

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of May 18th, 2021

Regular Meeting #10

The regular meeting of the Fort Scott City Commission was held May 18th, 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, and R. Nichols were present with Mayor J. Jones presiding. L. Watts connected by Zoom.

INVOCATION: Diane Clay, City Clerk, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Russell Lingerfelt, Michael Hoyt, Michael Mix, Susan Bancroft, Rachel Pruitt, Dominic Eck, Peter Earles, Lynette Westhoff, Rob Harrington, Scott Johnson, Deb McCoy, Janice Allen, and Allyson Turvey.

PROCLAMATIONS/RECOGNITIONS: None

ADDITIONS TO AGENDA: J. Jones moved to add Rob Harrington under Appearance and move Appearance before Public Comments, and to move Items 2 and 3 under Consideration to #9 and #10. R. Nichols seconded. All voted aye.

APPROVED TO ADD ROB HARRINGTON UNDER APPEARANCE AND MOVE APPEARANCE BEFORE PUBLIC COMMENTS, AND TO MOVE ITEMS 2 AND 3 UNDER CONSIDERATION TO #9 AND #10.

CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of May 4th, 2021 and section of amended minutes on April 6th, 2021 under public comment.
- B. Approval of Appropriation Ordinance 1288-A totaling \$306,502.08 .
- C. Parade Permit – Good Ol’ Days Parade – June 4, 2021.
- D. Certificate of Appropriateness – Signage at 18 N. Main Street – Barbed Wire & Roses Vintage Market.
- E. Request to Pay – Bourbon County Clerk - \$0.5% Sales Tax Election Costs - \$7,853.60.
- F. HDR Engineering, Inc – Phase II Dam Improvements Engineering - \$38,132.50.

- G. Request to Pay – Allgeier, Martin & Assoc – Water Clarifier Painting Project Engineering - \$4,318.00.
- H. Request to Pay – Southeast Kansas Regional Planning Commission - \$10,000 – Mayco Ace Project – Administrative Fee.
- I. Request to Pay #1 – Triangle Builders, LLC – Mayco Ace Project - \$53,200.
- J. April Financials.
- R. Nichols moved to approve the Consent Agenda. L. Watts seconded. K. Allen, R. Nichols, L. Watts, and J. Jones voted aye. P. Allen voted no. Motion carried 4-1.

APPROVED CONSENT AGENDA.

Appearances: Rob Harrington – Rob said that he is from Houston, Missouri. He is excited about the opportunity to be the new Bedco Director. He looks forward to working with the City Commission and all other Countywide organizations. His office is located on the second floor of Landmark National Bank. The Small Business Development office is also housed there. He is working with Dacia Clark of S.B.C. He said that they will be working on a name change for the organization. He would like to see the organization create a foundation to work on and a housing study and retail study for the County. They need to make sure that they have the information to grow Bourbon County. Those studies will assist with that. He wants to make Bourbon County a great place to live, work, and play and looks forward to working with the Commission.

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 – Mr. Hoyt informed the Commission that this week is National Law Enforcement Appreciation Week. He acknowledged Travis Shelton and his crew and the contribution they make to the City and the County. He said in that spirit and what has been going on in law enforcement in our country lately and what he has pointed out to them in previous meetings, the County has decided to go about formulating citizens advisory boards but it is different than what you do here. He informed them this morning that he would be on the model of citizens advisory committees for law enforcement and criminal justice and fire protection. He will be taking letters of interest from citizens in the county and in the city. They can be emailed at lawyerupva01@yahoo.com or mailed to Post Office Box 1009. Their first objective will be to define a mission statement, a purpose, and some goals, long and short-term and how they will communicate their concerns back to the County. You may have read in last Saturday's paper about the Sheriff's department and their pay scales and solutions needed and they will research that.

He reminded them that there is cake for Pete's upcoming birthday.

Lynette Westhoff - She said she promised back in October when you chose to take insurance out with local representation, about receiving a dividend. She knows there was some skepticism about whether you would get one or not. When you chose to accept the insurance, she did a short-term policy from January 1st to April 1st, and we have just renewed it. She is happy to present a check to the City in the amount of \$8,881.56 for that short-term policy. She is looking forward to May of 2022 to bring you a larger check as this one was based upon the premium paid for that short-term policy.

