

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of April 16, 2019

Regular Meeting #7

The regular meeting of the Fort Scott City Commission was held April 16th, 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: Michael Mix, Public Utilities Director, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Rhonda Dunn, Michael Mix, Paul Ballou, Robert Uhler, Rachel Pruitt, Larry Gazaway, Darrell Parker, Brian Allen, Deb Needleman, Lindsay Watts, Dave Corp, Dave Bruner, Tim Harper, Ryan Thomas, Alex Fink, Jean Tucker, Don Tucker, Rob Meston, Alex Schafer, Clint Roberts, Deb McCoy, Scott Shelton Jacob May, Diana Morriss, Seth Simpson, Travis Mewhinney, Mrs. Mewhinney, Gina Shelton, Clayton Miller and representing the press, Jason Silvers of the Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS: Triple AAA Award – Police Department – Presented by Dave Corp – Mr. Corp said he is the law enforcement liaison for the Kansas Department of Transportation. He is here this evening to honor the Fort Scott Police Department. He works with law enforcement agencies all over the State of Kansas. The Fort Scott Police Department is being honored for the work they do to keep this community safe by using traffic safety. They are receiving a platinum award which is the highest award that Triple AAA provides. This is the first time they have applied for this award. They are one of 30 police departments in the State of Kansas that have been given the award. Not all of the awards are platinum, some are bronze, gold and silver. Some of the highlights why the Police Department was given the award are as follows: Chief Shelton has a seat belt policy for his agency. They want every police department to make sure all officers are restrained and this policy enforced. They also work with Fort Scott High School with the S.A.F.E. (Seat Belts are For Everyone) program. This is a very important program in the State of Kansas. They also have helped with the Safe Routes to School program helping promote safe walking for children to school. Chief Shelton is one of the best chiefs he has ever worked with in the State. Fort Scott is the best of the best. He presented Chief Shelton and Tim Harper with the Triple AAA award.

Chief Shelton thanked the City Commission and the community for their support of the Police Department.

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of April 2nd, 2019.

B. Approval of Appropriation Ordinance 1236-A totaling \$318,453.17.

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

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE:

Lindsay Watts – North side of Riverfront Park – May 4th, 2019 – Lindsay informed the Commission that CrossFit wants to hold a competition event at the Riverfront Park on May 4th, 2019. This would be on the north side of Riverfront Park. They would bring their equipment to the park to hold the competition. It would be held on May 4th from 9:00 a.m. to 12:00 p.m. People can still use the walking trail if they desire.

Adamson moved to approve to allow CrossFit to use the north side of Riverfront Park on May 4th, 2019 from 9:00 a.m. to 12:00 p.m. Nichols seconded. All voted aye.

APPROVED TO ALLOW CROSSFIT TO USE THE NORTH SIDE OF RIVERFRONT PARK ON MAY 4TH, 2019 FROM 9:00 A.M. TO 12:00 P.M. FOR THEIR COMPETITION EVENT.

Next Steps Presentation – Jean Tucker appeared on behalf of Diana Endicott representing Next Steps. She informed the Commission that five years ago a meeting was held at Fort Scott Community College on poverty. This was the Circles group which was transformed into Next Steps. This organization helps those that live in poverty to find employment that fits their skill set and help them understand what they need to do to be a good employee. They help them learn how to budget their money, get along with their families, assist with childcare, find housing, and everything that life entails. They have 35 participants. Over half of those are working either part time or full time. Some are not employable. These individuals are matched with a mentor who encourages them instead of pushing them down. These mentors assist with how to do an interview for a job and assist with life issues. The mentors and board of directors are wonderful.

City Manager presented her with a check for Next Steps from the City in the amount of \$4,000.

