

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of March 10, 2020**

**Regular Meeting #5**

The regular meeting of the Fort Scott City Commission was held March 10<sup>th</sup>, 2020 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

**ROLL CALL:**

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

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

**AUDIENCE IN ATTENDANCE:** Travis Shelton, Rachel Pruitt, Deb Needleman, Michael Mix, Susan Bancroft, Josh Jones, Brian Allen, Diana Morriss, Don Miller, Fred Campbell, Lexi Milburn, Emily Lancaster, Kenzi Hardesty, Alexander Krebs, Kinzye Whitehead, Annie Simon, Emily Davenport, Lawson Hall, Emily Farrington, Chad Brown, Devin Tally, Paul Rooks, John Horn, Christa Horn, Ryan Poertner, Larry Runkle, Meredith Runkle, Erin Camp, Crystal Mason, Greg Schick, William Runkle, Matt Wells, Scott Flater, Stuart Gulgager, Max Fanning, Ann Rawhius, Kenny Rood, Deb McCoy, Cheryl Adamson, Michael Hoyt, Janice Allen, Jara Martin, Clayton Miller, and representing the press, Tammy Helm, Editor, Fort Scott Tribune.

**PROCLAMATIONS/RECOGNITIONS:** None

**APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:**

- A. Approval of minutes of the regular meeting of February 18<sup>th</sup>, 2020.
- B. Approval of Appropriation Ordinance 1258-A totaling \$936,859.90.
- C. Certificate of Appropriateness – Approval of Paint colors – 19 S. National – Structures Beauty Salon
- D. Approval of 3RK – Certificate of Pay Request #2 – MIH Housing Grant - \$48,916.55.
- E. Request to Pay #2 – Schneider Electric - \$233,403.15 – Energy Service Project
- F. January financials

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

**APPROVED CONSENT AGENDA.**

**APPEARANCE/COMMENTS/PUBLIC HEARING:**

**A. APPEARANCE:**

Christa Horn, C.A.S.A. Funding Request - Christa Horn, Director, Bourbon County C.A.S.A., informed the Commission that they are celebrating their 30<sup>th</sup> year providing community trained volunteers to be a voice for abused and neglected children. Over 950 children have had a volunteer by their side serving as their voice in the courtroom and advocating for their best interests. C.A.S.A. volunteers undergo extensive training for foster children. She asked for the same allocation as in 2019 of \$5,000 towards C.A.S.A. She thanked the City for their support these many years and support of this important program.

City Manager said that this amount comes from the Special Drug and Alcohol Fund.

J. Mitchell moved to approve the \$5,000 allocation for C.A.S.A. R. Nichols seconded. All voted aye.

**APPROVED ALLOCATION OF \$5,000 FOR C.A.S.A. FUNDING.**

Angela Curren's FSHS Class - Two presentations

The first Fort Scott High School group consisted of: Kenzi Hardesty, Emily Farrington, Lawson Hall, Lexi Milburn, and Annie Simon. Their presentation was on Restoring Gunn Park. Their ideas included renovating two of the rock shelters, updating the closed bathroom, repairing the rock wall, and adding mulch to the playground area.

The second Fort Scott High School group consisted of: Alexander Krebs, Emily Davenport, Kinzye Whitehead, Emily Lancaster, and Erin Camp. Their presentation was on Renovating Lake Fort Scott. Their ideas consisted of restoring the swimming area, restoring the gazebo/shelter, replacing the trash can, installing a storm shelter, and adding and updating the campground area.

The Commission thanked them for the time spent working on their presentations and their great ideas which they will take into consideration.

William Runkle - Mr. Runkle said that he was a hometown boy from Fort Scott but moved away in the 1990's. He has worked for some various municipalities for the last 29 years and managed wastewater treatment plants, focusing mainly on Inflow and Infiltration issues. He currently works for the City of Webb City, Missouri. He started a sewer work crew for the City of Webb City as they had a major issue with sanitary sewer overflows in the amount of 400 to 500 a year. He has worked for them for the last seven years. They averaged spending about \$300,000 a year.

Their crew consists of four people on a crew. He spoke in great detail on Webb City and all the updates they have done on the sewers. He also discussed the cost per foot for the repairs. He also discussed that they use lining when it makes sense to use.

The Commission thanked him for his input. He gave Michael Mix his contact information also.