City Manager Report and Comments: Jeremy Frazier, City Manager, informed the Commission that he continues to hold staff meetings with City Staff on Wednesdays and project meetings with the Public Works Staff on Thursdays, along with staff from Earles Engineering. One of the items from Earles Engineering is Item #8 on the agenda tonight. He is happy to say we are making progress. We are also working on the utility rate study and the Cooper Street engineering. There is a meeting tomorrow with a housing developer that was recommended by the Kansas Housing Development Corporation to discuss potential housing developments. We will keep pounding the pavement until we hit pay dirt on this. We may have to talk to a different developer every week, but we will make strides. We are interviewing candidates for the Public Works Director position and have made an offer to a specific candidate. This individual is out of town and hopefully will find the terms favorable and take on this new role. The downtown Spring cleanup has been postponed until Friday, August 13th. The rain will not let up. It has lost some steam, but Bailey Lyons is just as excited as ever and would love to see you participate. We have a proposal for Horton from 6th to 8th Street and sent it to a local contractor. This is not an official bidding contract but rather to get an idea of what it would cost to perform the work and then go out to bid. That is a particularly rough patch of street. The City is greatly appreciative of the Fort Scott Community Foundation Board and their grant award to purchase roller skates for the youth of the community. He said that he accepted a board position on the Gordon Parks Museum Board pending approval. He is excited about this. He thanked Commissioner Pete Allen for working hard to address street issues. He appreciates his dedication to this issue. He will be sending out his City Manager report later this evening to the City Commission.

Josh asked about the Highway 69 project and when it would be complete.

Jeremy said that he had been in contact with Bettis Asphalt, and they look to start on National in June.

City Manager also thanked Travis Shelton and all his officers for all of their assistance. It is Law Enforcement Officers Week. He also updated the Commission that City Staff is working on several demolitions to begin which will be brought before them. He also said that they have extended an offer to a new Tourism Manager who will begin on June 21st. He is from El Dorado Springs, Missouri. He thanked Ally for all the roles that she has been filling in for. He reached out to the Kansas University Urban Planning Program Chair and asked if they would be interested in partnering with the City to begin a streetscape program on a section of the City. This would be beneficial for the City as well as the students. She will be getting back with him after the next semester begins. He is interested in the median across from the Community College.

Director Reports:

Allyson Turvey & Rachel Pruitt –

Ally said that she has exciting news to share about the Big Kansas Road Trip. You may remember a couple of years ago Larry Gazaway and Rhonda Dunn attended that event. We got word about a month ago that Fort Scott, Bourbon County, had been selected as one of three counties to participate in next year's event. They were asked by the organizers to attend this year's event to see how it worked. On May 9th, they made the announcement that the Big Kansas Road Trip would be in Bourbon, Crawford, and Cherokee counties next year on May 5th through May 8th, 2022. This will bring thousands of people to this area and is a huge opportunity for show and tell. It is not an opportunity to plan any big events, but just to do what we do daily – shop at our local shops, eat at our local restaurants, and visit our main attractions. When they attended a few weeks ago in Northeast Kansas, every hotel was booked and every restaurant was full as well as all the shops. We will have a year of planning to do. Marcy Penner will be here on June 7th to assist in planning for next year and hold a meeting. It will be at 2:00 p.m. at Common Ground Coffee Shop. There will be lots of planning and this is exciting news.

Rachel said she wanted to follow up on a T-Mobile Tech-over contest that the City entered a year ago. The entry was sent in about three weeks. The City put together a strong nomination. She gave the Commission an update on Smart Growth America and T-Mobile. She shared the video that was submitted for the contest. The voice on the video is thanks to Larry Gazaway and she also thanked Rachel French and Gabe Wilson with Ward Kraft for the video presentation. The City will be submitting grants for the \$50,000 awards to be given quarterly also.

Susan Bancroft – Sales Tax History – Susan provided the Commissioners with a breakdown of the City's current sales taxes and their purposes as well as the history of sales taxes in Bourbon County. The City's combined sales tax rate is 9.4% of which 6.5% is State, 1.4% is County, and 1.5% is City sales tax. Of that 1.4% County, the City gets a little portion of that. 1% of the Countywide sales tax is shared with cities within the County and .4% is for jail and county building improvements. In the City of Fort Scott, we have a 1.5% sales tax. 1% is a general purpose sales tax, and .5% is a special purpose sales tax with 90% going towards street improvements, and 10% going towards parks and community facilities. Special purpose means that it is dedicated to a special purpose. In City sales tax may be imposed in increments of 0.05%, not to exceed 2.0% for general purpose and not to exceed 1.0% for special purposes. A County sales tax may be imposed in increments of 0.25%, not to exceed 1.0%. Counties may impose an additional sales tax of up to 1% for health care services.

