFP's on the interior demolition of the property at 10 N. National. There was some question at that meeting as to whether the County would be willing to waive dump fees for that project. That is the discussion for tonight.

Susan said that the County cannot waive dump fees. The County Counselor said that the County cannot waive the fees. The City is not doing the interior demolition but it would be a private contractor.

K. Allen said that he thinks we need to look into this and asked Bob Farmer about it.

Bob said that the County controls the dump and we don't have a say.

J. Jones said that we might as well take the debris down south and save money.

K. Allen said that we want to be able to work with the Commission. We need to come to a reasonable solution.

Ally asked if they are wanting to wait to go out for RFP's on the interior demolition of this structure until this is decided? This property is ready to collapse, and it has been quite some time.

K Allen said that building has been like that for four or five years.

Ally said that the roof has collapsed and it is becoming more and more dangerous.

Susan said that you can send the RFP with a bid for demolition fees and an alternative bid without demolition fees to the contractors.

L. Watts said that is the direction to go.

Ally said that the Land Bank/City is going to be responsible for the costs of the demolition and the dump fees.

L. Watts made a motion to go out for RFP's with and without dump fees. R. Nichols seconded. All voted aye;

**APPROVED TO SEND OUT RFP'S FOR INTERIOR DEMOLITION OF THE STRUCTURE AT 10 N. NATIONAL WITH DUMP FEES INCLUDED AND WITHOUT DUMP FEES INCLUDED.**

(Kevin Allen left the meeting at 7:32p.m.)

8. Request to pay – Skitch's Hauling & Excavation – February invoice – Port-A-Potties – \$968.00 – City Manager said this is before them for review and approval.

J. Jones moved to approve the Skitch's Hauling & Excavation Invoice in the amount of \$968.00. P. Allen seconded. All voted aye.

**APPROVED SKITCH'S HAULING & EXCAVATION INVOICE FOR FEBRUARY FOR PORT-A-POTS IN THE AMOUNT OF \$968.00.**

(Kevin Allen returned to the room at 7:35 p.m.)

9. Discussion of City fees - Bob Farmer, City Attorney, said that one motion could be made to approve all these fees if desired.
- a. Municipal Court – Raising from \$51.00 to \$76.50 (Approval of Charter Ordinance if approved) – With State of Kansas applicable fees the courts costs would be \$100.00 total –
  - b. Aquatic Center – Pool Parties – From \$100 to \$150 per hour
  - c. Buck Run Community Center  
Small meeting room – From \$15 to \$25 for three hours  
Large meeting room – From \$15 to \$35 for three hours

- d. Airport – Hangar Spot Rental – From \$70 to \$75  
Overnight Transient Storage Fee – Single \$10 – Twin \$20  
After Hours Service Fee - \$25.00  
Hangar #1 – Increase from \$70.00 monthly to \$100.00 monthly  
Hangar #2 – Increase from \$200.00 monthly to \$300.00 monthly
- e. Dog Redemption Fee – Increase from \$7.00 to \$10.00

J. Jones asked about the hangar fees as he thought it had been approved at the previous meeting.

Susan said that not all of the airport fee increases were included that their Advisory Board had recommended, and she thought if it was all put together again it would make more sense.

R. Nichols moved to approve the increases as shown above. L. Watts seconded. All voted aye.

**APPROVED CHARTER ORDINANCE NO. 33 REPEALING CHARTER ORDINANCE NO. 28 OF THE CITY OF FORT SCOTT, KANSAS AND EXEMPTING THE CITY OF FORT SCOTT, KANSAS FROM K.S.A. 12-4112, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AND AUTHORIZING THE ASSESSMENT OF COURT COSTS IN CASES HEARD IN MUNICIPAL COURT OF THE CITY OF FORT SCOTT, KANSAS – RAISES COURT COSTS FROM \$51.00 TO \$76.50.**

**AQUATIC CENTER – POOL PARTIES – FROM \$100 TO \$150 PER HOUR.**

**BUCK RUN COMMUNITY CENTER**

**SMALL MEETING ROOM – FROM \$15 TO \$25 FOR THREE HOURS**

**LARGE MEETING ROOM – FROM \$15 TO \$35 FOR THREE HOURS**

**AIRPORT – HANGAR SPOT RENTAL – FROM \$70 TO \$75**

**OVERNIGHT TRANSIENT STORAGE FEE – SINGLE \$10 – TWIN \$20**

**AFTER HOURS SERVICE FEE - \$25.00**

**HANGAR #1 – INCREASE FROM \$70.00 MONTHLY TO \$100.00 MONTHLY**

**HANGAR #2 – INCREASE FROM \$200.00 MONTHLY TO \$300.00 MONTHLY**

**DOG REDEMPTION FEE – INCREASE FROM \$7.00 TO \$10.00**

(The Commission went back and voted on the Dispatch Lease Agreement – see vote above under Item #5).

- 10. Discussion &/or consideration of two contracts with Earle’s Engineering: City Manager introduced Peter Earles of Earles Engineering.

City Engineering Fees;

Mr. Earles said that he has been in business about 40 years. They listed the items that they do. They work with cities on many items. They can also help with a water rate study. This contract is for one year at a cost of \$4,000.00 per month.

