

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of August 6, 2019

Regular Meeting #14

The regular meeting of the Fort Scott City Commission was held August 6th, 2019 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

ROLL CALL:

Commissioners Adamson, Bartelsmeyer, and Nichols were present with Mayor Parker presiding. Commissioner Mitchell was absent.

INVOCATION: Pastor Matthew Hunt, Faith Church, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Robert Uhler, Rachel Pruitt, Darrell Parker, Jason Pickert, Clayton Miller, Deb Needleman, Paul Ballou, Devin Tally, Brian Allen, Jenna Campbell, Traci Reed, Derick Burke, Rebecca Howard, Sarah Long, Tom Coffman, Jayme Coffman, Rebecca Todd, Jacky Martini, Hal Martini, Dean Stern, Janice Allen, Amy Drake, DeLynn Abati, Kiran Bailey, Emma Daly, McKenzie Murphy, Tegan Milburn, Berkley Wood, Patrick Wood, Matthew Hunt, Franca Scott, Mesa Jones, Jackie J. Neale, Tracy Dancer, Jason Gorman, John Schwartz, Kathy Schwartz, Mark Tulley, Amber Marsh, Dave Bruner, Shawn O'Brien, Lindsay Watts, Michael Mix, Bobby Duncan, Deb McCoy, Pete Allen, Michael Hoyt, Kevin Allen, and representing the press, Jason Silvers of the Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS: None

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of July 16th, 2019.
- B. Approval of Appropriation Ordinance 1243-A totaling \$856,754.94.

Adamson moved to approve the Consent Agenda. Bartelsmeyer seconded. All voted aye.

APPROVED CONSENT AGENDA.

SERVICE AWARD RECOGNITIONS:

5 years: (Certificate and Gift)
Nathaniel Arnold, Maintenance II – Fort Scott Municipal Airport
Derick Burke, Evidence Custodian/Police Officer/Records Clerk – Fort Scott Police Department

15 years: (Certificate and Gift)
Jason Pickert, Captain, Fort Scott Police Department

Sarah Long, Lead Communications Technician – Fort Scott Police
Department
Michael Trim, School Resource Officer, Fort Scott Police Department

20 years: (Certificate and Gift)
Tom Coffman, Mechanic Supervisor

25 years: (Certificate and Gift)
Dave Bruner, Deputy Fire Chief, Fire Marshal, Fort Scott Fire
Department

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE: Amy Drake – Fort Scott High School Dance Team – Mrs. Drake said she is the Fort Scott High School Dance Team coach and asked the Commission’s approval for a fundraiser they would like to do in the near future. She introduced the dance team to the Commission and the audience. The fundraiser is a spray painted tiger paw on driveways. The owner can pay \$25.00 and the team will spray paint the tiger paw on their driveway. The paint will last for about two years. She passed around photos of the tiger paw. It will be approximately 3’ X 3’. She has checked with the Codes Department and the City Manager and they both gave their approval. She did ask about businesses and painting on sidewalks.

City Manager asked her to visit with him about if a business wants this done.

Bartelsmeyer moved to approve the fundraiser of the painting of tiger paws in driveways. Nichols seconded. All voted aye.

APPROVED THE FUNDRAISER FOR THE FORT SCOTT HIGH SCHOOL DANCE TEAM TO PAINT TIGER PAWS IN DRIVEWAYS.

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

Rebecca Howard – Ms. Howard said that she was an owner at Lake Fort Scott and loves this community. She said she was not here to make enemies. She knows the gentleman that is proposing to build the condos is here also. She just doesn’t want condos next door to them. She doesn’t want nine new tenants going in to them. They had a lake meeting on Saturday and they spoke at length about the safety at the lake. This is a big concern with the lake owners. After the meeting, there was someone going 50 mph in the no wake zone and got close to a pontoon. Tom Graham can’t handle it all. There are lots of dangerous stuff happening. Mr. Uhler was there at the meeting and I know that Randy (Nichols) was at the meeting for a while. There is a lot of traffic on the lake right now with over 100 lake owners. If you increase that by nine more owners, that’s a lot more traffic - like 10%. There are road concerns as well. I spent about three hours today in the Deed’s office