Greg Schick – Mr. Schick said that he has been following the discussion on sewers and been at the last couple of meetings. He has spoke with K.D.H.E., which is a great resource for cities. He informed the Commission that there are grants and loans available from the State Revolving Loan Fund. There is a Community Act Grant available for sewers, and U.S.D.A. loans available.

The Commissioners thanked him for his input.

**B. CITIZEN COMMENTS** (Concerning Items Not on Agenda – 5 minute limit per citizen) -

Patrick Wood – Mr. Wood said that since he has lived here, all he has heard is that Fort Scott needs more housing. For economic development, we need housing to bring employees in to add employees for our businesses. One idea is to do the infill projects, which is a great idea, if we had lots that had decent neighbors. That is what he is here to talk about this evening. He wants to talk about codes enforcement and accountability for the Codes Department. He said that Dr. Nichols attended a meeting about codes with him about five months ago, but nothing has progressed since then. He shared photos with the Commission of houses in disrepair and houses with trash and inoperable vehicles. He thinks more procedures need to be in place, so they are followed up on. He went over the photos with the Commission.

Discussion was held on how much the City pays in contract mowing each year. Susan Bancroft said that about \$46,000 was paid. Discussion was held regarding hiring an employee just to mow yards that are not mowed.

Kevin Allen said that we need to work with the County on demolition fees and if those fees could be waived.

City Manager said that the Codes Supervisor position is now advertised also. He visited with the Codes personnel today about codes issues.

Mr. Wood said that whoever is hired needs to be qualified and certified to do inspections as this is a tremendous liability to the City.

Deb McCoy – Ms. McCoy said that she has continued to research expenditures made by the City. She has not had her questions answered about spending and about equipment and if it is inventoried and marked as City property. She asked how many vehicles the City has. She asked

about equipment, chairs, tables, projectors, and screens and where they were and if they have been marked as City property. Do we have a system that accounts for City property? She has asked about the number of vehicles that the City owns. She said it would save a lot of travel expenses if City employees would use City vehicles when traveling. They could also carpool together. She asked why the City is paying for required code footprints. No other City does this. It is the responsibility of the building owner. The City has spent thousands, including two code footprints for two elected officials, which is unlawful. She continues to see expenditures on gifting. For federal guidelines, in giving a gift you collect from those employees who wish to participate and not use taxpayer dollars. She continues to see expenditures on breakroom supplies amounting to \$247.00, and customer candy amounting to \$78.00. There were three pieces of equipment and a Bissell upright vacuum. She questioned the purchase of a new vacuum cleaner and that we pay a janitorial person. Doesn't she supply her own supplies and equipment to clean? There were two noted expenditures at Home Depot – a Ryobi impact set and tool combo for \$241.00, and kitchen cabinets for \$2,427.00. There was a three-gallon air compressor in the amount of \$159.00. You talk about needing money for employees. If you would just cut down this frivolous spending, that would help. Our new \$665,000 pumper truck required additional telescoping lights for \$8,000 and detailing for around \$350.00. The legal fees for the City Attorney have totaled \$8,000 for this month. We have almost spent \$17,000 in legal fees in the last two months. The taxpayers deserve an explanation as to why the attorney fees have increased. Tourism expenditures alone dates from 2/19 to 3/3 was \$4,132.00. How is this justified if we do not have infrastructure that supports growth. People voted for change. She strongly urged them to look at the 16 recommendations from the Grand Jury to improve the functioning of the City to make it better. If we would have had the money to make the improvements on our infrastructure and growth, if we would develop a vision, reorganize our expenditure policy and develop oversight and accountability. She handed them out the 16 recommendations from the Grand Jury again.

Commissioner Kevin Allen commented on the code footprint. Is it mandatory through the State Fire Marshal's office that we have code footprints in the City of Fort Scott?

Ms. McCoy said that if you change your property 50%.

City Manager said that Dave Bruner can answer this. It relates to changing the occupancy or type of the business.

Ms. McCoy said she has called various cities in the surrounding areas and they do not pay for code footprints.

Commissioner Kevin Allen asked if the State Fire Marshal can come and speak at our next meeting regarding code footprints.

