

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of September 20th, 2022

Regular Meeting #19

The regular meeting of the Fort Scott City Commission was held September 20th, 2022 at 6:00 p.m. in the City Commission Meeting Room at City Hall, 123 S. Main Street, Fort Scott, Kansas.

ROLL CALL:

Commissioners T. Van Hoecke, S. Walker, and M. Wells were present with Mayor K. Harrington presiding.

INVOCATION: Matthew Wells, City Commissioner, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Rob Harrington, Dave Bruner, Brad Matkin, Harold Martin, Travis Sawyer, Jasmine Ngugen, Jennifer Sawyer, Deb McCoy, Craig Campbell, Mary Eastwood, Jan Seestead, Steve Anthony, Betty Breault, Kevin Allen, Anne Dare, Eddie Towney, Mike Buller, Rosemary Harris, Pete Allen, Nick Graham, Janice Allen, Doug Guns, Josh McClelland, Rachelle McClelland, Michael Hoyt, Thomas Russell, Shawn Coffey, Tom Havron, Michael Mix, Jason Dickman, and Lisa Lewis.

PROCLAMATIONS/RECOGNITIONS: None

CONSENT AGENDA:

Mayor Harrington asked that Item #E (August financials) be removed from the Consent Agenda.

- A. Approval of minutes of the regular meeting of September 6th, 2022, and special meetings of September 14th, 2022 and September 15th, 2022.
 - B. Approval of Appropriation Ordinance 1320-A totaling \$489,066.66.
 - C. Request to Pay – HDR Engineering - \$7,603.75 – River Intake Project
 - D. Request to pay – Midwest Engineering Group, LLC - \$2,176.25 – Lake Fort Scott Valve Engineering
 - E. August financials (Will be on table at meeting)
- T. Van Hoecke moved to approve the Consent Agenda with the removal of Item E. M. Wells seconded. All voted aye.

APPROVED CONSENT AGENDA WITH REMOVAL OF ITEM E – AUGUST FINANCIALS.

Public Comment:

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

Harold Martin – Harold said that he was here representing the Lake Advisory Board. He is here to answer any questions they have and address some of their concerns. He asked if the tent camping charges at Lake Fort Scott had been increased from \$5.00 to \$10.00.

M. Wells said that he would like to see the Commission review this first.

Harold also asked about if the ordinance had been drafted on policies and procedures on the sale of new building lots at Lake Fort Scott.

City Clerk told the Commission there was a draft before them to review.

Harold asked about Ordinance 2584 and the recommendation by the Lake Advisory Board stating that the boat sticker be adhered to the vessel.

City Attorney said if the Commission wishes he will draft an updated ordinance.

Harold asked about the recommendation from the September 17th meeting that there be a budget line in the 2023 budget for water quality, environmental study, and the bathymetric study. He stated that he has specifications and will get them to the Commission for their October meeting.

Nick Graham – Nick stated that he lives in Uniontown but served on the City Commission for four years. He said that there is nothing wrong with having an Interim City Manager as the City has had one in the past. He also stated that he believes the City should update their Code of Ethics that forbids using a Commissioner's personal business for any personal gains. He also encouraged the City Commission to stay the course and not resign their positions. He did this in the past once, and then was encouraged by another Commissioner and rethought his decision. He implored them to finish out their terms.

Craig Campbell – Craig said that he was appearing on behalf of the Pioneer Harvest Fiesta parade. Their annual parade is Thursday, September 29th at 6:00 p.m. He asked for approval for the parade and the City's assistance with this event.

T. Van Hoecke moved to approve the parade permit for the Pioneer Harvest Fiesta parade on September 29th, 2022. M. Wells seconded. All voted aye.

APPROVED PIONEER HARVEST FIESTA PARADE PERMIT FOR THURSDAY, SEPTEMBER 29TH, 2022.

Craig also stated that he had been to some seminars lately and had a guy approach him and ask him if he was from Fort Scott. He told him he was, and the guy proceeded to tell him how great our city was. He mentioned many positive

things and said Fort Scott was “close to rocking it out of the park”! He encouraged the Commission to keep moving forward.