and found her original Lake Fort Scott deed from April 6, 1984. It states specifically on that deed that a lot is subject to all City ordinances and codes now adopted or hereafter amended. It specifically states that. She has another original plot when the land was first plotted out for leases and they were intended for cabin sites. Singular. Cabin. That was the original purpose of the lake. For recreation and single family dwellings. It's never been an issue because no one's ever tried to make money off of a development. What's scary is our property values. These guys are locals, but you can get bad developers from who knows where. There are no codes in the county. These people won't be invested in your community if they are leasing or owning. She isn't sure of what their plan is because they haven't heard a plan. She is invested in this community. She's not sure what their plan is. She said that they have bought all of their furniture from Ruddicks. When they come into town, they stop at Pete's for ice, stop at Papa Don's for pizza, they use a local guy to come and spray for bugs, and when they can't get down here, they have a local guy that mows for them. Her son is going to Pittsburg State and leaves in 11 days. They will be here a lot. That's how a lot of them are at the lake. They bring money and commerce into the community. If there are nine people that are come and go, are they invested into the community and wanting the lake to be a good recreational place for the community and the lake residents? She thinks their lack of action and she thinks sometimes it is City versus County and no one wants to work on this is detrimental to the community as a whole. We need to take action. She does have some other suggestions that she will share with Randy at a later date. There are some things that you can do as you do have jurisdiction over the water, but her time is up.

City Manager said that she is right about them doing a better job with lake patrol. That came out strong at Saturday's meeting. He said we will be looking at safety better. He will address this more during his time.

Ms. Howard said that the City needs to protect their own lots that you want to sell. Her neighbor is an original owner and they are selling their property. She doesn't want to see nine more property owners in a condo there.

Bobby Duncan – He said that he noticed in the agenda that was published online that you are going to appropriate \$890,000 dollars. He would like to know from where it is being appropriated, what it is for, and is it going to add to the debt burden of the citizens of Fort Scott and the taxpayers. That's one thing. The other thing is the frequent use of the executive session creates a feel of non-transparency. He really likes what Skitch is talking about. This is something all of us need to look at. We need to do a better job of letting the people know what is going on.

Mayor Parker said to answer his question about the appropriation ordinances, they are online also and it states what they are spent on.

City Manager said that to talk about executive sessions, we don't go into executive sessions very often. We make most of our decisions out here. If

you look at our record, there are very few executive sessions. He and Skitch have had dialog and he thinks the three minute rule is an issue. That is different than an executive session. This is a business meeting and that's the reason the rule is out there. These are two different issues. This three minute rule helps get order.

Pete Allen – Mr. Allen said that he don't want to sound like a broken record, but he wanted to remind the audience and the Commission, that in 1983 and 1987, we the citizens of Fort Scott voted for a street improvement program that would be funded by a 1% sales tax that was voted in that year. The street improvement program was to get 80% of that sales tax and throughout the years, the first four years we had a good street improvement program, but starting in 1988, City officials started taking that money out of the street improvement program and using it for other uses. The street improvement program is down about \$25 to \$30 million. I think we all agree that we have got to have some funds for a street improvement program. He's talking about the budget for 2020. We can't wait. The budget for 2020 using the 1% sales tax and gasoline tax and the money we're supposed to be using should equal about \$1.6 million. In 1983, we had a \$400,000 street budget and that included no street improvements. Today, that amounts to about \$1 million and that's what we got in the budget today. We have \$1,065,000 in the proposed budget. That is not enough to have any kind of street improvement program. That is basically taking care of maintenance. I built a street here 37 years ago, 4th Street that has never been touched by a crew. No cracks have been filled, no work has been done on that street. At best, it has probably been swept once or twice. We have to take care of what we're building. We need to learn to take care of it and we've forgotten how to do that. We've lost all the money that we should have generated for the street improvement program in the past. He said he was issuing a challenge for the City Commission tonight, to do what's right and put \$1.6 million in the budget and do what's right. You have the power to do that as a Commission and the right. We need to start it in 2020 and not wait.