Sales Tax Timeframes – General sales taxes are in effect until repealed by the City or County or until the sunset imposed in the ballot question is reached. City special purpose sales taxes expired after 10 years or earlier, as specified in the ballot question. General sales tax revenue can be used for any lawful purpose. Special purpose sales tax revenue can only be used for purposes specified in the ballot question.

Sales Tax History – In a 1983 Citywide sales tax vote, Resolution 11-83 was passed on July 5th of that year. It was set to expire on 12/31/1987. The City issued a 1% sales tax to reduce mill levy assessed on real property for street maintenance. The revenue from the 1% sales tax was to be used solely for the construction, reconstruction, and maintenance of public streets within the City of Fort Scott. In 1987, there was a new Resolution passed. On 12/2/1986, Resolution 16-86 passed to continue levying a 1% sales tax indefinitely. There was no end date identified in the Resolution. There was also a letter sent to the City of Fort Scott stating it was an indefinite sales tax. This was approved with a 1,668 yes vote and a 794 no vote. The 1% sales tax is to be used for purposes such as property tax relief, industrial development, street improvements, and/or other such appropriate functions as the governing body deems necessary. This Resolution No. 16-86 is still in effect today. This has no defined end date and we use this resolution to guide us when preparing budgets. In some of the documents that Mr. Hoyt presented at the previous meeting, some of the items that caught her eye were the following. The article in the Fort Scott Tribune on 4/1/1987 stated that “The current proposal is to use 80% of the revenue for streets, 10% for economic development, and 10% for property tax relief. It’s worth noting that the term “current” is used advisedly – assuming the sales tax passes, how the money is put to use will depend on how the City Commission decides at the time to use it. That really is as it should be. The tax, once passed, will remain in effect until people vote it out and that being the case, we should be locked into anything”. As each Commission changes, they have the ability to determine how those dollars are used. The .5% sales tax is for a special purpose tax. In 2011 to 2021, a ten year special tax was approved to finance the costs of construction and equipping of a new municipal swimming pool and constructing an addition and make renovations to the existing Buck Run Community Center and paying the costs of operation and maintenance of such facilities. This will expire on June 30th, 2021. Most recently, the renewal of that sales tax was passed to approve that 90% of the sales tax revenue proceeds for street improvements, sidewalks, bike lanes, and curb and gutter, and 10% of the proceeds for parks and community facilities. This is a five-year special purpose set that is set to expire on June 30th, 2026.

Countywide Sales Tax – Susan stated that half of the revenue is distributed among the county and incorporated cities in the county based on the total tangible property tax levies in each jurisdiction for the previous year. The other half of the revenue is distributed among the county and incorporated cities in the county based on the population in each jurisdiction. The voters approved the Countywide sales tax on 4/3/2001 which was set to expire on 6/30/2011. The intent of Resolution No. 39-2000 was for the City to use 100% of the proceeds to fund sanitary sewer projects as a result of federal mandates and to lessen utility rate increases. Resolution No. 8-2007 amended Resolution No. 39-2000 to widen the scope of the use of funds to include the waterworks system and other capital improvements. In 2011, a new vote came out and the vote occurred and there were no new resolutions she could find. The ballot question refers to a general purpose sales tax for the City of Fort Scott. On 11/3/2020, the voters approved renewal of the countywide sales tax set to expire on 6/30/2031. Resolution 5-2021 states that 90% of the proceeds to pay for streets and highway operations and maintenance and 10% of the proceeds to pay for public services.

Sales Tax – Present Day – 1% General Purpose Sales Tax – As stated in Resolution 16-86 approved on 12/2/1986, the Commission has flexibility of the use of the sales tax proceeds for items such as property tax relief, industrial development, street improvements, or other such appropriate functions of the City. There is NO expiration date. .5% Special Purpose Sales Tax – Ordinance No. 3578 was approved to furnish 90% of the sales tax revenue proceeds for street improvements, sidewalks, bike lanes, curb and gutter, and 10% of the proceeds for parks and community facilities. This expires on 6/30/2026. The 1% Countywide Sales Tax – City Portion – Resolution 5-2021 approved on 3/16/2021, states that 90% of the proceeds are to pay for streets and highway operations and maintenance, and 10% of the proceeds to pay for public services. This will expire on 6/30/2031.