Deb McCoy – Deb informed the Commission she had several questions for them. She asked when they had last reviewed the Codes of Ethics and Code of Procedures that were adopted by Ordinance No. 3563 on July 16th, 2020. She asked them to review Section 4, A through D, regarding subordinate staff members and the City Manager and City Commission and see what their roles are. She said that Ordinance No. 3290 is being ignored by the Commission. She stated that the present Mayor should not be sitting there. The President of the Commission should have moved up to Mayor. She stated that there are two qualifications to be a City Commissioner. The first is to reside within the territorial limits of the City of Fort Scott, and the second is to be a qualified elector. This statement was ignored by our City Attorney and City Commissioners when replacing a suitable person. She also asked how many of the Commissioners had attended the KOMA/KORA class they were required to attend? She asked if there were conversations outside these walls before the September 6th meeting as the rumors were lighting up. There were actions that occurred during that meeting. The City Manager was placed on administrative leave at the end of that meeting for doing his job. There will soon be three City Commissioners which have not been voted in at an election. A special election would be a more democratic process. Where is your accountability as our leaders? What is your true purpose? How does all of the chaos and confusion benefit our community when you can't follow your own City ordinances, rules of conduct, and Code of Ethics? Her final question is who is the ringleader in this coo?

City Attorney said that he wanted to respond to her comments. He said it is nice to have people make suggestions. He said that Ms. McCoy says how to replace Commissioners and quotes a statute that doesn't apply. Her statutes do not apply to our form of government. He said that she has even taken this to Topeka. The City has done nothing wrong. It is unfair for the Commission to get beat up.

Betty Breault – Ms. Breault requested a streetlight at 1625 E. Oak and 1609 E. Pine Street. She said it is very dark up there.

She also asked when the City Commission changed and started getting paid for their positions. She said that double taxation is without representation. She said that we pay taxes all over. There are school taxes. She mentioned the 1958 bill and the lottery bill. She asked about the new jail and why tax dollars were taken from the feds and not out of the general fund. Why were these dollars taken to pay for surveys. She mentioned the water bill hike. She asked why they can't stay within their budget. Every year it is more and more. There has to be an end somewhere.

M. Wells asked her to address her jail issues to the Bourbon County Commission. Water rates were not raised this year. The budget was approved with a tax break this year and came in revenue neutral.

T. Van Hoecke said that the City Commissioners are not paid positions. It is unpaid and a volunteer position.

Eddie Towney – Mr. Towney said that he lives in Olathe and owns two historical buildings which are the old Country Cupboard and Grannie’s bookstore. He is concerned with parking meters being considered. He is against those. He has been pushing to spread the news up north and make this a destination place. This will push people away. The former City Manager seemed to be pushing this and he hopes there is discussion before any action is taken. Visitors should not be charged to come here and shop. That sends the wrong message.

Mayor told him that the parking meters were just a recommendation, and nothing has been decided.

Mr. Towney also mentioned that there is a lot of unpaid taxes that are listed in the newspaper. If they paid it would bring in a lot of revenue.

Mike Buller – Mr. Buller said that he wanted to appear also on the parking meter issue. He owns the Barbed Wire and Roses antique store on Main Street. It is of great concern to him. He asked about the Stout building parking lot and that he has heard that their back door is locked to the alley entrance. He suggested that the residents use this entrance if unlocked.

Brad Matkin said that he will check with the property owner of the apartment complex on this. He said that we just need to get the residents moved to the free parking lots.

Pete Allen – Pete said that he is representing the new Citizens Advisory Committee of the 727 citizens who elected him to the Commission in 2019. His recommendation is to the City Commission about truck routes. He said that there are many City and cement trucks using City streets. He stated that Ordinance No. 2740 defines the truck route. Horton and National, Broadway and Margrave are not truck routes. Our ordinance defines the truck route. Heavy trucks should not be using these streets. He believes this truck route should be enforced and violators penalized. He recommended a truck route on 23rd Street to Main Street and Liberty Bell Road, and Liberty Bell Road to Jayhawk Road. These ordinances are in effect but not being enforced. He said that this ordinance was passed in 1979. He asked for a discussion with the City Commission be set for a meeting with all truck haulers and trash haulers.