C. PUBLIC HEARINGS: None

CONSIDERATION:

1. Budget discussion and approval to publish 2020 Budget – Rhonda Dunn, Director of Finance, informed the Commission that she is requesting approval to publish the 2020 budget in the local newspaper and to hold a budget public hearing on August 20th, 2019 at 6:00 p.m. She updated the Commission on the process and the input into the 2020 budget. Priorities were set including: Streets; Debt Management; Maintain flat mill levy; More existing cash flow; Meet departmental needs, not wants; Economic Development; Building Maintenance; and Health Care. The 2020 budget results include a revenue of \$13,637,350. This has increased \$400,000 from 2019. There is a 3% increase in utility rates; increased property valuation; decrease from Mercy ambulance payments; sales tax has

not increased from 2018. Expense budget: \$14,980,833: increased budget by \$200,000 from 2019; street budget increased over \$350,000 from 2019; operational cuts of approximately \$155,000. 2020 Budget results: Reducing and eliminating transfers from General Fund. Utilizing existing cash to meet priorities. The mill levy will remain the same.

Bartelsmeyer moved to approve to publish the 2020 budget public hearing notice and to hold a public hearing on August 20th, 2019 at 6:00 p.m. Nichols seconded. All voted aye.

APPROVED TO PUBLISH THE 2020 BUDGET PUBLIC HEARING NOTICE AND TO HOLD A PUBLIC HEARING ON AUGUST 20TH, 2019 AT 6:00 P.M.

2. Authorization of Mayor to sign HGAC documents - Rhonda Dunn, Director of Finance, informed the Commission that she is requesting approval for the City to enter into a HGAC Cooperative Purchasing Program. This program is available to local governmental entities and qualifying non-profit corporations. HGAC Buy is a Government to Government procurement service available nationwide. They have been in existence over 30 years. This program is open to all municipalities, cities, counties and state agencies along with other various agencies. There are several cities and counties in Kansas that use this program. They do all the background work on bid procurements. Their products include: fire trucks, police equipment, EMS equipment, public works equipment, parks equipment and etc. This company contracts with various vendors with HGAC pricing. The City would choose the provider and issue a purchase order and the provider goes through HGAC for purchase. This will eliminate the need to create specifications for equipment, do RFP's for purchases and use their expertise. She asked for approval for the City to enter into an agreement with HGAC. There is no cost to the City to enter into the agreement. In the pricing, there is also a fee for HGAC so that would need to be watched and/or negotiated.

Nichols moved to approve the agreement with HGAC. Adamson seconded. All voted aye.

APPROVED AGREEMENT WITH HGAC AND AUTHORIZE THE MAYOR TO SIGN DOCUMENTS.

3. Adoption of 2019 Standard Traffic Ordinance No. 3549 - Travis Shelton, Chief of Police, informed the Commission to approve the Standard Traffic Ordinance which allows the City to enforce all traffic stops.

Bartelsmeyer moved to approve Ordinance No. 3549 approving the 2019 Standard Traffic Ordinance. Adamson seconded. All voted aye.

APPROVED ORDINANCE NO. 3549 AMENDING CHAPTER 10.04 OF THE FORT SCOTT MUNICIPAL CODE TO INCORPORATE 2019 STANDARD TRAFFIC ORDINANCES.

4. Consideration to reject bids for the Water Treatment Plant Clarifier painting bid – Michael Mix, Public Utilities Director, informed the Commission that bids were taken recently for the painting of the clarifier at the Water Treatment Plant. Two bids were received, both of which were extremely higher than the engineer’s estimate. The engineer inquired what was going on with the bids and it was discovered all of the painters were very busy. He asked the Commission to reject these two bids and wait around a month or so and rebid this project.

City Manager said that he will come back before the Commission to ask for approval to rebid this again.

Bartelsmeyer moved to reject the bids for the Water Treatment Plant Clarifier painting project. Adamson seconded. All voted aye.

APPROVED TO REJECT THE BIDS FOR THE WATER TREATMENT PLANT CLARIFIER PAINTING PROJECT.

