

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of May 7, 2019**

**Regular Meeting #8**

The regular meeting of the Fort Scott City Commission was held May 7<sup>th</sup>, 2019 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

**ROLL CALL:**

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

**INVOCATION:** Pastor Brian Rhoades, Grace Baptist Tabernacle, 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, Darrell Parker, Deb Needleman, Dave Bruner, Deb McCoy, Diana Morriss, Seth Simpson, Bobby Duncan, Max Daly, Brian Comstock, Teri Hulsey, Chris Rosenblad, Robert Leisure, Trace V. Evans, Jon Lowery, Shirley Graham, Grace Sweat, Billy Graham, Silas Taylor, Lindsay Lundberg, Emma Humble, Brian Rhoades, Peter Hinkle, Vickie Brausell, Randy Brausell, Burton Harding, Bobbi Kemna, Marlene Braker, Ed Cox, Jara Martin, Doug Scarborough, Clayton Miller and representing the press, Jason Silvers of the Fort Scott Tribune.

**PROCLAMATIONS/RECOGNITIONS:**

Recognition of Rhonda Dunn, Municipal Training Institute Graduate–Level 1 – Mayor Parker recognized Rhonda Dunn for completing Level 1 of the Municipal Training Institute offered by the League of Kansas Municipalities and presented her with a plaque.

Introduction of Burton Harding, City Attorney – Deb Needleman, Human Resource Director, introduced Burton Harding as the new City Attorney for the City of Fort Scott. He is replacing Bob Farmer who served as City Attorney for 43 years. Burton has an office in Mound City and has practiced law for around 10 years in this area.

Introduction of EMS Staff – Dave Bruner informed the Commission that the EMS staff has been extremely busy the last two weeks. They are finally in their building and are excited to have a home. He introduced Robert Leisure, RN/Paramedic, who is the new EMS Director. He replaces Christi Keating who is still assisting with the transition. He said that there are 10 full time EMS and 15 part time EMS employees. Their new address is 405 Woodland Hills Blvd. He had the employees introduce themselves: Teri Hulsey, EMT, with 8 years of experience; Chris Rosenblad, Paramedic, with 6 years of experience; Trace Evans, EMT, who started this year; and Jon Lowery, Paramedic, with 27 years of experience.

Mr. Leisure commended the City of Fort Scott for working with the County to make this possible.

National Nursing Home Week – May 12-18, 2019 - Mayor Parker read a Proclamation proclaiming the week of May 12-18, 2019 as National Nursing Home Week in the City of Fort Scott and urged all citizens to support quality of life in nursing facilities by visiting the residents.

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

- A. Approval of minutes of the regular meeting of April 16<sup>th</sup>, 2019.
- B. Approval of Appropriation Ordinance 1237-A totaling \$544,014.48.

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

**APPROVED CONSENT AGENDA.**

**APPEARANCE/COMMENTS/PUBLIC HEARING:**

**A. APPEARANCE:**

Ms. Angella Curran's Fort Scott High School Class – The team made up of Lindsay Lundberg, Silas Taylor, and Emma Humble, presented a presentation on the installation on bike paths/lanes in the City, particularly on Margrave Street, 23<sup>rd</sup> Street, and Horton Street.

The Commissioners thanked them for their hard work on their presentation.

**EXECUTIVE SESSION:** City Manager asked for a 20 minute Executive Session for matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the body or agency and for Preliminary discussions relating to the acquisition of real property. There is no action anticipated. This is with the City Commission and City Manager only.

Parker moved to enter into a 20 minute Executive Session. Nichols seconded. All voted aye.

**ENTERED INTO EXECUTIVE SESSION AT 6:16 P.M.**

Bartelsmeyer moved to come out of Executive Session at 6:31 p.m. Nichols seconded. All voted aye.