Diana Morriss - She thanked the people who are doing the live streaming. She said it is only as good as the technology we use. She asked them to use their microphones and project their voices please. She asked the City Manager and the City Attorney to approach the podium as their voices are soft spoken. She said that since their seats at the table are only as an advisory capacity, she said they could sit on the front row and stand at the podium for a response so everyone could hear. She had a memory pop up on her Facebook today and thinks that it is relevant to the current state of affairs in our city. It said, "Love all, trust a few, and do wrong to none". Good creed for our city at this time. She also continues to look at expenditures of the City. It seems that there is a lot of trust being placed in our City employees. She isn't suggesting that the trust isn't warranted, but she thinks the spending habits should be scrutinized. She thinks it is time to employ a plan of action for overseeing departmental spending. One thing she suggested is a budget that targets each department. Strict adherence to a line item budget would serve us well in managing expenditures and potentially save enough taxpayer dollars that we could then delve into the infrastructure needs that we have at this point in time. She is aware that the spending practices and habits can't change overnight, but she thinks taxpayers deserve proof that you are being accountable and working toward making sure that all of your expenditures are legitimate.

Kevin Allen said in his own business that it is hard to keep track of all the expenditures. If you have extra time on your hands, it could help to have others looking into expenditures.

Commissioner Pete Allen said that we have citizens involved in spending and it is at an all time high. It is time for the City of Fort Scott to step up and utilize these people that have these ideas and can help us to get our spending under control.

Pete Allen made a recommendation to get an advisory committee going immediately that involves people who are willing to come and help us. That was his motion.

Kevin Allen said that it was recommended on the Grand Jury recommendations. He seconded Pete's motion.

Lindsey Watts said that there is paperwork in front of them from the Finance Director that she is looking at which involves the spending of the City. Our Finance Director is on top of this. In looking at her paperwork and comparing cities like Pittsburg, Osawatomie, Iola, Paola and Garnett, the City of Fort Scott has the tightest spending caps by far across the board. She doesn't agree to put an advisory committee together yet.

Randy Nichols said that Lindsey Watts is spot on with her comments.

Pete Allen said that the citizens are saying no. They aren't agreeing with him. It's time to step up and do something. The citizens need to be heard and utilized.

Roll call was taken on the motion to start an advisory committee on City spending. Kevin Allen and Pete Allen voted aye. Randy Nichols, Lindsey Watts, and JoLynne Mitchell voted no. Motion denied. 3-2.

**DENIED MOTION TO START AN ADVISORY COMMITTEE ON CITY SPENDING.**

Matt Wells – Mr. Wells said that for many years now the City has been using the sewer, water, and stormwater funds basically as a bankroll for the general fund. This has been gone over before. He asked that the City Commission make some hard decisions about all the transfers taking place from these accounts into the general fund. Upon discovery of the ordinance in place on the sewer funds, those will not be taking place any longer. There are still transfers taking place from the water and stormwater funds. He believes it is not in the best keeping of what the citizens are wanting that money used for. It appears that the sewer and water rates were increased 10% in 2007, 15% in 2008, 15% in 2009, and 10% in 2010. There is a Tribune newspaper article which states that these increases happened due to deficits in the water and sewer fund, but in 2007 we transferred over \$100,000 in the general fund. In 2008, over \$200,000 into the general fund, in 2009, over \$160,000 into the general fund, and 2010 about \$215,000 into the general fund. It appears since the transfers started, over \$2.2 million have been placed into the general fund by raising the sewer rates alone. This could have been used to work on the sewer line instead of funding the general fund. The rates were raised to offset deficits, however, in 2009, we increased office wages, increased the minimum salaries of the directors up to \$65,000, in 2009, cut the H.R. Director as well as five street crew members at this same time. In 2010, the City purchased this facility for City Hall and did extensive remodeling. Utility funds were used to pay for that. This is a much nicer facility than the basement of Memorial Hall where it used to be, but why is it necessary to take money from the funds that should be used to repair our crumbling infrastructure. The sewer and water rates began to rise in 2007 after not being increased for 14 years under the stated purpose of offsetting those deficits in those departments. It appears that the large amounts that have continued to be transferred to the general fund are being used for other purposes. From 2006 to 2012, over \$1 million was transferred. To date, just in the sewer fund, over \$2.2 million has been transferred. It's time for the City Commission to make a decision to start replacing our City sewer, not just repair them. We are far beyond that now. He believes what the gentleman from Webb City said was right on and you will heed what he told you. Let's learn from their example and learn from their wisdom and continue to move forward. We need to keep the money from those areas in their respective areas and stop the transfers to the general fund. This will be a hard decision for the City Commission to make because that's money that the City is using for many other purposes, however, he would

encourage the City Commission to stop transferring those funds and to amend ordinances in those departments and state the money cannot be transferred. It should state the same thing as in the sewer ordinance. The wording also needs to be stated that this money can be used for no other purpose than repairing the infrastructures of those areas. We continue to have the argument over money. We have rates that have already been raised, but we aren't using those rates or the money that the citizens are paying to repair those services. We are using that money and transferring it into the general fund. He would encourage the City Commission to make changes to the ordinance and keep the money where the citizens are paying it to be.