COMMISSION/STAFF:

- A. **Director Updates:** Rachel Pruitt – Rachel informed the Commission that the City received another grant. This grant is in the amount of \$1,000 from the Timken Foundation for Manufacturing Day. It is held the first Friday of every October and open to High School students. Each year this event tries to grow and get bigger. This amount will assist with transportation costs for schools and provide for meals for the students. She thanked the Timken Foundation for this grant award.

Robert Uhler – Robert informed the Commission that he has a contract between the City and the County for asphalt for 2019. This agreement is for 1,400 tons of delivered asphalt to the City at \$68.00 per ton. This contract begins on August 1st, 2019 and will end on November 1st, 2019 or when the City’s street program is completed.

Nichols moved to enter into the agreement between the City and the County to provide asphalt for 2019. Parker seconded. All voted aye.

APPROVED TO ENTER INTO AN AGREEMENT WITH THE CITY AND BOURBON COUNTY FOR THE COUNTY TO PROVIDE ASPHALT FOR 2019 AT A COST OF \$68.00 PER TON FOR 1,400 TONS. THIS WILL BEGIN ON AUGUST 1ST, 2019 AND END ON NOVEMBER 1ST, 2019 OR WHEN THE CITY’S STREET PROGRAM IS COMPLETED.

Robert also shared photos of the old J.C. Penney's building and a public safety concern from this past weekend. There were windows that were falling out from above down onto the sidewalks. This building has been a nuisance but it is being fixed. The windows are being boarded up and the costs assessed to the property owner.

B. City Commission:

Nichols – Thanked the Lake group that was here tonight. It was a constructive conversation and good ideas. Your input was appreciated.

Adamson – Remarked that she appreciated the Lake group working with them also.

Mitchell – Not present.

Bartelsmeyer – Said that she also received a call from a Lake resident today with their concerns. We are hearing you and will try to get something going. She thanked Rhonda for her hard work on the budget. She enjoyed sitting in on the budget sessions and thanked City staff for their input.

Parker – Also thanked Rhonda for her hard work. She thanked the Lake owners for sharing their concerns. If there is a problem, we try to work through it. She also received a call. She thanked the City employees who were recognized with a service award. She thanked them for their many years of service to the City.

C. City Manager:

1. Via Christi - Dave said that he had a good conversation with Randy Cason of Via Christi today. They are committed to Fort Scott and the future.
2. Lake Fort Scott – Dave said that he wanted to assure Ms. Howard that the City is still working on this issue. The City has met with the County and talked with them. The document that you have has been shared with both legal counsels. The County has no zoning and the City has no legal means to go in and enforce codes. We have met with the County. They don't have to have a codes department and they can share our services and work with the City. We are willing to work with them. It has to start with them. We have offered as a City. He proposed an ordinance be created forming a Lake Advisory Committee with five Lake Residents – one City representative from the Commission and one County Commissioner, along with himself and Robert Uhler. He suggested quarterly meetings at first.

Kevin Allen mentioned adding a resident from the City be also on this committee. There are a lot of people that live in town that fish out there.

City Manager said that we can have seven total with one from the City and County also along with the Lake residents and the elected officials and City and County officials.

City Manager said that he met today with the Chief of Police on safety issues that need addressed. Tickets or warnings will be issued and safety will be focused on.

Bartelsmeyer moved to adopt an ordinance forming a Lake Advisory Committee consisting of five Lake residents, one City resident, one County resident, one City Commissioner, one County Commissioner, the City Manager and the Community Development Director. Parker seconded. All voted aye.

ADOPT AN ORDINANCE FORMING A LAKE ADVISORY COMMITTEE CONSISTING OF FIVE LAKE RESIDENTS, ONE CITY RESIDENT, ONE COUNTY RESIDENT, ONE CITY COMMISSIONER, ONE COUNTY COMMISSIONER, THE CITY MANAGER AND THE COMMUNITY DEVELOPMENT DIRECTOR

ADJOURNMENT:

Parker moved to adjourn the meeting at 6:55 p.m. Nichols seconded. All voted aye.

ADJOURNED MEETING AT 6:55 P.M.

The next regularly scheduled meeting is to be held on August 20th, 2019 at 6:00 p.m.

RECORDED BY:

**DIANE K. CLAY
CITY CLERK**