**EXITED OUT OF EXECUTIVE SESSION AT 6:31 P.M.**

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

Bobby Duncan – After the last Commission meeting that he attended, he challenged Ms. Dunn in saying you know what you did to us was wrong. After the meeting, he said he also challenged Mr. Nichols saying the same thing. Mr. Nichols said to him that he didn't know that they were wrong. I asked him if he had even looked at the documents he had given him back in February. He said yes he did. He said and you can still say that's there nothing wrong with what you did? His reply was nothing that can't be fixed. Bingo Randy. Why didn't you fix it? Why haven't you fixed it? Why don't you fix it? Two ladies exercised their constitutional rights by organizing and executing a petition. Mr. Nichols accused them of using lies and intimidation to obtain signatures. That is untrue and shameful behavior, Mr. Nichols. Mr. Martin said that the petition was against public safety. Last year Dave Martin said that we err on the side of public safety. Ms. Bartelsmeyer mimicked that same statement. I then said to Mr. Martin that when you've learned that you've erred, why don't you do the honorable thing and make it right. Every desolate in history has used that same premise, along with fear, flaudry, decourse, and support for guarded thieves. Now the Taliban, Saddam Hussein, Franco, Stalin, and Hitler said the Jews were committing getting disease and also responsible for failed economy. Extermination for safety and well being of the public – Jesus – If one's citizen's rights were aggravated, the rights of many will also be aggravated.

Shirley Graham & Grace Sweat – Mrs. Graham said that they wanted to come tonight to talk about Margrave and 6<sup>th</sup> Street. There is a lot of traffic due to the grocery store and the church and the grade school. You can sit there for ten minutes and watch the traffic. She said she can guarantee that the people going down that street are not going 30 miles per hour.

Grace Sweat said she would like to have a four way stop.

Mrs. Graham said that if you sit before or after school starts and watch the intersection it will take you forever to get across. The traffic is horrible and the speed limit is not observed.

Ms. Sweat said that she lives at 6<sup>th</sup> and Hill and they almost saw an accident a couple of weeks ago.

City Manager said he would get with the Chief of Police and discuss the four way stop and get back with her.

**C. PUBLIC HEARINGS:** None

**CONSIDERATION:**

1. Consideration to use 2019 Joplin Toolbox for sewer repairs – Michael Mix, Public Utilities Director, said he was very proud of the 2018 accomplishments for the sewer rehabilitation program. He said you can't manage what you can't measure. In 2017, a map was developed which has helped greatly. He shared several videos of pipes and obstructions in the pipes and how they were corrected using the Joplin Toolbox for cleaning and repairing. In 2018, there was \$250,000 allocated for the rehabilitation of the sewer pipe and the total amount was spent. This is a cooperation agreement between the City of Joplin and the City of Fort Scott. Last year it was approved for a two year agreement. He asked the Commission for approval for the amount of \$300,000 to be spent in 2019.

City Manager said that this is a budgeted item from the sewer fund.

Parker moved to approve the allocation of \$300,000 for the Joplin Toolbox for 2019. Bartelsmeyer seconded. All voted aye.

**APPROVED ALLOCATION OF \$300,000 FOR THE JOPLIN TOOLBOX FOR 2019.**

2. Consideration of agreement with Schneider Electric for our Energy Grade Audit for all City facilities - Michael Mix, Public Utilities Director, introduced Peter Hinkle of Schneider Electric to discuss the Investment Grade Energy Audit.

Peter Hinkle informed the Commission that this audit will identify the needs on a building by building basis. They have identified 29 facilities. They look at all the scopes including mechanical, controls, electrical, plumbing and envelope. Their plan is to create a long term approach to energy efficiency and capital improvements to assist the City in saving money. The next step is an Investment Grade Audit. This will design and engineer turnkey solutions to current issues within your infrastructure.

City Manager said he believes this is a good investment for the City.

Commissioner Nichols said that he is excited about this company and they are very competent.

Nichols moved to approve the Investment Grade Energy Audit agreement with Schneider Electric in the amount of \$63,000. Adamson seconded. All voted aye.

**APPROVED INVESTMENT GRADE ENERGY AUDIT AGREEMENT IN THE AMOUNT OF \$63,000.**

Commissioner Adamson left the meeting at 7:00 p.m.