J. Jones asked if the water rate study would be above his monthly rate.

Peter said yes.

Peter Earles said that the City would always get a detailed invoice from their firm. They do not charge for driving time from Pittsburg to Fort Scott. Dave Blessant would be the Project Manager for the City. He is very familiar with Fort Scott.

Public Works Project Manager – City Manager said that the Project Manager would be for a maximum of 4 hours per week at a cost of \$85.00 per hour or \$340.00 a week for a maximum of \$17,680.00 per year.

L. Watts moved to appoint Earles Engineering, Inc. as the City's engineering firm and as the Public Works Project Manager, R. Nichols seconded. All voted aye.

**APPROVED TO APPOINT EARLES ENGINEERING, INC. AS THE CITY'S ENGINEERING FIRM AND AS THE PUBLIC WORKS PROJECT MANAGER.**

11. Discussion &/or consideration to award emergency bid of mill and overlay on National from 13<sup>th</sup> Street to Highway 69 – City Manager informed the Commission that he had a meeting with K.D.O.T. prior to them starting the mill and overlay project here in town. K.D.O.T. informed them that they could piggyback on this project if the City had a desired project in town. He reached out to Bettis Asphalt Company and asked them to give the City a quote. This quote is for \$116,350.50. This would cover from 13<sup>th</sup> and National to Highway 69. He asked them to consider approving this on an emergency basis. The money has to come from somewhere and may affect a street they had selected to be worked on this year if this project is done.

K. Allen said that we will end up with 500 to 700 tons of millings that we can use throughout the City.

P. Allen asked about striping.

Jeremy said that was not included in the bid.

Discussion was held regarding using City equipment and letting the contractor use their own equipment. It was determined to let them use their own equipment.

Discussion was held if Bettis Asphalt could also repair the two blocks on Horton Street. City Manager said that he has asked for a quote from them.

City Manager asked Susan to share the news she discovered today with the Commission.

Susan said that one of her employees discovered a deposit had been made into the City's account from K.D.O.T. in the amount of \$211,000. She found out that it was a K.D.O.T. deposit from an old project on National. She thinks that the federal exchange dollars was finally received as permits were finalized. These funds have to be used for streets.

City Manager said that this could be used for the two blocks on Horton Street.

J. Jones asked if we need to recommend to them to get a performance and payment bond.

City Attorney said absolutely.

City Manager said that the overlay wouldn't be done until June.

L. Watts moved to approve the quote from Bettis Asphalt in the amount of \$116,350.50 to mill and overlay 13<sup>th</sup> and National to Highway 69. R. Nichols seconded. All voted aye.

**APPROVED THE QUOTE FROM BETTIS ASPHALT IN THE AMOUNT OF \$116,350.50 TO MILL AND OVERLAY 13<sup>TH</sup> AND NATIONAL TO HIGHWAY 69 ON AN EMERGENCY BASIS.**

## **Reports and Comments:**

### **A. Commissioner Reports and Comments:**

L. Watts – Said that she will not be here physically for the next couple of months for the meetings but will be connecting by Zoom and still be participating.

R. Nichols – Said that he knows that budget sessions will be starting soon. He is still focused on the comprehensive plan in terms of strategic plans and economic development and wants to make sure we have funding for those resources also. He would like to be more educated on this. We need to look at all our options.

Thanked the City Clerk for all she does for them.

P. Allen – Said that he was proud that we have an engineer on staff now.

He is going to read what he wrote: He termed it a resolution regarding sanitary sewers, manholes, and funding. He believes it should be the number one priority for the City of Fort Scott to conduct a study of the sanitary sewer collection system by the new engineering firm. He would like a \$2,000,000 budget set aside for this.

He believes the study is crucial to the welfare of our City.

City Attorney said that he respects Pete's comments, but he takes exception and to let there be no question that the City of Fort Scott does not admit that we are in violation of any State or Federal law. This is Pete's opinion. If someone wanted to make a case,

they could say that he admitted it. No admission by this public body was done here tonight.

City Manager asked if he should be discussing this issue with our engineering firm since he is the only Commissioner to bring this forward.

L. Watts said that we know we only have so many dollars that go around. We need to address the problems of the City.

Peter Earles said that a rate study needs completed first.

K. Allen – Said that the street on 12<sup>th</sup> Street by 5 Corners is starting to have potholes where the concrete has separated. He asked Jeremy to have someone go and look at it.

North National by bridge – Kevin said that there are potholes north of the North National bridge due to the cattle trucks turning in this area. He asked that Jeremy have the City check this out also. Jeremy said that he met with Paul Ballou who showed him some of those holes also. They have been filled with gravel but probably need a more permanent fix.

Cooper Street – He would like to see Earles get to Cooper Street and get started on this project.

Jeremy said that he is meeting with Evergy tomorrow on this also.

Kevin welcomed Bob Farmer back to the City Attorney position.

J.Jones – Nothing to report.

**City Attorney Report and Comments:** Nothing to report.

**Adjournment:**

K. Allen moved to adjourn the meeting at 8:30 p.m. L. Watts seconded. All voted aye.

**ADJOURNED MEETING AT 8:30 P.M.**

Respectfully submitted,

Diane K. Clay, MMC  
City Clerk