Janice Allen – Janice said that there are 50 blocks of City streets for the cape seal project in the amount of \$220,000. This will double in 2024. The City received a KDOT grant in the amount of \$949,000 for Horton Street with the City commitment of \$511,000. We are also asking for a KDOT grant for Wall Street in the amount of \$1,000,000 which is a 90/10% split. Utilities will also be addressed for Wall Street. This should be engineered and sent out for bid. She also addressed the truck route on Horton Street and that it is not a truck route.

Josh McClelland – Josh said that he wanted to appear on the parking meter issue also. He has been a business owner downtown for 22 years and invested in Fort Scott. He thinks the parking issue should be addressed. He thinks from 8:00 a.m. to 6:00 p.m. there should not be long term parking on Main Street. The City used to have a meter maid who would chalk tires. The current ordinance is

a two-hour parking limit but has to be administered by the business owners. They then have to call the Police Department and report the violation. He has had to do this in the past. He thinks this ordinance should be looked at.

He also asked that the big pothole behind 23 S. Main be repaired.

Brad said it is on the schedule for this week.

Michael Hoyt – Mr. Hoyt said that he has a housekeeping issue to report from the September 14th, 2022 minutes that were approved and his comments. He stated he said that he has never received information on income derived for Municipal Court and the minutes stated expenditures for Municipal Court. There was no justification provided.

He told the City Attorney that if he came into court and was not prepared why are you telling Ms. McCoy that she is wrong seven times. He said that he needs to put his legal hat on and look at the resolutions that you are citing incorrectly and submit that to this Commission.

He stated that Saturday, September 17th was the 235th birthday of the U.S. Constitution. He read the 1st amendment of the Constitution. He also handed out Constitutions he had available.

Kevin Allen - Kevin informed the Commission that he was going to discuss the 5-minute time frame for public comment. It used to be 3 minutes, but he and Josh got it changed to 5 minutes. He believes that citizens should be able to speak freely without a time limit. Meetings were put on TV years ago, and now they are on you tube. He didn't care for the Mayor reminding Pete of his 5-minute limit. He said that all should be treated fairly.

Old Business:

1. Consideration of Ordinance filling a vacancy in office of City Commission – Ordinance No. 3618 – T. Van Hoecke said that he reviewed this ordinance and the only concern he has is with Section D which states “In the event the Mayor steps down for any reason the president of the commission shall become the mayor and the commission will then elect a member of the board of the commission to the position of president of the commission”. He believes that the commission as a whole should be able to elect a Mayor among them. He read the guidelines to them out of the Kansas Governing Handbook for different types of cities.

M. Wells said that he doesn't like the ordinance. He believes the will of the people should be taken into consideration. He thinks a special election should be held for the position of City Commissioner when there is a vacancy.

M. Wells made a motion to hold a special election for the next open vacancy on the City Commission. His motion died for lack of a second.

K. Harrington asked the City Attorney about our current ordinance.

City Attorney said the current ordinance states they have 10 days to fill the open position.

T. Van Hoecke said that he doesn't think the terms should change. He thinks that filling the term of the person who has vacated the person should fulfill that term.

M. Wells said that he thinks the people's vote should be the deciding factor. He said that we need a clear line of succession.

Discussion was held that special elections are expensive to hold costing approximately \$7,000 to \$10,000 per election.

Harold Martin stated that the Commission will lose the support of the people without continuity.

T. Van Hoecke asked if the notice for an opening has already been sent out.

City Clerk said that it has with a due date of Monday, September 26th, 2022 at 12:00 p.m.

T. Van Hoecke moved to accept Ordinance No. 3618 with the change in the event the Mayor steps down for any reason, the Commissioners shall elect a Mayor for the remainder of that term. This would be under paragraph D is where that change would take place. His motion died for lack of a second.

Tim altered his motion to approve Ordinance No. 3618 as written. Shane Walker seconded. T. Van Hoecke, S. Walker, and K. Harrington voted aye. M. Wells voted no. Motion carried 3-1.

M. Wells said that he is not in favor of that ordinance.

APPROVED ORDINANCE NO. 3618 AMENDING ORDINANCE NO 3290 SECTION W.60.010 (VACANCY IN OFFICE – HOW FILLED) OF CHAPTER 2.60 OF THE FORT SCOTT MUNICIPAL CODE.

2. Discussion of credit cards fees for customers – Brad Matkin informed the Commission that currently the City absorbs the credit card fees for utilities, court, golf, pool and Buck Run.