Sales tax funds nearly half (48%) of the City’s general fund budget. If the 1% general purpose sales tax is repealed, many services will not be able to be maintained at the same level of funding. Approximately \$1.5 million would need to be cut from the general fund. Sales tax collections have been relatively flat over the past three years but could fluctuate depending on the economy. The sales tax revenue funds 48% of General Fund expenditures. People who live outside our City but purchase goods in Fort Scott help share in the cost of providing services to our community through a sales tax rather than imposing a property tax for services.

Randy thanked her for an excellent presentation.

Old Business:

1. Skating Rink discussion and approval of operational plans – Ally stated that the City received a \$5,900 grant from the Fort Scott Area Community Foundation to purchase roller skates. This will purchase 125 pairs of skates. She shared with them the two options between Buck Run and Memorial Hall. Ally said that Craig Campbell, Leah Bowman, Doug Guns, Tom Robertson, and herself met recently to discuss the skating rink. Their recommendation is to have skating on the 2nd and 4th Saturdays of each month from 7:00 p.m. to 9:00 p.m. at Buck Run Community Center. The first skate would be on June 25th. Their recommendation is to charge \$5.00 a head. If they have their own skates, it would be \$3.00. At the present time, they do not have skates for smaller children. She recommended starting with children 10 years of age and older. Rollerblades will not be allowed as they will scratch the floor. She has checked with insurance and no additional insurance is needed. Skaters will need to sign a waiver.

Discussion was held regarding the cost of purchasing skates for younger children.

Susan told Ally that there is funding in the Special Alcohol and Drug fund to purchase skates for the younger children.

K. Allen moved to approve to use Buck Run Community Center for skating on the 2nd and 4th Saturdays of each month and to charge \$5.00 for entry and \$3.00 if they have their own skates. J. Jones seconded. All voted aye.

APPROVED TO USE BUCK RUN COMMUNITY CENTER FOR SKATING ON THE 2ND AND 4TH SATURDAYS OF EACH MONTH AND TO CHARGE \$5.00 FOR ENTRY AND \$3.00 IF THEY HAVE THEIR OWN SKATES. THE FIRST SKATE WILL BE HELD ON JUNE 25TH, 2021.

Public Hearings: 6:15 p.m. Vacation of the platted 70' of Durkee Street located between Lots 1-28, Block 2, and Lots 2-28, Block 4, Durkee & Stout Addition – Approval of Ordinance No. 3579 and Easement

R. Nichols moved to open the Public Hearing at 7:06 p.m. K. Allen seconded. All voted aye.

OPENED PUBLIC HEARING AT 7:06 P.M.

City Manager said that this is a continuation of the public hearing that was originally held on April 6th. A petition has been received to vacate the platted Durkee Street. Discussion was held on April 6th regarding drainage issues. The property owner, Mr. Eden, is willing to sign an easement in exchange for the vacation of the street. The City Attorney will prepare the easement once the Commission votes in favor of the vacation of street.

City Attorney said that once he has a legal description, he can prepare the easement.

Michael Hoyt said that he has a comment. He has great concerns about the water coming from Ellis Park down to the south of Ironquill Estates across the National Cemetery into that property. He doesn't think we can vacate that land until we have put together a stormwater control program that will take the water off that hill as has been engineered, as the Street Department has actually cut around engineered intakes that Ironquill paid for 30 years ago. They paid several hundred of thousands of dollars for. One is on the north, one in the middle and one on the south. We have completely circum-navigated those to go into the storm drain. By vacating that, you will limit your capability to put together a stormwater control plan.

Pete said that he agrees with this assessment. He said that there is a ditch that goes across this property and comes down from Ellis Park.

Peter Earles, City Engineer, stated that as long as you have an easement you don't need a right-of-way. The easement gives you the right to do drainage only in that right-of-way. What he is wanting you to do is not put utilities in there. By vacating it and making it a drainage easement, you aren't stopping anything. It will be dedicated to drainage only.

City Attorney recommended to table this issue and he will bring back two drainage easements along with the vacation of the street at the June 1st meeting.

L. Watts moved to table this at this time and bring back to the City Commission at the June 1st, 2021 meeting with the City Attorney bringing back two easements for them to approve. J. Jones seconded. All voted aye.