Susan Bancroft, Director of Finance – Susan wanted to respond to some of these issues. She appreciates their comments. She has had the opportunity to revisit the budget. She said that a work session will be needed to look at some changed items. She wants them to look also at five years out. These transfers do support the general fund and if you don't have those transfers to the general fund, you will either be asking taxpayers to raise taxes, or cut a lot of quality of life items from the general fund like the pool, the golf course, the parks, baseball fields, and the streets. They are all supported by the general fund. There are some hard decisions to be made.

She referred to the Grand Jury recommendations of the 16 items that we made to the City. She wanted to clarify some of these items and the spending issues.

She asked for a work session to discuss the budget. It would be an evening meeting. March 23<sup>rd</sup>, 2020 was the decided date at 6:00 p.m.

She referred to the purchasing policy. She contacted several surrounding cities in the area to compare. This is for informational purposes only. The City of Fort Scott does have a strict policy as far as director authority. Some items need to be clarified and a financial policy needs to be approved also. This will not happen overnight. This would talk about investment policies, and our cash reserves. Our auditor likes us to have a three-month cash reserve in place at all times. We need a policy in place for that. The reserves have been spent down in the past. She is trying to fix that in this budget year. She also gave them a spreadsheet on other cities and if they are transferring out of their utility funds. They are all still transferring out of their utility funds into their general funds. We are not the only city doing this. Some of these have electric and gas utilities and they make a lot more money. That don't apply to us.

She gave them copies of the City's travel and expense guidelines and our clothing policy. Pete asked for an organizational chart which is also at the table.

Susan wanted to address some of the items that Deb McCoy has brought up this evening. Our breakroom supplies have been limited to very

basic things. The Fire and Police Departments spend their nights there. Those supplies will pay for meals that they may have to have there. We are very limited to what we buy for our breakrooms now. We buy coffee and some bottled water for visitors who come in from out of town. We have gotten stricter on our policies. The lady that cleans for us does not have her own supplies. We provide her supplies to clean. Our vacuum cleaner was old and died and we bought a new vacuum. We tried to buy locally at Big Sugar, but they did not have the supplies. We had some mold issues at the Fire Department, so we went to Home Depot and got a lot of our supplies there. That is what the kitchen cabinets are for and that is paid for by insurance money. The telescoping lights and the wrap for the new pumper truck, those items were left off the bid, and it was the City's fault for that not being in the bid. That was the City's error, but it was a requirement for the truck. Tourism – this is headed up by an advisory committee. This is to get her to big conventions and get Fort Scott's name out there and promote it. Those dollars are brought in from the bed tax (transient guest tax). Our revenues have gone up in the last five to ten years due to an active tourism director. This is very important for them to attend conventions to promote Fort Scott.

Susan also discussed briefly the Grand Jury investigation. She said that she was hired during that time. The environment at that time was there was no trust in government. She was asked to investigate the City funds. She gave lots of testimonies. There were no violations or indictments against the City. There was some fraud committed against the City. These recommendations came out during a time when we needed tighter policies and procedures in place. These were just recommendations. At that time, she had one person who did payroll and accounts payable and it was recommended to split this job, which she ended up doing and hired another person. There are some things we could revisit like policies and procedures. Long range plans should be addressed also as it sets direction for us. We are in a good place now.

Discussed the budget work session for Monday, March 23<sup>rd</sup>, 2020 at 6:00 p.m. at City Hall. It will be a long meeting.

**C. PUBLIC HEARINGS:**

Lindsey Watts moved to open the Public Hearing at 7:46 p.m. JoLynne Mitchell seconded. All voted aye.

**OPENED PUBLIC HEARING AT 7:46 P.M.**

6:00 p.m. Community Improvement District Public Hearing – Dollar Tree – Approval of Ordinance No. 3558 – Rachel Pruitt, Economic Development Director, informed the Commission that this public hearing is being held for the Community Improvement District at 2206 South Main Street, which is the new Dollar Tree. A 30-day notice was published to establish a Community Improvement District for a new development. This will be 10,000 square feet building of retail space. They will employ up to 15 jobs and estimated to be open by September



2020. They estimate annual sales of \$1–1.5 million. The developer will pay project costs of \$861,000. The developer has said it will probably be about \$1.1 million. The 1% reimbursement for the C.I.D. is estimated to be \$11,000 annually and will be for 22 years.