S. Walker said that Tyler makes sure the City is P.C.I. compliant also.

Brad said if the City absorbs the cost, it is 34% plus a \$.34 cent transaction fee.

M. Wells moved to use Tyler software for the City's credit card company except where Square is used, and for the City to absorb the costs. S. Walker seconded. T. Van Hoecke, S. Walker, and M. Wells voted aye. K. Harrington voted no. Motion carried 3-1.

APPROVED TO USE TYLER SOFTWARE FOR THE CITY'S CREDIT CARD COMPANY EXCEPT WHERE SQUARE IS USED, AND FOR THE CITY TO ABSORB THE COSTS.

3. Travis Sawyer – Request to use Riverfront Park – Haunted Trail Hayride – October 15th, 2022 – Travis Sawyer appeared before the Commission and said that he has secured event insurance if the event is approved. He would also like October 14th, 2022 for the event to be held as well as October 15th, 2022. If it goes well, he may want October 28th and October 29th.

City Clerk said that she talked to Jerry Witt of the Riverfront Committee about this event, and he has no problem with it.

M. Wells moved to approve the use of Riverfront Park for a Haunted Trail Hayride to be held on October 14th and October 15th and possibly October 28th and October 29th. S. Walker seconded. All voted aye.

APPROVE THE USE OF RIVERFRONT PARK FOR A HAUNTED TRAIL HAYRIDE TO BE HELD ON OCTOBER 14TH AND OCTOBER 15TH AND POSSIBLY OCTOBER 28TH AND OCTOBER 29TH.

4. Consideration of Demolition Bid – 220 S. Judson Street – Shane Coffey, property owner informed the Commission that he has receipts on his phone for purchases of all materials for the structure at 220 S. Judson. He has purchased 16 new windows and is in the process of repairing the foundation. He has contracted a tuck-pointing contractor to work on the structure. He has materials for a new metal roof.

T. Van Hoecke said that he would like to see the structure saved and not demolished. He also appreciated the fact that the property had been mowed and cleaned up.

Thomas Russell said that he doesn't agree with all of his statements but asked that the property owner keep in contact with the Codes Department.

T. Van Hoecke moved to not accept the demolition bids for 220 S. Judson. M. Wells seconded. All voted aye.

APPROVED TO NOT ACCEPT THE DEMOLITION BIDS FOR 220 S. JUDSON STREET.

5. Consideration of Removal of Special Assessments – 736 S. Heylman – Brad Matkin stated that the new owner was supposed to provide information on the project and a time frame.

Rob Harrington said that there is a need for housing and that is what is proposed for this.

T. Van Hoecke moved to table this topic until the next meeting and have the property owner attend and give a time frame. M. Wells seconded. All voted aye.

APPROVED TO TABLE THE REMOVAL OF SPECIAL ASSESSMENTS AT 736 S. HEYLMAN UNTIL THE OCTOBER 11TH, 2022 MEETING WHEN THE PROPERTY OWNER CAN BE PRESENT.

Appearances: Tom Havron – F.S.C.C. – Night Golfing Request – Mr. Havron of Fort Scott Community College appeared before the Commission regarding the College’s request for the Twilight Open on October 29th, 2022 at Woodland Hills Golf Course. He has been working with Brad Matkin, Keresten Beaty, and Doug Guns with the City. He knows that Brad has talked to the City’s insurance carrier, and he has talked to the College’s insurance carrier.

Brad said that our insurance is requiring the College have a waiver which will take away all responsibility to carts and any damages. He talked to Tom and the College has agreed to have all the waivers signed.

City Attorney asked the age of the players. He asked if any children would be involved. Adults can sign a waiver, but children cannot sign a waiver.

Tom said that they want this event to be fun and safe. They will make sure that the dark areas of the course are not used. They may have a 9-hole glow in the dark and use glow devices. They may use tiki torches to light the course. He said that he has over 200 volunteers that could assist with the event. Glow in the dark golf balls would be used also.

T. Van Hoecke said that we don’t want anyone, or any carts be hurt or damaged.

City Attorney said that he wanted to review the waiver.

Discussion was held that there is time for him to come and update the Commission again before the event.