3. Consideration to allow the Defense Threat Reduction Agency to test City water for EMP vulnerability - Michael Mix, Public Utilities Director, informed the Commission that there is an excellent opportunity to receive testing on our existing, unhardened water system. On March 26, 2019, President Trump issued an executive order on national resilience on electronic-magnetic pulses (EMP). In response to this, the Defense Threat Reduction Agency has asked to come and take data from our electrical systems in our water and wastewater plants and using that data in the betterment of their threat prediction software. There is no cost to the City to allow this testing. He asked for approval for the DTRA to test the City of Fort Scott water utility for EMP vulnerability.

Nichols moved to allow the Defense Threat Reduction Agency to test the City of Fort Scott water utility for EMP vulnerability. Bartelsmeyer seconded. All voted aye.

**APPROVED TO ALLOW THE DEFENSE THREAT REDUCTION AGENCY TO TEST THE CITY OF FORT SCOTT WATER UTILITY FOR EMP VULNERABILITY.**

4. Approve Work Order with Olsson Associates for Phase III Archaeological Survey – Seth Simpson, Airport Manager, informed the Commission that despite efforts to avoid a Phase III Archeology survey, it is necessary due to the FAA requirements for the safety area of 1000'. He asked for approval for the Master Agreement Work Order #8 in the amount of \$53,400 to Olsson Associates. This will be funded through the KDOT Design and Planning Grant.

Parker moved to approve Work Order #8 with Olsson Associates in the amount of \$53,400 for the Phase III Archeology survey at the Airport. Bartelsmeyer seconded. All voted aye.

**APPROVED WORK ORDER #8 WITH OLSSON ASSOCIATES IN THE AMOUNT OF \$53,400 FOR THE PHASE III ARCHEOLOGY SURVEY AT THE AIRPORT.**

5. Approval to solicit bids for electric vault building at the Airport – Seth Simpson, Airport Manager, informed the Commission that he appeared recently to share with them about the need for the electric vault building at the Airport. The plans are currently at the F.A.A. for review. He expects approval any day now. The estimated cost of this is \$32,800.00.

Bartelsmeyer moved to approve to solicit bids for the electric vault building at the Airport once approval is received by the F.A.A. Nichols seconded. All voted aye.

**APPROVED TO SOLICIT BIDS FOR THE ELECTRIC VAULT BUILDING AT THE AIRPORT ONCE APPROVAL IS RECEIVED BY THE F.A.A.**

**COMMISSION/STAFF:**

**A. Director Updates:** None

**B. City Commission:**

Nichols – He said he would say what he read last time. I’m sorry that Deb McCoy felt like she was personally attacked at the last meeting. I talked to her last time about this. The contact I had was the information I went by. I was in no way accusing you all of giving false information. The conversation he talked about you and I having was, we walked out of the meeting and talked about what a constructive meeting it was. You all had come with the information about the fire trucks and about looking forward, and how to save money. You will probably remember it, Deb. Completely off the mark about that conversation was introduced about the idea had I read his information. I assured him I had read the information, which I will add one thing. This has gone on a long, long time and there’s lots of details, and at some point in time the public really needs to hear from a different perspective. The header on the information he sent me said, “All public buildings should have a code footprint.” That’s the header from the Fire Marshal and the information that I was sent. Then I read all the other supporting information I was sent. Just so you know and I think you need to know that. The issue was the code footprint and a couple of potential errors in it. We could never get to the point to meet. We as people trying to advance the community, and trying to support industry, the economy, and local businesses, it’s beyond his scope of thinking that we can’t get together and correct what minor flaws are in this code footprint and move forward so they can move forward with their business. That’s pretty much the kind of conversation that Deb and I had. You were there and I’m sorry but I’m not sure where all this came from. The part that said that this thing can be corrected, but yes, let’s sit down together as adults and go through this process and find a solution to the code footprint moving forward as opposed to just saying out of hand that it has to be rejected. We can’t reject the codes of the community. I’m obviously frustrated but I would love to move forward with that conversation. Let’s set down and look at it and see what errors there are and correct them and do what we can to move this forward. I think a lot of the issues in the community right now stem from that very fact and if we can get that one thing to resolution a lot of other things might fall into place that would allow us to move forward in the community to do the things we need to do. As I’ve said before, we aren’t all going to agree. We’re never going to agree. We don’t always agree. You asked me and I never know when to shut my mouth. I would love to see us sit down and find a resolution about this and move forward.