There was an email received from Nancy Van Etten with questions about the C.I.D. consisting of the following:

What is Dollar Tree pledging to the City of Fort Scott, residents, future owners and other developers in the area? Rachel answered her questions as listed above.

She asked what the Dollar Tree's short term and long term commitment to the City and people who live here was? Rachel said if the C.I.E. is approved, the incremental sales tax revenue will be reimbursed for a period of 22 years or until the project cost has been remitted in full.

She asked if the Dollar Tree shared its business plan with the City? Rachel said that the City does not require a business to share a business plan with the City.

Her last question was what does EMB mean on the power point presentation? EMB is EMD Fort Scott, LLC which is the other active C.I.D. development in the City.

There were no other questions from the audience.

K. Allen moved to approve the Community Improvement District and adopt Ordinance No. 3558. Randy Nichols seconded. All voted aye.

**APPROVED ORDINANCE NO. 3558 AUTHORIZING THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT (DOLLAR STORE) IN THE CITY OF FORT SCOTT, KANSAS, AND ACTIONS RELATED THERETO.**

J. Mitchell moved to close the Public Hearing at 7:55 p.m. L. Watts seconded. All voted aye.

**CLOSED PUBLIC HEARING AT 7:55 P.M.**

**CONSIDERATION:**

1. Approval of Ace Pipe Cleaning Invoice - \$37,430 (pulled from last meeting) (5% retainage for work to be completed) – Mayor Mitchell said Items #1 and #2 will be combined. Michael Mix, Public Utilities Director, said that it was requested at the last meeting to obtain additional information regarding these two invoices. He met with John Briggs, Engineer, Allgeier, Martin & Associates, and Ace Pipeline Cleaning, and Frank Young, AG Engineering. Mr. Briggs was unable to attend tonight. He read the first and last paragraph of that letter.

“I applaud the City for utilizing the cooperative purchasing agreement contained within the City of Joplin’s 2018 and 2019 Evaluation and Rehabilitation of Wastewater Collection System project. The specifications for the project were prepared under my supervision. Through the use of this contract, I believe it allowed the City of Fort Scott to utilize much lower unit prices for the renovation of parts of the collection system compared to unit prices typically seen in the market place for a similarly sized project. Additionally, to utilize the competitively bid unit prices and specifications from the City of Joplin project, Fort Scott did not have to pay for the services of a licensed professional engineering to prepare a bid package and specifications for similar work.

Based upon the description of materials and construction method utilized on this project that were provided to me by others, I would conclude, based on this information, that construction has generally conformed to these specifications and widely accepted sanitary sewer line construction practices. In this situation as described to me, I would recommend that the City make the payment of Ace Pipe Cleaning’s outstanding invoices 140670 and 141054. Keep in mind that paying these invoices does not relieve the Contractor of their requirement to provide a one-year warranty for work performed. I strongly suggest that the City continue to evaluate the newly installed sewer lines and manholes during this period and any defect identified shall be brought to the Contractor’s attention for their remediation”.

Michael introduced Ryan Poertner of Ace Pipe Cleaning, to address the Commission.

Ryan said that they have been working for the City of Fort Scott for about two years now and completed about \$200,000 to \$300,000 worth of repairs. He said that they have also worked for Mr. Runkle in the City of Webb City and just finished a project for them. As Michael Mix talked, they have bid on this project since 2012. The City of Joplin offers a variety of items to choose from work that needs to be done. They have been the successful contractor for the last eight years working with the City of Joplin. The work they have done has saved significant fees through bidding projects that are already engineered. He feels the work they have done is exemplary and has addressed the I & I issues and taken care of that. He applauded the City taking the steps to hire and do the work on their own. Not all cities have the ability to do this.

Kevin Allen said that we had a meeting with you and discussed the retainage. It remains at 5% per Susan Bancroft.

Kevin said also discussed was the different type of gravel used in the cuts.

Pete Allen said that this can be rehashed and rehashed, but the basic question is, did Ace Pipe perform in strict accordance with the specifications written by Mr. Briggs? He would like an answer to this question.

Ryan Poertner said that there was no compaction done so that answer is no. Part of the issue is when you compact over clay, the clay can collapse. Things change throughout the scope of work which is called construction.

