

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of July 7, 2020

Regular Meeting #13

The regular meeting of the Fort Scott City Commission was held July 7th, 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: There was no invocation given.

AUDIENCE IN ATTENDANCE: There was no audience in attendance other than a very few City staff. Michael J. Hoyt signed up to speak during the citizen comment section. Hazel Swarts was also present.

PROCLAMATIONS/RECOGNITIONS:

Recognition of Payden Blythe, Police Officer – Travis Shelton, Chief of Police, introduced Payden Blythe, Police Officer. He grew up in the Uniontown area and he joined our force a little over a year ago. He went to Police Academy in December of 2019. He was scheduled to graduate in March of 2020. When the COVID-19 pandemic started, the academy was shut down. They ended up graduating in June of 2020. He essentially ended up being in the longest academy in Kansas Law Enforcement history. Payden ended up finishing second runner-up in top shooter, and finished 95% in the academy and was the #1 rank in his class. Not only that, no other officer had completed that high in the last three years. This is quite the honor and accomplishment.

Introduction of Nate Stansberry, City Engineer – Deb Needleman, Human Resource Director, introduced Nate Stansberry as the new City Engineer. Deb gave his background history to the Commission. The City is excited Nate is here.

Nate thanked the City for their warm welcome he and his family have been given. He looks forward to his future with the City. He told the Commissioners he was officed in the basement of Memorial Hall and to contact him with any issues they may have.

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of June 16th, 2020, special meeting of June 24th, 2020 and June 30th, 2020.
- B. Approval of Appropriation Ordinance 1266-A totaling \$804,125.90.

- C. Skitch's Hauling & Excavation, Inc. – March port-a-pottie fees - \$2,153.00; April \$1,911.00; and May \$2,153.00 – Totaling \$6,217.00.
- D. Request to Pay – InSCO Industries - \$67,937.35 – Clarifier Painting Project – Water Plant
- E. Request to Pay – Southeast Kansas Regional Planning Commission - \$4,000.00 - Fire Truck Grant
- F. May financials

Kevin Allen left the room at 6:04 p.m. while the vote was taken since he had an item on the Consent Agenda.

Randy Nichols asked that the special meeting minutes of June 30th, 2020 be changed to reflect that he does support the wearing of face masks. The Clerk will get the minutes changed to reflect that.

Nichols moved to approve the Consent Agenda with the correction to the June 30th, 2020 minutes. Watts seconded. All voted aye.

APPROVED CONSENT AGENDA WITH CORRECTION TO THE SPECIAL MEETING MINUTES OF JUNE 30TH, 2020 TO REFLECT THAT COMMISSIONER NICHOLS DOES SUPPORT THE WEARING OF FACE MASKS.

Kevin Allen returned to the meeting at 6:07 p.m.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE:

Vanessa Poyner – Junior/Senior Prom – Saturday, July 25th, 2020 – Request for Street Closures: West Oak Street from Judson to National for Walk-In event. Request for parking lot behind Brewhaus Brewery for valet parking. Time requested: 2:00 p.m. to midnight – Waivers will be signed for all attendees and social distancing will be enforced. – City Manager said that he, Chad Brown, Travis Shelton, and Dave Bruner met with Vanessa Poyner, sponsor of the Junior/Senior Prom this year. It will be held on July 25th, 2020 at the River Room. She has requested the parking lot behind Brewhaus Brewery for valet parking. She has also requested the closure of West Oak Street from Judson to National for the walk-in event. She would like these streets closed from 2:00 p.m. to midnight. She shared a copy of a waiver that each attendee and their date will be signing. Dave said that Vanessa has been in contact with Becky Johnson, Public Health Officer regarding this event.

Lindsey Watts moved to approve the street closings and use of the City parking lot. JoLynne Mitchell seconded. All voted aye.