K. Harrington moved to table at this time and for Mr. Havron to come back with more information before the actual event. T. Van Hoecke seconded. All voted aye.

APPROVED TO TABLE AT THIS TIME AND FOR MR. HAVRON TO COME BACK WITH MORE INFORMATION BEFORE THE ACTUAL EVENT.

Public Hearing – None

New Business:

1. Consideration of Change Order #1 for River Intake Project – Increase of \$19,466.00 – City Clerk asked that this be removed from the agenda at this time.
2. Consideration of Resignation of Kelley Zellner – Mayor said that before them is the severance agreement of City Manager Kelley Zellner.

City Attorney said that Mr. Zellner has signed the agreement.

City Attorney stated that he has not accepted a position in Caney Kansas yet. He will once he is free from the City of Fort Scott.

T. Van Hoecke moved to accept the signed resignation of the previous City Manager Kelley Zellner effective September 20th, 2022. He withdrew this motion.

M. Wells said that he would like to change the agreement and remove the payment for the unused vacation days. He has heard that he was off every Friday and don't feel like we need to pay him for those.

M. Wells moved to remove the payment of vacation days from the severance agreement and send back to him. T. Van Hoecke seconded. All voted aye.

APPROVED THE SEVERANCE AGREEMENT FOR KELLEY ZELLNER WITH THE REMOVAL OF THE PAYMENT OF VACATION DAYS.

3. Consideration of Emergency Repair to Wastewater Treatment Vactor truck transmission – Brad Matkin said that the vactor truck needs a transmission. This truck is used daily, and the transmission went out. There are two estimates with the low estimate from Payne's Inc. of Frontenac, Kansas in the amount of \$7,886.00. The other quote is \$10,702.00 from Larry's Diesel Repair, LLC of Pittsburg, Kansas. He got quotes for rentals which were \$14,000.00 a month, and \$5,000.00 a week. They should be able to repair this in two to three days. He asked for approval for up to \$9,000.00 to repair this transmission.

M. Wells moved to approve the low bid from Payne's Inc. of Frontenac, Kansas in the amount of \$7,886.00 at a cost not to exceed \$9,000.00 to repair the transmission for the vactor truck. S. Walker seconded. All voted aye.

APPROVED THE LOW BID FROM PAYNE'S INC. OF FRONTENAC, KANSAS IN THE AMOUNT OF \$7,886.00 AT A COST NOT TO EXCEED \$9,000.00 TO REPAIR THE TRANSMISSION FOR THE VACTOR TRUCK.

4. Consideration of Change Order #1 – 17th & Eddy Project – Jason Dickman, Earles Engineering, Inc. informed the Commission that this change order is needed to remove and grade the ditch and create a drainage area. The amount of this change order is \$8,500.00 making the total contract price of \$275,633.00. This change order will assist one of the residents that live in that area that gets water in his house.

M. Wells moved to approve Change Order #1 for the 17th & Eddy Project in the amount of \$8,500.00 for J. Richardson Company. S. Walker seconded. All voted aye.

APPROVED CHANGE ORDER #1 FOR THE 17TH AND EDDY PROJECT IN THE AMOUNT OF \$8,500.00 MAKING THE TOTAL CONTRACT PRICE OF \$275,633.00 FOR J. RICHARDSON COMPANY.

Reports and Comments:

A. City Manager Comments: Brad Matkin, Acting City Manager gave the following update:

- A preconstruction meeting was held today on the Cape Seal project. It will start tomorrow on Broadway Street and traffic delays will occur. There will be road closures during the day, but the streets will be open in the evenings. This project should be over in a week to week and a half.

M. Wells reiterated to the public that this is not a chip and seal overlay or mill and overlay. This is a product to improve the lifetime of the streets.

- Street Department progress – Brad said that that the Public Works crew has been prepping the cape seal project. Next to be worked on is the Old Faithful street repair and then Cooper Street.
- Demolition Inspection Sheet – Brad said that he is making a demolition inspection sheet which his critical for the Codes Department to follow.
- Downtown parking – Brad said that he knows that parking meters are not ideal, but we are trying to steer the residential parking to free parking lots instead of the downtown parking spots.
- Wastewater Treatment Plant Lagoon – Brad asked Michael Mix to give the Commission an update on the lagoons.