APPROVED TO TABLE THIS AT THIS TIME AND BRING BACK TO THE CITY COMMISSION AT THE JUNE 1ST, 2021 MEETING WITH THE CITY ATTORNEY BRINGING BACK TWO EASEMENTS FOR THEM TO APPROVE.

J. Jones moved to close the Public Hearing at 7:18 p.m. R. Nichols seconded. All voted aye.

CLOSED PUBLIC HEARING AT 7:18 P.M.

New Business:

1. Discussion of replat of Elm Street which intersects National Avenue – City Manager said that there is a section of Elm Street which intersects National Avenue which was paved in the wrong location. A map is attached from a survey that was completed. This means that the individual owner actually owns the paved street. Approval is requested for City Staff to work through the legal process to replat this section of Elm Street and bring back before the Commission for final approval.

Ally said that a survey was done about two years ago. She included a GIS map which shows the property along Elm Street. Those property owners to the south actually own the paved street. The City owns what should be Elm Street which is just north of those properties. The original Elm Street was supposed to go north of what was actually paved. We are in a position now if we want to clean this up, but we will need to go through the legal process of replatting Elm Street.

City Attorney said that legally it doesn't matter how Elm Street got to where it is. The City has maintained and taken care of it for over 50 years probably. His recommendation is to replat this and send it before the Planning Commission and then come back before the City Commission. He said he thinks we need to sit down with the adjoining property owners and discuss this issue with them.

Peter Earles, City Engineer, agreed with the City Attorney about getting the property owners together.

J. Jones moved to table this item until the first meeting in July and bring back before the Commission. R. Nichols seconded. P. Allen, R. Nichols, L. Watts and J. Jones voted aye. (Kevin stepped out of the meeting momentarily) Motion carried.

APPROVED TO TABLE THIS ITEM UNTIL THE FIRST MEETING IN JULY AND BRING BACK BEFORE THE COMMISSION.

2. Consideration of Fort Scott Public Library Board Member Appointment – City Manager said that the Library Board had an opening and letters of interest were taken for the open City resident position. There were two letters of interest received – one from Carol MacArthur and the other from Calista Richards. The Library Board met on May 10th and recommended the appointment of Calista Richards.

Randy asked the Mayor, who sits on the Board, if the Library was open yet.

Josh said it will open on June 1st. The Board also thanked the City for repairing the pothole in their parking lot.

R. Nichols moved to approve the recommended appointment of Calista Richards to the Fort Scott Public Library Board. L. Watts seconded. All voted aye.

APPROVED APPOINTMENT OF CALISTA RICHARDS TO THE FORT SCOTT PUBLIC LIBRARY BOARD.

3. Consideration of Donation of Ford Crown Victoria to Bourbon County Public Works – City Manager said that this was discussed at Staff Meeting that the County has need of a vehicle at the Landfill. The City has an old Crown Victoria that is sitting at Public Works. They discussed donating this vehicle to the County for their use.

Kevin said that he wanted to make sure that this was excess vehicle equipment.

P. Allen moved to approve to give the 2011 Ford Crown Victoria to Bourbon County. K. Allen seconded. All voted aye.

APPROVED TO GIVE THE 2011 FORD CROWN VICTORIA TO BOURBON COUNTY.

4. Discussion of caretaker house at Gunn Park -City Manager said that this topic has been brought up a couple of times by a City Commissioner – Park Staff has attempted to call Pat Wood, a local contractor, to get an estimate, but has not received a call back yet from him. City Staff needs to know how to proceed on this project.

Kevin said that he thinks the structure is in good condition and we need to come up with a list of needed repairs.

Josh said that he got a message from Pat Wood and he will get with City staff on this.

5. Engineering Agreement Contract – Earles Engineering – WWTP – City Manager said that at the last City Commission meeting, the Commission approved Earles Engineering to be the engineering firm for Design Improvements at the Wastewater Treatment Plant facility. Earles has a three Phase proposal with Phase 1 of Reports in the amount of \$36,480.00; Phase 2 for Engineering Design at a cost of \$84,000; and Phase 3 a Preliminary Engineering Report on the entire Wastewater Plant facility in the amount of \$68,000.

Michael said that he has reviewed the contract and thinks we are ready to proceed with approval.

Josh asked if it was a budgeted item. Susan said it was budgeted for 2021.