APPROVED TO CLOSE WEST OAK STREET FROM JUDSON TO NATIONAL FOR WALK-IN EVENT AND THE PARKING LOT BEHIND BREWHAUS BREWERY FOR VALET PARKING. TIME REQUESTED: 2:00 P.M. TO MIDNIGHT – JULY 25TH, 2020 FOR JUNIOR/SENIOR PROM.

Frank Halsey – Marmaton Massacre Escape Event – Frank Halsey informed the Commission that this event has been held the last seven (7) years. Frank has been preparing trails in the park for the last ten (10) years. They have 130 participants registered so far. He has been in contact with Becky Johnson, Public Health Officer, regarding this event to ensure they are in compliance. All registration was handled online this year. They have a 36 page guide from U.S.A. Cycling entitled Returning to Riding and Racing. This talks all about social distancing and mask wearing. He has reserved Shelter #6 and #7 this year as well as the entire campground area for this coming weekend. The race will start on Saturday. A marathon race will start at 10 a.m. It is a four hour race. The kid's race will be held next and then time trials. A father and son group out of St. Joseph, Missouri will be here to perform bike tricks and that evening Double Trouble, which is Larry Davenport and Mark Ward will perform at 7:30 p.m. Sunday morning will start with a worship service, then a junior race, beginner race, and an advanced race. People love to come and race our course. He asked for approval for this event to be held this weekend.

Mitchell moved to approve to hold the Marmaton Massacre event and approve the use of the campground area and shelters #6 and #7 to be held July 10th and 11th, 2020. Nichols seconded. All voted aye.

APPROVED TO HOLD THE MARMATON MASSACRE EVENT AND APPROVE THE USE OF THE CAMPING AREA AND SHELTERS #6 AND #7 TO BE HELD JULY 10TH AND 11TH, 2020.

Discussion was held regarding the LaRoche Baseball event that couldn't be held due to the insurance issue last weekend.

Kevin said he didn't like that the baseball tournament was cancelled this past weekend.

Jeff Deane said that their special event insurance did not cover COVID-19 and that was the problem.

Terry Sercer – 2019 Audit - Mr. Sercer appeared before the Commission to present the 2019 Audit. He reminded the Commission that this is an unqualified opinion, but the highest level of opinion received. This financial statement presents fairly the aggregate cash and unencumbered cash balance for the City of Fort Scott as of December 31, 2019.

He said that the City did not have any violations with compliance with Kansas Statutes. He stated that the General Fund has a good solid balance. There are no federal or grant violations.

He stated there were no cash basis violations. There is a healthy cash balance.

He commended Susan and her staff for their assistance with the audit and is pleased that Susan is back with the City.

Watts moved to approve the 2019 Audit. Nichols seconded. All voted aye.

APPROVED 2019 AUDIT.

B. CITIZEN COMMENTS (Concerning Items Not on Agenda – 5 minute limit per citizen) - Michael Hoyt emailed to speak.

Michael Hoyt – Mr. Hoyt said that he had one major issue. He said that he was the sponsor of a recall petition for Commissioner Nichols and Commissioner Watts and wanted to tell them how he got to this point. For 44 plus years, he was told that Mr. Farmer had a contract with the City for legal services and was provided a fixed amount per month for calls from City staff and calls from Commissioners and this amounted to just under \$3,500 per month. Our current situation does not include that. Our previously seated Commission which includes Mr. Nichols and Ms. Mitchell, and they provided you with what he feels, in his opinion, is a defective contract to provide City Attorney services. You as a single Commissioner cannot spend one dollar of public funds without a public meeting, and three votes of yes from other Commissioners. That is not provided for in the Lauber contract. It is defective in that it is a fixed hourly rate and the minute you pick up the phone, you are obligating the City to expend funds and you don't have the right to do that. Now the last Commission signed that contract and, if you recall, when they inducted the three of you, they left here like something was going to get stuck to the bottom of their shoe, they left here so fast. We need to review how we are providing or obtaining City Attorney counsel. Just to reinforce it, he read something from the Kansas League of Municipalities. They state that the compensation for a City Attorney, and he will abbreviate, the firm should be retained at an annual or monthly salary appropriate to the duties required. That's where Mr. Farmer took care of it in his \$3,500 per month. The last regular meeting, when Commissioner Allen asked the question, "I can call you at any time"? and he said, "Yes", that's not true. You would have been in violation of misuse of public funds if you would have called him, and incurred an obligation by the City, in his opinion. As he works through the sufficiency of the petition for recall, those issues are going to come up. It's an ongoing problem and we need to fix it.