Michael Mix, Water Treatment Plant Director, informed the Commission that he has a quote for a sludge removal company. This quote is in three phases. The first step is to rebuild the lagoon system. He said that time is of the essence. As it gets colder the microbes slow down and we need to move as quickly as possible. He would like this on the next agenda. This is expensive and he can answer any questions you may have.

B. Director Comments: None

C. Engineering Firm Comments: Jason Dickman gave an update on the following projects:

Sanitary Sewer CDBG Project – This is in the surveying stage.

Horton Street – Plans are developing for this project. 6th Street will be getting new sidewalks only. There will not be an overlay there.

Wastewater Treatment Plant – They are looking at the aerator system currently.

Jason was asked about Memorial Hall steps. Jason said he is still waiting.

Brad announced that Fort Scott is only one of 20 cities awarded a KDOT grant. KDOT, along with the Governor, will be here on October 21st, 2022 in front of the Fort Scott National Historic Site for the big announcement. If rain occurs, it will be moved to the Empress Center. This is the CCLIP award.

D. Commissioners Reports and Comments:

M. Wells – M. Wells made a motion to move the October 4th, 2022 City Commission meeting to October 11th, 2022. K. Harrington seconded. All voted aye.

APPROVED TO MOVE THE OCTOBER 4TH, 2022 CITY COMMISSION MEETING TO OCTOBER 11TH, 2022.

- Matthew asked for the Acting City Manager to go ahead and hire the proposed Finance Director. He thinks it needs moved forward on.
- KOMA/KORA Training – Matthew asked that this training get scheduled for the Commission through the League of Kansas Municipalities.
- Moody building – Matthew asked for an update on the Moody building. He has heard that the rear of the building is collapsing. He stated that since we have adopted the 2012 International Building Code that we can go inside.

City Attorney said that the owner does not have to let you inside. He recommended having a structural engineer look at this building.

Discussion was held regarding closing down the alley behind the building.

K. Harrington moved to close down the alley behind 124 S. Main Street. M. Wells seconded. All voted aye.

APPROVED TO CLOSE DOWN THE ALLEY BEHIND 124 S. MAIN STREET.

- Parking fee structure – Matthew said that he has heard that the Municipal Court fine for Limited Time Parking is \$5.00. He would like to see it raised to \$75.00.

City Attorney said that he would research this ordinance and bring something back to the next meeting.

- Weight limits on trucks – Matthew said that he would like to see a work session and invite trash haulers and heavy truck owners to a work session.

Discussion was held regarding having the Street Advisory Committee check into this.

- Bourbon County R..E.D.I. Representative – Matthew said that he would like to take over this position as the City's representative.

Discussion was held to wait and see who the new replacement for City Commissioner is.

T. Van Hoecke – Tim said that he is concerned with 7th and Short Street and the condition of the street after the demolition.

Brad stated that this street has been like that over a year. He is working with Jerry Morgan on this street.

- Tim asked about 731 Heylman and the debris that is being brought in there.

Thomas said that they have been ticketed for Municipal Court.

- Tim said that it was a great weekend in Fort Scott this last weekend and lots of great events were held.
- City Clerk – Tim thanked Diane Clay for her 24 years of service as our City Clerk. Diane has been a treasure for our city and worked tirelessly to manage and care for the needs of our citizens, employees, and commissioners. For a lots of us, Diane is the face of Fort Scott at City Hall. He thanked Diane for her dedication and service. He said she would be missed and wished her a long and wonderful retirement and looks forward to her future involvement in our community.

S. Walker – Shane thanked the 72 participants in the Marmaton Massacre event this past weekend. He also mentioned the Red Bull participants that were in town. He said that the Pizza Republic opening in downtown Fort Scott is huge also.

K. Harrington – Katie reminded the public that there is a burn ban in effect.

- Thanked all the visitors for coming to town this last weekend.
- Remarked that she will miss Diane Clay, City Clerk, and is excited for Lisa Lewis.

E. City Attorney Reports and Comments: Nothing to report.

Executive Session – If requested, (please follow script in all motions for an Executive Sessions) -

K. Harrington moved to recess into Executive Session for the financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships exception in K.S.A. 75-4319(b)(4) until 9:22 p.m. This will include the City Commissioners, Brad Matkin, Rob Harrington, and City Attorney. M. Wells seconded. All voted aye.