Pete Allen said that the specifications clearly states that AB3 materials be used. You did not adhere to the specifications.

Randy Nichols said that we have had two engineering firms discuss this who felt that there was no substandard work done. The quality of the project is standard or at least superior to the specifications.

Pete Allen said that the last paragraph says generally perform. We are paying for strict performance. That is the letter of the law. That tells him he has no idea if it conforms or not. He cannot understand why we have not enforced that regulation. He doesn't believe in the type of rock that was put in lieu of the AB3 base rock. That rock is a clean gravel. He did a test and used that gravel and put it in a gallon bucket and put water over it. That gallon bucket of rock will absorb half a gallon of water for every gallon of rock. That is against every attempt to get rid of inflow. He took the base rock and tamped it down and the water runs off. It is an inferior method in Fort Scott. It may work in other places but Fort Scott is built on clay. We don't want that kind of rock in Fort Scott. He said that on Wall Street that the street has settled 6" to 8" under the manhole. Are we going to accept this kind of work? For John Briggs to come up with this kind of nonsense that it generally conforms, he is the one that wrote the specifications. He said he would take him to court any day of the week. He would send this letter to the State Board. Engineers deal in facts, not opinions. He is not buying anything here. He strongly suggests that the work be done per specifications.

Michael said that after consulting with the engineers and the contractor, that the clean rock is superior. He said that Mr. Runkle from Webb City said that they had over 400 plus overflows there. We had 13 here and it was the wettest season on record in ten years. Our situation is unique due to our plant setup. We only run 5,000,000 a day through the plant. Anything in excess goes to the lagoon system which gives us an extreme advantage. The State is happy with us. In regards to the two invoices, he was confident before that we had a good product, and after speaking with John Briggs and Greg of Allgeier, Martin and Frank Young of AG Engineering, he is more confident that the work that they have

is good and acceptable and that there is no benefit to be found in redoing any of this work. As far as inspections go, he has videos of before and after inside of the pipes. You would have to come to the office to come and view them. His recommendation is to pay both outstanding invoices. He recommended paying these invoices in full. Repair #18 still needs to be completed.

Randy Nichols said that there is a warranty for a year on this.

Kevin Allen said that the agenda shows a 5% retainage.

Michael said that the job is complete. Repair #18 is not associated with these two invoices.

Pete asked if there was any testing done on these projects.

Michael said no.

Pete asked if there was testing required.

Michael said yes and he consulted with the engineer and it didn't need it.

Pete asked Greg Schick to come up and give us his view on testing.

Greg Schick said he talked to K.D.H.E. for several hours today. If this was State or Federal money, these infiltration tests are required. He has looked at other city contracts and the specifications are similar to this contract. They require inspections be done before payment. This needs to be taken very seriously.

R. Nichols moved to approve both invoices to Ace Pipe Cleaning with the 5% retainage. Lindsey Watts seconded. K. Allen, R. Nichols, L. Watts, and J. Mitchell voted aye. Pete Allen voted no. Motion carried 4-1.

**APPROVED ACE PIPE CLEANING INVOICES IN THE AMOUNT OF \$37,430 AND \$65,756.15 WITH A 5% RETAINAGE FOR BOTH INVOICES.**

2. Consideration of Ace Pipe Cleaning Invoice - \$65,756.15 - (5% retainage for work to be completed) Included above

Commissioner Pete Allen told the Commission that you showed the people that it's okay to do things wrong and get away with it.

Commissioner Pete Allen left the meeting at 8:28 p.m.

3. Consideration of Cost Sharing Agreement for Lake Fort Scott Fence Replacement – Susan Bancroft, Finance Director, informed the Commission that David and Shanda Stewart share a fence with the City of Fort Scott on property at the lake. The Bourbon County Commission had a fence viewing back in 2012, and it was determined the fence was shared 50/50. The fence is in need of repair. This agreement was drawn up by the City Attorney and shares the cost of the fence 50/50. The City's part of this fence will be \$1,900.63 and approve of this agreement is requested.

J. Mitchell moved to approve the Fence Sharing Replacement Agreement between the City of Fort Scott and David and Shanda Stewart with the City cost of the fence being \$1,900.63. R. Nichols seconded. All voted aye.