Kevin Allen said that he had a question, and this is not loaded. He asked the City Attorney if there was any truth to that. Can we or can we not call you at any time? He understands the point he is making is that the clock starts when we call him for advice. Is this something we should be running through the City Manager, and he needs to make the decision to call you? He understands that point that if we all start calling you, the clock starts ticking.

Jeff Deane said that this is the first he has heard from Mr. Hoyt of these allegations of this regard. This is a standard contract set up by the K.B.A. that they worked through – Kansas Bar Association. That is how they handle all of their clients and how every attorney works. He thinks that he is referring that if you are going to hire an in-house attorney, you are hiring for a fixed rate or hourly. If you go outside, it is just like contracting for anything else. We are the City's legal department, and you are allowed to contact us at any time for any reason. If you check the bills, you will find some things that are "comped" the City from time to time, and he's talked to you (Skitch) before, and there are things we do that we don't write down, because you've asked me not to. It's the same with Commissioner Watts as she had a couple of questions about looking at the bills before and cutting things out and not everything gets billed. Some stuff is just done. He tries to only charge what is needed to be charged.

City Manager asked if the recall vote was for Nichols and Watts?

Mr. Hoyt said yes.

City Manager asked about Mitchell?

Mr. Hoyt said that she was on the previously seated Commission.

City Manager said that she approved the first contract.

Mr. Hoyt said the first contract with Lauber.

City Manager asked why Watts was being pulled in?

Mr. Hoyt said she incurred expenses obligated to the City without approval. She spent more than one dollar without a public meeting.

City Manager asked because she called the City Attorney?

Mr. Hoyt said that was correct.

Lindsey Watts said that for public record that all of her conversations started out of a public meeting, or a meeting if it was in reference to the Code of Conduct or Code of Ethics that was brought up during or after a meeting. This would be during the time that you don't charge for it.

Mr. Hoyt said that he would like to remind her of her last statement at the last meeting when she said that she met with Mr. Deane before the meeting and you must have arranged for him to arrive before the meeting.

Lindsey said he actually comes before the meeting for most of the day.

Jeff Deane said that he is usually here for the entire day at least once a month. He's here in general for whatever meetings he needs to be here for.

Mr. Hoyt asked if we were paying him for the entire day?

Jeff said only for the time he has meetings. He said he would say, for the record, that that every Commissioner here with the exception of Pete Allen, he has had discussions with on the clock for the City while not in a meeting.

Mr. Hoyt said unfortunately you are restricted by law that he can only recall two commissioners at a time because you couldn't seat a quorum, and they were the lucky winners.

City Manager asked if he had heard from the County Attorney if this is valid?

Mr. Hoyt said he is working through the sufficiency.

City Manager asked if she had responded back to him.

Mr. Hoyt said no.

Kevin Allen said he doesn't know when he would have called unless it was about that one thing that went down.

Jeff said that we had a meeting in this room, so yes, you are thinking of the correct thing.

Kevin said that he didn't ask for that.

Jeff said true but that is part of the legal counsel for the City.

Kevin said he wanted to make it clear that he hasn't called him.

Jeff said that you have called him on his cell phone at his house. He said they talked about that same issue. It was a follow-up to the meeting here.

Kevin said he did do that. That was probably a two minute conversation. He said he wanted to clear the air. He didn't want whoever to think he was calling all the time.

Mr. Hoyt said on the bill last month it did include a meeting Ms. Watts had prior to the meeting. Those were billable hours that were put on the bill and obligated to the City without a meeting and without three votes of yes.