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

Deb McCoy – Deb congratulated the Police Department on the award they just received. She said they had put the petition together regarding the expenditure of the fire equipment as directed by the Fort Scott

Tribune on the 9th and 16th of February. She said that the intent of the wording of the petition is in no way denying the need for the fire equipment. In fact, they agree that that the new pumper truck is needed. Their objection centered around the proposed \$1.4 million purchase of the ladder truck. At a previous City Commission meeting, they suggested that the 75 foot ladder truck has served our community well for the past 65 years, but could be replaced at a significant savings to our community. We certainly agree that safety for both our firefighters and our citizens is of the highest priority. The petition process was not an easy one and in the Tribune notice sixty days were allocated for protesting the issuance of the \$1.4 million general obligation bonds. The petition did not gain approval for circulation until March 29th, 2019. That was only 16 days to obtain the necessary signatures. They were also approached by KOAM TV for an interview to present the reasons for the petition but they temporarily declined. Throughout the gathering of the signatures, citizens voiced their desire to express their concerns but their common theme which was fear of retaliation. Interactions of our group of Fort Scott citizens was respectful and without intimidation whether or not they favored this action. Overall, the group expressed that gathering signatures was an extremely positive experience and it was their intent that citizens of Fort Scott would be empowered to become active in local government and that by voicing their concerns, a difference could be made.

Diana Morriss – She informed the Commission that it had been a privilege to participate in our democratic process in distributing this petition and obtaining signatures. She said the only real push back they received was from people who either misunderstood or were misinformed about how the petition was worded or what its intent was. She thinks they could easily have had double the signatures they had if Bourbon County residents been able to sign as well. There is a deep dissatisfaction in our community with City spending at this point in time. She had no idea how much so until she walked the neighborhoods of Fort Scott over this last week and a half. There was a quote in our minutes from the last meeting, “City Manager stated we are not going to increase taxes”, and she said she had to say when she said that to people when she presented the petition they all laughed. That was the common response was laughter that they don’t believe that’s the case. Going on to quote from the minutes, “this amount has been built into the budget”, her question is if that has been built into the budget, why are we asking to issue general obligation bonds. Her idea is if it is in the budget, we don’t have to go out and find more money, but she said she is no financial wizard. The final part of his statement was, “the City is in good financial debt”. She was raised by parents who survived the depression and I am so glad that they instilled in me this great distaste for debt and she thinks no matter what level of government we are speaking about to have that same distaste for debt would be advantageous to the growth of our community. I think there is a real concern in Fort Scott right now that we have not yet felt the impact of the hospital closing. A great number of the people who are no longer employed by Mercy are still on their severance pay, so we are not really going to feel that impact until

later. Making really large expenditures before we can really see that our community is progressing with the new arrangement with CHC and Via Christi, is adding to the economics of our City, she thinks it would be wise to exercise caution. She wanted to encourage them to consider all the options that are out there.

C. PUBLIC HEARINGS: None

CONSIDERATION:

1. Consideration of Service Line Warranty Program – Michael Mix, Public Utilities Director, informed the Commission that every home in Fort Scott has pipes. When you are forced as a homeowner to replace pipes, it can be expensive. The homeowner owns the pipe from the meter to the house and with sewer from the main to the house. That can be a big challenge to homeowners. He has found a company to assist with this. He introduced Robert Meston of Utility Service Partners, Inc. to discuss with them the service line warranty program.

City Manager informed the Commission that this company is just recommending this program to our citizens. This is informational to our citizens.

Mr. Meston passed out packets of information to the Commission. He said that they are the only service line program partnered with the National League of Cities. This allows citizens to enroll with their program to help protect themselves. Usually repairs can amount from \$3,000 to \$5,000 to the homeowners. Their program allows up to \$8,500 per repair incident for sewer main repairs. Repairs are made by licensed, local contractors. The interior plumbing and drainage covers up to \$3,000 per repair incident. There is no cost to the City to participate in this program. There is a revenue share program in place so it is an opportunity for the City to see some funds back. You could see \$.50 per program per household per month and it would be paid back each year in a royalty check. You can decline that part of the agreement.

City Manager said that the City is not going into business with an insurance company – all we are doing is letting you present something good to our citizens. This is informational only.

Mr. Meston said the City's only involvement is helping introduce this to the residents.