Peter Earles said that this will probably take 18 months to complete.

R. Nichols moved to approve the engineering agreement for the Wastewater Treatment Plant Process Evaluation. J. Jones seconded. All voted aye.

APPROVED WASTEWATER TREATMENT PLANT PROCESS EVALUATION FOR DESIGN IMPROVEMENTS AT THE WASTEWATER TREATMENT PLANT.

6. Consideration of Sanitary Sewer Improvements to Re-Route Manhole 148 located in Mulberry Street between Shute Street and Mineral Street Engineering Agreement – Earles Engineering - This is an engineering agreement to re-route manhole 148 located on Mulberry Street between Shute and Mineral Street – also known as Old Faithful. The amount for the engineering for this project is \$12,500.

Michael Mix said that the preliminary estimate of construction cost for this project is \$192,000. The cost for the engineering is \$12,500. Michael said that he has well over \$1,000,000 in projects this year that are ready to go in addition to this project.

City Manager said that the residents have dealt with this issue for many, many years.

Peter Earles said that he can have a bid ready to send out within 30 days of approval.

R. Nichols moved to approve the engineering agreement with Earles Engineering for Sanitary Sewer Improvements to Re-Route Manhole 148 located in Mulberry Street between Shute and Mineral Street in the amount of \$12,500. P. Allen seconded. All voted aye.

APPROVED THE ENGINEERING AGREEMENT WITH EARLES ENGINEERING FOR SANITARY SEWER IMPROVEMENTS TO RE-ROUTE MANHOLE 148 LOCATED IN MULBERRY STREET BETWEEN SHUTE AND MINERAL STREET IN THE AMOUNT OF \$12,500.

7. Consideration and award of Airport Hay Bid for 2021 – 130 acres – City Manager said that bids were mailed out on April 27th, 2021 for the Airport Hay Bid in the amount of 130 acres to be hayed. There were four bids received with the high bid from Dr. Ricky Kellenberger in the amount of \$7,105.00 – Approval for the high bid is requested.

R. Nichols moved to approve the Airport Hay bid to Dr. Ricky Kellenberger in the amount of \$7,105.00. J. Jones seconded. All voted aye.

APPROVED THE AIRPORT HAY BID TO DR. RICKY KELLENBERGER IN THE AMOUNT OF \$7,105.00.

8. Consideration and award of bid – Water Clarifier No. 1 Painting – City Manager said that bids were sent out for the Water Treatment Plant Clarifier No. 1 Painting Project. There were six (6) bids received with the low bid from Utility Maintenance

Contractors of Wichita, Kansas in the amount of \$82,400. The engineering firm Allgeier, Martin sent their letter of recommendation and Notice of Award for the low bid from Utility Maintenance Contractors.

Michael said that this is just the painting portion of this project. They will sandblast and recoat all the metal surfaces of the clarifier. There is also a mechanical portion of the project that has not been sent out for bid yet.

J. Jones moved to approve the low bid from \$82,400 from Utility Maintenance Contractors, LLC of Wichita, Kansas for the water clarifier painting. R. Nichols seconded. K. Allen, R. Nichols, L. Watts, and J. Jones voted aye. P. Allen abstained. Motion carried 4-1.

APPROVED THE LOW BID FOR \$82,400 FROM UTILITY MAINTENANCE CONTRACTORS, LLC OF WICHITA, KANSAS FOR THE WATER CLARIFIER PAINTING.

9. Consideration and approval of St. Martin's Academy Sewer Service Agreement – City Manager said that sewer service for St. Martin's Academy began in 2019, but due to turnover at the City and the Academy, no formal agreement had ever been reached. St. Martin's is considered to be in the boundaries of Sewer District #1. The rates will be based on current residential rates times the number of gallons flowing through the lift stations.

Susan corrected the City Manager and said that St. Martin's is NOT within Sewer District #1 but that was just discovered yesterday. They are putting together a map of what is in the district. It seems to be what is just around the lake. She said that this has been a long time in getting completed due to turnover in Staff on the City side and the St. Martin's side. We are able to monitor the hours on the lift station. They have agreed that rather than billing on a three month basis, that the City will read their lift station monthly and bill them accordingly. They have agreed to pay in arrears which is about 22 months until they are caught up. This is just the first draft of the agreement. The City Attorney is putting together some revisions to this agreement that were recommended by the County.