Lindsey said that what they need to figure out is if this claim, what she doesn't understand, is having a contracted attorney versus an in-house attorney. She has been looking into this with City staff on this issue.

Kevin said that also on that same note, when Bob was the City Attorney, he doesn't remember exactly, he had a monthly fee.

Mr. Hoyt said he had an additional billable rate plus an IRB rate.

Kevin said that he would have to ask Susan about that.

Mr. Hoyt said he was well versed in his contract. He said he would disagree with in house or out of house counsel. The League of Kansas Municipalities does not differentiate between in house or out of house counsel. And if you keep claiming to be the lead of the City's legal department, you are fogging the lines of what is in-house and out of house.

Jeff said that the City has clearly contracted with us to be the firm which provides the legal department for the City.

Mr. Hoyt said but out of house counsel.

Jeff said yes and if he was in house he would get a salary and benefits. There is no limit on the amount of charges.

Pete asked if we were talking dollars to dollars or is there any idea from what we had to what we have now?

Mr. Hoyt said that we started out the year with a budget of \$30,000 and we are over \$100,000. Prior to this was what?

Lindsey said about \$52,000 in a six month period.

Mr. Hoyt said that he can't speak to what the IRB amount that the Farmer firm received.

Lindsey said that she had asked City staff and there is quite a difference between Bob Farmer and Lauber Law Firm. It shows \$91,000 for Lauber and around \$52,000 for Farmer Law Firm. She could throw some more numbers out there but she was wanting to wait until the next meeting.

Mr. Hoyt said that he would like to see the risk assessment that was provided by the Lauber firm during the conversation with the prior seated Commission. He found no record of that with his K.O.R.A.

request response that any dollar amounts were assigned to those risk assessments, and no approvals were made.

Lindsey asked if this was something that was done.

Jeff said that this was covered by attorney/client privileges if there was such communication it wouldn't be discussed.

Mr. Hoyt said when you directed Commissioner Nichols that all he had to do was direct you to complete the project for the Ethics and Codes you had already received prior approval for this amount?

Jeff said that the firm was appointed as the legal partner for the City. They identified the need and the direction of the City governing body took action on that need.

Mr. Hoyt said so there was a dollar amount assigned?

Jeff said that they were assigned to do the project.

Mr. Hoyt said so you more or less gave them a blank check or they gave you a blank check to complete that project. He can almost guarantee you that he could go out and survey 6,999 electors of this City and not one of them would put Code of Ethics and Parliamentary Procedures in the top ten things they want to see the City spend money on.

Jeff said that it was irrelevant at this time.

Mayor said it was time to move on.

C. PUBLIC HEARINGS: None

CONSIDERATION:

1. Pool Discussion – Consideration of fees – Susan said that she has asked Chasity Ware to come and talk to them. If the order is not lifted tomorrow by the Public Health Officer, some decisions need to be made.

Chasity Ware said that she wanted to thank Josh Jones and Erin Vann and others who donated funds for the first re-opening week at the pool. These funds allowed patrons to swim at no cost. The employees at the pool are ecstatic to be back to work. After the last special meeting we were not allowed at that time to change the hourly fee or the time frame, and some people were very upset about that. Those restrictions put a massive loss on the revenue at the pool. There are some things we need to look at. If the order is not lifted, she suggested changing the entry fee to \$1.00 and leave it at one hour swim times; leave at \$2.00 entry fee and go to a two hour swim time, or close the pool until the order is

lifted. Currently we are only allowing 30 patrons along with 11 employees and they can swim for 55 minutes and then they leave and they spray everything down which takes about 8 minutes and then patrons are allowed back in.

City Manager said that the Public Health Officer does not intend to extend her order past Wednesday. If the Commission will approve, the recommendation is to charge a \$2.00 entry fee and allow swim time of two hours. On July 8th, she should be able to go back to normal with 200 in limitation.

Nichols moved to charge the \$2.00 entry fee and allow a swim time of two hours for the aquatic center until the order is lifted. Watts seconded. All voted aye.