City Manager said that legal counsel has advised that he is welcome to sell this to the residents, but the advertisement is not where we want to be involved.

Commissioner Bartelsmeyer said she would rather see the residents get the benefit of the return.

Commissioners thanked him for his appearance.

2. Consideration of Hay Bid – Airport – Seth Simpson, Airport Manager, informed the Commission that bids were taken for the Airport Hay. This is a one year hay contract. There were five bids received: Dale Bollinger in the amount of \$5,586.00; Joe Tirri at \$5,500.00; Triple M Farms at \$5,300.00; Hubert Thomas at \$5,276.00; and Mike Fritter at \$4,871.00. He asked the Commission to approve the high bid from Dale Bollinger in the amount of \$5,586.00.

Nichols moved to approve the high bid for airport hay from Dale Bollinger in the amount of \$5,586.00. Bartelsmeyer seconded. All voted aye.

APPROVED THE BID FROM DALE BOLLINGER IN THE AMOUNT OF \$5,586.00 FOR THE HAY AT THE FORT SCOTT MUNICIPAL AIRPORT FOR 2019-2020.

3. Consideration of Airport engineering agreement to conceptual roadway study with Olsson Engineering – Rachel Pruitt, Economic Development Director, informed the Commission on some history of this project. In January, the City staff went to KDOT Aviation to introduce Seth. Last year, the City was awarded \$147,600 for runway lighting. We really don't need new runway lighting right away and asked to bank that money for now and use on improvements that are needed now. We would eventually use federal dollars for runway lighting. They agreed with our direction and awarded us in March the amount of \$147,600 towards finishing our environmental assessment and continue our planning for the improvement of the runway. This engineering agreement for \$29,000 is towards the conceptual runway study. This amount will come out of the \$147,600 and will be to Olsson Engineering. If we receive the grants we have applied for to extend the runway, Indian Road will need to be closed. We would not close any road without opening a new access road. This study is to figure out where a new road could go and the cost of the new road.

Bartelsmeyer moved to approve the engineering agreement with Olsson Engineering in the amount of \$29,000 for the conceptual roadway study. Adamson seconded. All voted aye.

APPROVED THE ENGINEERING AGREEMENT WITH OLSSON ENGINEERING IN THE AMOUNT OF \$29,000 FOR THE CONCEPTUAL ROADWAY STUDY.

Rachel also informed the Commission that she appeared before them on March 19th. It was a busy meeting and there was a lot of audience participation. She brought up an important fact that she thinks could have been missed. She brought up the timeline on Resolution 4-2019 on February 5th with the notice of intent to purchase fire equipment purchase with general obligation bonds. On February 19th, she received notification from new census data that allows the

City to automatically qualify for CDBG funding if we have a city wide beneficiary project. On April 5th, she received confirmation from the Kansas Department of Commerce that the ladder truck purchase is indeed a city wide beneficiary project and would receive a strong score for our application for 2020 funding. This is where we are with the ladder truck purchase. In November, the grant will go in and we should hear in January or February of 2020 if the grant is awarded.

4. Consideration to hold auction to sell off old City equipment – Rhonda Dunn, Director of Finance, informed the Commission that the City went out to bid for an auction company to hold an auction for surplus City equipment. She picked the date of May 10th, 2019 which is a Friday. The low bid was from Marty Read Auction Company in the amount of 14% commission with the City providing the advertising and paying for it. There is a list of City equipment before them which will be added to. She asked for permission to hold the auction and sell the City equipment and approve the sale date of May 10th, 2019.

Nichols moved to approve the sale date of May 10th, 2019 and to sell off the old City equipment. Adamson seconded. All voted aye.

APPROVED THE SALE DATE OF MAY 10TH, 2019 TO HOLD A CITY AUCTION AND TO SELL OFF THE OLD CITY EQUIPMENT.