M. Wells moved to come out of Executive Session at 9:22 p.m. T. Van Hoecke seconded. All voted aye.

M. Wells moved to recess into Executive Session for personnel matters of non-elected personnel exception in K.S.A. 75-4319(b)(1) until 9:33 p.m. This will include the City Commissioners, Brad Matkin, and City Attorney. T. Van Hoecke seconded. All voted aye.

M. Wells moved to come out of Executive Session at 9:33 p.m. T. Van Hoecke seconded. All voted aye.

T. Van Hoecke moved to recess into Executive Session for personnel matters of non-elected personnel exception in K.S.A. 75-4319(b)(1) until 9:43 p.m. This will include City Commissioners, Brad Matkin, John Hancock and City Attorney. K. Harrington seconded. All voted aye.

T. Van Hoecke moved to come out of Executive Session at 9:43 p.m. J. Jones seconded. All voted aye.

S. Walker moved to hire Jeff Hancock as Interim City Manager effective immediately at a cost of \$7,000.00 per month and to promote Brad Matkin to Assistant City Manager increasing his annual salary to \$85,000.00. M. Wells seconded. T. Van Hoecke, S. Walker, and M. Wells voted aye. K. Harrington voted no. Motion carried 3-1.

APPROVED TO HIRE JEFF HANCOCK AS INTERIM CITY MANAGER EFFECTIVE IMMEDIATELY AND TO PROMOTE BRAD MATKIN TO ASSISTANT CITY MANAGER.

T. Van Hoecke moved to approve the contract with Jeff Hancock of Management Partners as Interim City Manager. S. Walker seconded. T. Van Hoecke, S. Walker, and M. Wells voted aye. K. Harrington voted no. Motion carried 3-1.

APPROVED THE CONTRACT WITH JEFF HANCOCK OF MANAGEMENT PARTNERS AS INTERIM CITY MANAGER AT A COST OF \$7,000.00 PER MONTH.

Adjournment:

T. Van Hoecke moved to adjourn the meeting at 9:45 p.m. S. Walker seconded. All voted aye.

ADJOURNED MEETING AT 9:45 P.M.

Respectfully submitted,

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

CITY OF FORT SCOTT
SPECIAL CITY COMMISSION MEETING
123 SOUTH MAIN STREET
FORT SCOTT, KANSAS 66701
5:00 P.M.

Minutes of September 21st, 2022

Special Meeting #16

**CITY OF FORT SCOTT
SPECIAL CITY COMMISSION MEETING**

Minutes of September 21, 2022

Special Meeting #16

A special meeting of the Fort Scott City Commission was held September 21st, 2022, at 5:00 p.m. in the City Commission Meeting Room, 123 S. Main Street, Fort Scott, Kansas.

ROLL CALL:

Commissioners Josh Jones, Tim Van Hoecke, Shane Walker, and Matthew Wells were present with Mayor Kathryn Harrington presiding.

AUDIENCE IN ATTENDANCE: Travis Shelton, Brad Matkin, Anne Dare, Rob Harrington, Dave Bruner, and Lisa Lewis.

Josh Jones stated that he posted a letter today stating that his resignation was a rush decision. He has had many people contact him and ask him to continue on as a City Commissioner. He asked to rescind his letter of recognition. He apologized to the Commission also. There have been zero letters of interest received to date.

City Attorney stated that it is perfectly legal for the Commission to not accept his letter of resignation. It was attempted but not accepted. He can withdraw his resignation at any time.

EXECUTIVE SESSION:

T. Van Hoecke moved to recess into Executive Session for the attorney/client privilege exception in K.S.A. 75-4319(b)(1) and for attorney/client privilege exception in K.S.A. 75-4319(b)(2) until 5:24 p.m. This will include the City Commissioners, Interim City Manager, and City Attorney. S. Walker seconded. All voted aye.

T. Van Hoecke moved to come out of Executive Session at 5:24 p.m. M. Wells seconded. All voted aye.

EXECUTIVE SESSION:

T. Van Hoecke moved to recess into Executive Session for the attorney/client privilege exception in K.S.A. 75-4319(b)(1) and for attorney/client privilege exception in K.S.A. 75-4319(b)(2) until 5:33 p.m. This will include the City Commissioners, Interim City Manager, and City Attorney. J. Jones seconded. All voted aye.