Deb McCoy said that they have asked for a peaceful resolution to do that. We sat down at a meeting.

Dr. Nichols said that we were both there and I’m sure we all see the same meeting from different views. If that’s a problem let’s get together again.

Let's try to come at it from a different angle. I don't have the answer. I just have the frustration. To get accused of not analyzing the information and then I'm thinking, Hitler, I guess I don't really feel very good about that part of it. Let's just be adults and move forward with this discussion.

Doug Scarborough – Asked if he could address the meeting. He moved back into town as he is now retired. They needed to be able to survive. Fort Scott has a low income place that they can rent comfortably as they are on benefits. He said he did not begrudge Fort Scott a new fire truck. I don't begrudge Fort Scott the upgrades to the buildings and such. As far as I'm concerned, the fire truck is a positive thing for Fort Scott because Fort Scott is not going to be standing alone with two story buildings for long if they expect to reach out to bring industry to town. You don't do that with antiquated equipment. You don't do that with antiquated infrastructure. That's why I'm here is his concerns with the infrastructure in Fort Scott. He said he lives in Ironquill Apartments. After the last three to four months, he has had two cones blocking the right lane at the intersection of Beech and Emmert. That has not been addressed in Fort Scott. They are sitting right in front of a police officer's house. The thing that is upsetting to me is it takes out the right turn lane for anyone going into Ironquill Apartments. He's not sure but with the traffic that parks along the street if there is enough room for an ambulance to get through there. The cones are going to get trashed for whatever they are trying to protect. Someone is going to end up running over them. The other thing he would like to address is that he's a disabled Veteran. He uses a mobility chair in a lot of instances. He has a mobility lift on the back of his vehicle. He parked out front in the handicapped area and got out of his car and stepped to the curb and there were a lot of disorderly bricks that he had to step around to get in here. Handicapped parking and accessibility should be a number one priority especially into City Hall. Another concern is the drainage ditch on Emmert Street which needs looked into.

City Manager said he would check into it.

Adamson – Not present.

Bartelsmeyer – Stated that she concurred with Randy. It is frustrating and we need to move forward.

Mitchell – Not present.

Parker – Said that she agrees with Randy and that we need to move forward and work through this.

**C. City Manager:** Dave said that he wanted to again say that we never shut down Mr. Duncan's business. We tried to work with them on the code footprint. We've never been able to get past that. We did not shut him down. He decided to shut down. The meeting that Mr. Duncan came and talked with Deb and Mrs. Morriss, he remembered

going around to each person after they read their letter and shaking their hand. When he got to Mr. Duncan, he said, admit you're wrong on the code footprint and all this goes away as far as the public safety and the fire truck. I told Mr. Duncan that's not the way it works. I agree with Randy and I think a lot of this, although I applaud the petition, but we did listen and we will move forward on getting the trucks. We will go a different way. From a City perspective, we have spent two years looking at this. It does no good for us to lose a business. The Beaux Arts Center was a good business for us. We are still open, but we have never been able to resolve this. It should never have been involved in the fire truck purchase and public safety.

Deb McCoy asked if she could make a correction to that. She said that one did not have nothing to do with the other.

Dave said that is what Mr. Duncan said to him.

Randy said that folks have some valid concerns. We need to come to a resolution about this.

Cindy Bartelsmeyer said that the City is willing to make corrections to the code footprint. We are not going to rescind it, but we are willing to correct it. She has a code footprint on her building downtown.

**ADJOURNMENT:**

Bartelsmeyer moved to adjourn the meeting at 7:21p.m. Nichols seconded. All voted aye.

**ADJOURNED MEETING AT 7:21 P.M.**

The next regularly scheduled meeting is to be held on May 21<sup>st</sup>, 2019 at 6:00 p.m.

**RECORDED BY:**

**DIANE K. CLAY  
CITY CLERK**