5. Consideration of life insurance proposal – Deb Needleman, Human Resource Director, informed the Commission that this has been before them a third time on this topic. It had been tabled to go out for bid. This is for employees who leave the organization, especially for retirees. Our term life insurance products that are offered to employees, including the KPERs life insurance, are not affordable when they retire. They are convertible but the premiums are extremely high. She received three quotes with one from Modern Woodman/MetLife, Cincinnati Life, and Colonial Life. She asked for a guaranteed rate also. She provided a spreadsheet with the differences. She recommended Cincinnati Life with Jordan Witt and Don Doherty.

Nichols moved to approve the life insurance proposal from Cincinnati Life. Parker seconded. All voted aye.

APPROVED THE LIFE INSURANCE PROPOSAL FROM CINCINNATI LIFE.

COMMISSION/STAFF:

A. Director Updates: None

B. City Commission:

Nichols – Informed the Mayor that he was going to extend the meeting tonight. He said that this is the musings of an old guy. The last several

weeks have been interesting with interactions with the community. The last few meetings he has listened and absorbed the information he has been given. He said he is a horrible public speaker so he wrote his thoughts down. Part of it people will like and part of it will be interesting. "We are privileged to live in a society that allows us to have constructive discussion on issues where we don't all see the same path forward and I think the community is stronger when all voices are heard and considered. About one month ago, we had in my opinion, a constructive meeting to hear concerns about the process of selecting a new fire truck. We, as a commission and the administrative folks at this table are here to listen to and represent the people of the community. My compliments to the people who are passionate enough to engage at meetings and work to have a petition drive to highlight their concerns.

Having said that, I have some concerns about the recent discussion and especially about some of the misinformation that was used to promote the petition for signatures. One of my favorite sayings is "you are entitled to your own opinion but not your own facts". I'm afraid some of the people seeking petition signatures were giving misinformation, using their own facts. I know this because I talked with them personally. So here is my list:

- 1) Most importantly, they were claiming buying the trucks would increase taxes. This was never part of the plan.
- 2) They were making decisions about what trucks were best for the community without clear expertise in the needs of our firefighters or expertise in firefighting techniques or even the most recent advances in the technology available on the new trucks.
- 3) They were promoting the petition because "the commission was rubber stamping" all the decisions of the administrative staff. This is patently untrue. I spent my entire career analyzing technical data and then applying that information to practical situations. We certainly try to weigh both side of an issue and then make a decision that hopefully is to the broadest benefit for the people of Fort Scott. Also, remember at this starting point of the process, only three things had happened: first, need for new trucks had been identified; second, was attempting to approve financing so we could move forward with the third step; exploring what trucks that meet our needs were available and affordable. No truck had been purchased or agreed on and no money had been spent.
- 4) Promoting a million dollars savings was disingenuous and seems to me only true if we buy a discounted truck and then don't purchase another truck thereby spending another \$500,000 to \$700,000 in the next seven years as has been suggested. In this estimated savings, there was also not recognition of the impact of inflation on future purchases.
- 5) Bond funds could not be used to pay or increase salaries.
- 6) There was not ½ cent tax designated specifically for fire truck purchases.
- 7) It's also ironic to me that some of the people most concerned about the fire truck issues are the same people who are not interested in

bringing their building up to the basic fire safety codes needed to protect the public that utilize that building.

Despite addressing most of these concerns in an open commission meeting, the group I stopped to talk to, and that doesn't represent everybody that was out promoting the petition, so I could hear what they were telling people so I could be educated about the facts as they understood them and then represent them fairly, listed most of these misrepresentations as facts about the purchase of the new trucks. It's my concern people deciding to sign the petitions did so with details that were not completely factual.

Even of more concern to me, however, is that instead of addressing the legitimate concerns that were raised, people on social media have chosen to attack the City staff personally accusing them of lying, giving false information, embezzling from their previous employer, and in general spreading false libelous claims through social media. In my opinion, that's beyond the pale and there is no place for these personal attacks. Let's agree that we won't all agree on all the issues, but these personal attacks are inappropriate, speak for the attacker's inability to engage in thoughtful debate, and do not lead to constructively moving our community forward which should be our common goal. Please, if you have questions and concerns about issues and decisions, call and share them with a commissioner or arrange a personal discussion with a staff member to express your concerns and start a dialogue. If there is still disagreement at that point, that's okay. The discussion may have exposed unexplored issues and lead to better informed decision making, but unfounded personal attacks are not productive, and are totally unacceptable, and diminish our entire community.