CITY OF FORT SCOTT
SPECIAL CITY COMMISSION MEETING
123 SOUTH MAIN STREET
FORT SCOTT, KANSAS 66701
5:00 P.M.

Minutes of September 21st, 2022

Special Meeting #16

T. Van Hoecke moved to come out of Executive Session at 5:33 p.m. M. Wells seconded. All voted aye.

EXECUTIVE SESSION:

M. Wells moved to recess into Executive Session for personnel matters of non-elected personnel exception in K.S.A. 75-4319(b)(1) until 5:39 p.m. This will include the City Commissioners, Interim City Manager, and City Attorney. T. Van Hoecke seconded. All voted aye.

J. Jones moved to come out of Executive Session at 5:39 p.m. S. Walker seconded. All voted aye.

EXECUTIVE SESSION:

S. Walker moved to recess into Executive Session for personnel matters of non-elected personnel exception in K.S.A. 75-4319(b)(1) until 5:50 p.m. This will include the City Commissioners, Interim City Manager, and City Attorney. J. Jones seconded. All voted aye.

T. Van Hoecke moved to come out of Executive Session at 5:50 p.m. J. Jones seconded. All voted aye.

ADJOURNMENT:

J. Jones moved to adjourn the special meeting at 5:50 p.m. M. Wells seconded. All voted aye.

ADJOURNED MEETING AT 5:50 P.M.

Respectfully submitted,

Diane K. Clay, MMC
City Clerk

CITY OF FORT SCOTT
SPECIAL CITY COMMISSION MEETING
123 SOUTH MAIN STREET
FORT SCOTT, KANSAS 66701
2:00 P.M.

Minutes of September 22nd, 2022

Special Meeting #17

**CITY OF FORT SCOTT
SPECIAL CITY COMMISSION MEETING**

Minutes of September 22, 2022

Special Meeting #17

A special meeting of the Fort Scott City Commission was held September 22nd, 2022, at 2:00 p.m. in the City Commission Meeting Room, 123 S. Main Street, Fort Scott, Kansas.

ROLL CALL:

Commissioners Josh Jones, Shane Walker, and Matthew Wells were present with Mayor Kathryn Harrington presiding. Tim Van Hoecke was absent.

AUDIENCE IN ATTENDANCE: Brad Matkin, Anne Dare, Rob Harrington, Lisa Lewis and representing the press, Tammy Helm, Fort Scott Tribune.

1. Accept severance agreement of Kelley Zellner - City Attorney aid that there are copies in front of the Commission of the severance agreement. Kelley Zellner has signed this agreement. This agreement includes one month of salary as well as his unused vacation and sick leave pay. His advice is for the Commission to approve the agreement and move forward.

Josh asked if we didn't sign the agreement if it would lead to litigation.

City Attorney said yes it would. Bob said that he has resigned from his position, and this will finalize it.

Katie said that she is struggling with paying out his vacation when he was off almost every Friday.

Josh said that he has sat through two litigations, and it will not benefit the City. It will cost taxpayers probably \$10,000 to \$20,000 or we can pay him for the 16 days that he has been off along with the 30 day severance agreement

Shane agreed with Josh.

J. Jones moved to approve the severance agreement with Kelley Zellner effective September 22nd, 2022. S. Walker seconded. J. Jones, S. Walker and K. Harrington voted aye. M. Wells voted no. Motion carried 3-1.

**APPROVED SEVERANCE AGREEMENT WITH KELLEY ZELLNER
EFFECTIVE SEPTEMBER 22ND, 2022.**

CITY OF FORT SCOTT
SPECIAL CITY COMMISSION MEETING
123 SOUTH MAIN STREET
FORT SCOTT, KANSAS 66701
2:00 P.M.

Minutes of September 22nd, 2022

Special Meeting #17

ADJOURNMENT:

M. Wells moved to adjourn the special meeting at 2:09 p.m. J. Jones seconded.
All voted aye.

ADJOURNED MEETING AT 2:09 P.M.

Respectfully submitted,

Diane K. Clay, MMC
City Clerk