**APPROVED FENCE SHARING REPLACEMENT AGREEMENT BETWEEN THE CITY OF FORT SCOTT AND DAVID AND SHANDA STEWART WITH THE CITY OF THE FENCE BEING \$1,900.63.**

4. Consideration of Bids – Farm Ground Lease – Wastewater Treatment Plant ground – 104 acres - Michael Mix, Water Utilities Director, informed the Commission that bids were taken for the lease of approximately 104 acres surrounding the Wastewater Treatment Plant. There was one bid received from Ed Karleskint in the amount of \$10,000. Approval was recommended.

K. Allen moved to approve the bid from Ed Karleskint in the amount of \$10,000 to farm the 104 acres at the Wastewater Treatment Plant. L. Watts seconded. All voted aye.

**APPROVED THE BID FROM ED KARLESKINT IN THE AMOUNT OF \$10,000.00 TO FARM THE 104 ACRES SURROUNDING THE WASTEWATER TREATMENT PLANT.**

5. Consideration to purchase replacement truck at Water Treatment Plant – Michael Mix, Public Utilities Director, informed the Commission that the Water Treatment Plant's primary service truck, which was a 2016 truck, was damaged in the fire at the plant that occurred in late 2019. The insurance company totaled this pickup and has taken possession of it. The City will receive \$24,294.84 in insurance proceeds towards the purchase of a new truck. He asked for permission to add an additional \$3,705.16 from his capital equipment budget to bring the total amount to \$28,000. They would like to replace this vehicle as soon as they can. He asked approval to replace this vehicle at an amount not to exceed \$28,000.

K. Allen said he is concerned with the cost of the truck and why they need a truck at this cost for the Water Treatment Plant. He

said in his own personal business that he can purchase a good truck in the amount of \$10,000 to \$15,000. He asked what would happen to the remainder of the insurance payment and if it could just go to the City's account.

Kenneth Rood, Water Plant Maintenance, said that the pickup that caught on fire was a 3/4-ton pickup. They use this pickup daily and for travel when necessary.

Susan Bancroft said she would need to check with the insurance company since this is an insurance claim.

It was the consensus of the governing body to table this issue until the March 24<sup>th</sup>, 2020 meeting.

6. Consideration to pay Skitch's Hauling & Excavation, Inc - \$968.00 – Port-A-Potties serviced for January 2020 – City Manager said that since Kevin Allen is a Commissioner, that the City Attorney advised his invoices should be approved separately.

Kevin Allen stepped out of the room briefly while the vote was taken.

L. Watts moved to approve to pay Skitch's Hauling & Excavation, Inc. the amount of \$968.00 for the invoice of servicing port-a-potties for January 2020. J. Mitchell seconded. All voted aye.

**APPROVED TO PAY SKITCH'S HAULING & EXCAVATION, INC. THE AMOUNT OF \$968.00 FOR SERVICING PORT-A-POTTIES FOR JANUARY 2020.**

Kevin Allen returned to the meeting again.

**COMMISSION/STAFF:**

- A. Director Updates:** Robert Uhler is in Wichita and will do his update at the next meeting.

Susan Bancroft – Susan did her update earlier under citizen comments.

Chad Brown – Chad updated the Commission on a couple of issues. He said that the Street Advisory Committee was approved back in December. Only two people have submitted letters of interest.

City Clerk will re-advertise for these open positions.

Michael Hoyt questioned the Ordinance and if a Commissioner was on this committee.

The Ordinance was looked at and it states a City Commissioner will be part of this committee.

Kevin Allen mentioned the possibility of selecting from a quadrant if we had quadrants.

City Manager said we can re-advertise.

- His next update was with K.D.O.T. He received a call from our area K.D.O.T. engineer, Darin Petrowsky, about our traffic signal upgrades. K.D.O.T. did warrant a traffic study and upgrades are needed at 3<sup>rd</sup>, 6<sup>th</sup>, 12<sup>th</sup>, and 25<sup>th</sup>. 18<sup>th</sup> and 23<sup>rd</sup> Street signals are good as they are new signals. All signals will be LED. The only ones that aren't is 12<sup>th</sup> Street. This will be a modified signal connect system with K.D.O.T. They are discussing adding another pole at 3<sup>rd</sup> and 6<sup>th</sup> so the lights can be seen better. The study did not warrant advance warning signals. This light upgrade will be paid for by K.D.O.T. 12<sup>th</sup> Street will get pedestrian crossing lights also.

## **B. City Commission:**

Randy Nichols – Wanted to recognize the people that are working with Smart Growth America. He recognized Robert Uhler, Rachel Pruitt, and Ally Turvey. This organization gives us outside resources and gives us more contacts. He is excited about this program.