It's the Fire Chief, the administrative staff and the Commission's desire to supply our firefighters and the community with the best, most up to date equipment we can afford. So again, I appreciate and applaud all in the community who engage in these discussions and actions and are trying to honestly move the City forward in a productive way." As they say in Congress, I relinquish the rest of my time.

Adamson – She remarked that she can't say anything more after that.

Bartelsmeyer – She said she did speak with someone who felt pressured to sign the petition, so it might be your perception that they did not feel pressure, but there were one or two that did. She stated that anyone of us would enjoy sitting around a table speaking with them.

City Manager said that City staff had a productive meeting with a few individuals last week that lasted about three hours. They discussed lots of issues and ideas.

Mitchell – Not present.

Parker – She said that she also spoke to a couple of people that felt intimidated just going to the different locations. It is what Randy said, everything needs to show that we are doing our diligence with the time span. We are trying to do our best with information, as Rachel said we can apply for this CDBG grant. It is correct information – facts.

C. City Manager:

1. Audience comments – As City Manager, he is always expected to take the high road. Ms. Morriss said some things that Mr. Martin had quoted. He's proud of the City's financial status. He is proud of what we have bought. Our staff works hard to save money. Our Fire Chief and his staff would not have bought something that was not something that would work for our community. If that was meant to make me feel bad about where we're at or our debt ratio, I'm proud of it.
2. Combat Warrior Parade – May 1st – City Manager asked the Commission to close the north road on Skubitz Plaza in front of the National Historic Site on Old Fort Blvd. during the Combat Warrior parade. The convoy will start at the Airport and travel down Indian Road to Horton to National and then down in front of the Fort. It will be around 1:30 p.m. on May 1st.

Parker moved to close the north side of Skubitz Plaza on Old Fort Blvd. on May 1st around 1:30 p.m. Bartelsmeyer seconded. All voted aye.

APPROVED TO CLOSE THE NORTH SIDE OF SKUBITZ PLAZA ON OLD FORT BOULEVARD ON MAY 1ST, 2019 AROUND 1:30 P.M. FOR THE COMBAT WARRIOR PARADE.

3. Health Care – City Manager said that Rachel, Robert and himself went to Via Christi and met with Randy Cason, the CEO, and Drew Talbot, the Operations Manager. It was a very productive meeting. That was the first meeting they were able to have without Mercy. They are definitely committed to Fort Scott whether in that building or another one. They have asked Robert and Rachel to assist them in getting into the business community. They have a goal of June 1st to come up with a clinic in our community. CHC is here too and we support them as well. Via Christi will be on the radio for the next couple of weeks promoting their doctors and programs. They also have the Emergency Room, Lab, Outpatient Procedures, and Ultrasound. We are in a good place.
4. City Attorney – City Manager said that we have not hired a City Attorney. We are still looking and have had very few applicants.
5. City Prosecutor – City Manager said that we have made an offer to a prosecutor. He feels like she will be a very good prosecutor.

6. Municipal Judge – City Manager said that we have had a lot of applications for Judge. There are some really good applications. There will be a group comprised of Cindy Bartelsmeyer, Deb Needleman, Travis Shelton, and Robert Uhler and they will set up meetings to interview for a Judge.

ADJOURNMENT:

Adamson moved to adjourn the meeting at 7:05 p.m. Bartelsmeyer seconded. All voted aye.

ADJOURNED MEETING AT 7:05 P.M.

The next regularly scheduled meeting is to be held on May 7th, 2019 at 6:00 p.m.

RECORDED BY:

**DIANE K. CLAY
CITY CLERK**