Kevin asked if this would limit the number of sewers at the lake that could be hooked up.

Susan said no and that there is plenty of room to add houses at the lake and hook them up.

Kevin asked that they look at the hook up fee to lower it for lake residents.

Susan said that is still being determined. The initial owners paid for the electrical connection, person service line, and the line from the house to the pump, along with a \$1,000 lot buy-in to give the history of the lake sewer district. The debt service covers the grinder pumps, the installation of the lines, and the pump stations, and the individual landowner had the option to pay up front \$6,000 or \$21.00 per month for the life of the loan. What they are proposing is anyone new

hooking up to the system in the district, they would have to do the \$1,000 lot buy-in, \$850.00 for labor and the saddle, and for the City to hook up, and it has to be installed by the City. A \$150.00 deposit would be required like we would all of our other utilities, and pay a \$22.00 service fee, similar to the debt service, but those dollars would go into a maintenance fund. That is how they got to the \$2,000 amount.

More information will be forthcoming at a later meeting.

10. Ordinance authorizing the City of Fort Scott, Kansas to issue Taxable Industrial Revenue Bonds (Fort Scott Lofts, LLC Project), Series 2021, in a principal amount not to exceed \$5,819,785 for the purpose of providing funds to pay the cost of acquiring, constructing, renovating and equipping a commercial facility; Authorizing the City to enter into certain documents and actions in connection with the issuance of said bonds (Sales Tax Exemption only) – City Manager said this documentation is to approve a Taxable Industrial Revenue Bond in the amount of \$5,819,785 for Fort Scott Lofts – Approval of all documentation is requested.

Rachel Pruitt introduced Dominic Eck of Gilmore & Bell who is here to discuss the documents with you.

Dominic Eck, Gilmore & Bell, informed the Commission that the City is acting as a pass-through entity in order to benefit a third party. The City is not obligated in any way on the IRB. No City funds are used to pay any debt service or any part of the project. He explained the IRB process to the City Commission. This project has a closing date of May 27th, 2021 with a maturity date of the bond of December 1st, 2021. He said if something was to go wrong and the IRB is not paid, the City has no obligation.

Pete asked about the Resolution of Intent and when it was done. He would like a copy of it.

Mr. Eck said it was Resolution No. 24-2019 and passed November 5th, 2019. He gave Pete a copy of it.

Mr. Eck fielded many questions from the Commissioners that they had regarding the bond. He also answered many questions on the documentation.

Josh said that he wanted to table this at this time to research the documents more fully.

J. Jones made a motion to table at this time. P. Allen seconded. K. Allen, P. Allen, and J. Jones voted aye. R. Nichols and L. Watts voted no. Motion carried 3-2.

APPROVED TO TABLE THE IRB AT THIS TIME.

Reports and Comments:

A. Commissioner Reports and Comments:

L. Watts – Nothing to report.

R. Nichols – Thanked Travis Shelton and his law enforcement staff for the great job they do every day.

P. Allen – Pete shared a video with the Commission about another tool for fixing curbs. He explained what all this machine will do and the costs of it.

Pete said that we are looking at different situations on our streets and different tools that can be used. He asked for Peter Earles to come up tomorrow to look at some ideas that he has.

He is excited about the trainer coming for the pothole patcher machine also when the weather clears.

K. Allen – Asked if the sale of the lake lots have moved forward.

Josh said he knows a lake resident that has property that borders it has sent an email to the City Manager.

City Manager said that he contacted a local engineer to survey those three lots and see what costs are associated with that. He is waiting to receive information back.

Thanked Jeremy for assisting with areas that need gravel in Gunn Park.

Asked about 2nd Street Park and if some big holes can be filled with gravel there. City Manager will get this taken care of.

Asked that the road grader go down Cooper Street to make it smoother.

J. Jones – Informed the Commission and public that Stephen Toal has painted a beautiful mural at Shelter #1 at Gunn Park. He painted over graffiti that had been there.

Asked if the City had applied for a COPS grant yet to secure an additional School Resource Officer. We could partner with the County for this position.

City Manager said that he reached out to the School district recently.

City Attorney Report and Comments: Nothing to report.

Adjournment:

J. Jones moved to adjourn the meeting at 8:55 p.m. R. Nichols seconded. All voted aye.

ADJOURNED MEETING AT 8:55 P.M.

Respectfully submitted,

Diane K. Clay, M.M.C.
City Clerk