Kevin Allen – He asked for an update on his previous request on vacancies and dividing into wards.

City Manager said that he heard from the Deputy Director of the League of Kansas Municipalities. He said that Commission/Manager cities such as Fort Scott as elected at large. Typically, Mayor/Council/Manager cities use wards/districts to elect members. Lawrence is the largest city in Kansas with the Commission/Manager form of government.

Vacancies – He said that the vast majority of cities appoint via some sort of application process. Some cities use factor such as election results. His personal experience from Atchison, Kansas was that the Commission chose the person who came in fourth in the election. There were some citizens that were upset because that person had lost the election and it didn't represent the will of the people. His advice to cities on an open position is that you are a multimillion company with an opening on your board of directors and who will bring in the best skill set for your board.

City Manager said that the current ordinance reads that letters of interest are taken and the Commission chooses.

Kevin said that it was a close race in the election. He said that if it was a tie vote, that the deciding vote could be left to the Bourbon County Commission. He thinks that makes sense.

Kevin made a motion stating, when and if a current City Commission in the City of Fort Scott either voluntarily or is forced to resign their seat at the table of the City Commission, that person that shall fill that seat will be the runner-up from the last City election. If however, there is no runner-up, the City Commissioners will chose the next City Commissioner by a majority vote among themselves. If there is a tie between the current four City Commissioners, then the deciding vote shall be left to the Bourbon County Commissioners. Lindsey Watts seconded. K. Allen, L. Watts, and J. Mitchell voted aye. R. Nichols voted no.

**APPROVED TO HAVE THE CITY ATTORNEY DRAFT A CHARTER ORDINANCE STATING WHEN AND IF A CURRENT CITY COMMISSIONER IN THE CITY OF FORT SCOTT EITHER VOLUNTARILY OR IS FORCED TO RESIGN THEIR SEAT AT THE TABLE OF THE CITY COMMISSION, THAT PERSON THAT SHALL FILL THAT SEAT WILL BE THE RUNNER-UP FROM THE LAST CITY ELECTION. IF HOWEVER, THERE IS NO RUNNER-UP, THE CITY COMMISSIONERS WILL CHOOSE THE NEXT CITY COMMISSIONER BY A MAJORITY VOTE AMONG THEMSELVES. IF THERE IS A TIE BETWEEN THE CURRENT FOUR CITY COMMISSIONERS, THEN THE DECIDING VOTE SHALL BE LEFT TO THE BOURBON COUNTY COMMISSIONERS.**

Jeff Deane asked if the current one is a charter ordinance.

City Clerk said that the current one is a regular ordinance.

Jeff Deane said that a charter ordinance will take 2/3's of the vote. He will check into this issue.

Randy Nichols said that he doesn't agree with this. The 4<sup>th</sup> person wasn't elected. Taking letters of interest and bringing them forward gives that person an opportunity to apply. The Commission can choose between all of the applicants.

Mayor Mitchell said she would like time to think about it.

Lindsey Watts questioned him on this ordinance. She asked again how it is currently filled.

- Stop Signs at 1<sup>st</sup> and National and 2<sup>nd</sup> and National – Kevin said that he talked to Travis Shelton about this. He doesn't see the need for the stop signs at 1<sup>st</sup> and National and 2<sup>nd</sup> and National. He sees the need for the sign at Wall Street but not the others. He asked them to consider that.
- 20 mph on Margrave Street – School zone – Kevin said that this is long. The length needs to be looked at but he thinks it is way too long and should only be a block or so.



Chad said he would have to look and see if there is a required length.

Pete Allen – Not present.

Lindsey Watts – Nothing to report.

JoLynne Mitchell – Asked that Diana Morriss re-read her last statement from her comments: “Love all, trust a few, and do wrong to none”.

**D. City Manager:** Dave stated that you asked him to put together a work group for a 10 year financial plan for the City. This would be for streets, sewer, and water. Susan is heading up this team with Randy Nichols, Chad Brown, and Michael Mix. An update will be given at the second meeting of each month.

**ADJOURNMENT:**

L. Watts moved to adjourn the meeting at 9:19 p.m. R. Nichols seconded. All voted aye.

**ADJOURNED MEETING AT 9:19 P.M.**

The next regularly scheduled meeting is to be held on March 24<sup>th</sup>, 2020 at 6:00 p.m.

**RECORDED BY:**

**DIANE K. CLAY  
CITY CLERK**