APPROVED TO CHARGE THE \$2.00 ENTRY FEE AND ALLOW A SWIM TIME OF TWO HOURS FOR THE AQUATIC CENTER UNTIL THE ORDER IS LIFTED.

2. Consideration of Financial Policy – Susan said that this financial policy was shared with the Commission about a month ago for them to review. She has made some recommended changes for them to review.

Nichols moved to recommend the Financial Policy. Watts seconded. All voted aye.

APPROVED FINANCIAL POLICY FOR THE CITY OF FORT SCOTT.

3. Consideration of Work Order #9 – Olsson Associates – Fort Scott Municipal Airport – Environmental Assessment – Susan said that this work order is a contract to move forward with the environmental at the Airport for the runway expansion project. This will include holding a public hearing with public involvement and keep this project moving forward. This work order is for \$42,845 but is funded mostly with a KAIP Grant and the City's amount is \$2,255.00 which has been budgeted.

Watts moved to approve the Work Order #9 at the City's cost of \$2,255.00 for the Airport Expansion Project with Olsson Associates. Nichols seconded. All voted aye.

APPROVED THE WORK ORDER #9 AT THE CITY'S COST OF \$2,255.00 FOR THE AIRPORT EXPANSION PROJECT WITH OLSSON ASSOCIATES.

4. Consideration of Change Order #10 – River Intake Project – Increase of \$24,950.00 – Michael Mix, Public Utilities Director,

said that Phase I has been completed on this project. This change order is for an addition of \$24,950 for work on the River Intake Project. This project is previously funded by U.S.D.A. loan temporary notes.

Watts moved to approve Change Order #10 for the River Intake Project in the additional amount of \$24,950. Nichols seconded. All voted aye.

APPROVE CHANGE ORDER #10 FOR THE RIVER INTAKE PROJECT IN THE ADDITIONAL AMOUNT OF \$24,950.

5. Consideration of City Auctioneer Bid – Dave Martin, City Manager, said that the City received two bids to sell the City property. One is from Gov Deals.com and the other is from Lance Anderson, who is a local auctioneer. His bid is 5% plus advertising. The Gov Deals.com is no cost to the City and the buyer pays all fees.

Discussion was held regarding local versus out of town bids.

Discussion was also held what to do with the funds from the sale of these two properties.

Susan said the funds need to go back into the General Fund due to the unknown with the COVID-19.

Nichols moved to approve to accept the local auctioneer bid from Lance Anderson for the sale of the two City properties. Watts seconded. All voted aye.

APPROVED TO ACCEPT THE LOCAL AUCTIONEER BID FROM LANCE ANDERSON FOR THE SALE OF THE TWO CITY PROPERTIES. THIS BID IS 5% PLUS ADVERTISING.

6. Consideration to pay Ace Pipeline – Jeff Deane, City Attorney, asked that an Executive Session be held before this item is discussed.

EXECUTIVE SESSION:

Jeff asked that the City Commission recess into Executive Session. The subject matter of the recess is the discussion of the Ace Pipe Cleaning bill and legal liability stemming therefrom. The statutory justification for the recess is K.S.A. 75-4319(b)(2) – consultation with the City Attorney on matters that would be deemed privileged in the attorney/client relationship. The executive session will be for 10 minutes and include the City Commission and City Attorney. The open meeting will resume at 7:32 p.m.

Watts moved to go into Executive Session. Nichols seconded. K. Allen, R. Nichols, L. Watts, and J. Mitchell voted aye. P. Allen voted no. Motion carried 4-1.

Recessed into Executive Session at 7:22 p.m.

Watts moved to return to open meeting at 7:32 p.m. Nichols seconded. All voted aye.

Resumed open meeting at 7:32 p.m.

Pete Allen left the meeting at 7:34 p.m.

Watts moved to approve the retainage payment to Ace Pipe Cleaning in the amount of \$5,430.85. Nichols seconded. R. Nichols, L. Watts, and J. Mitchell voted aye. K. Allen voted no. Motioned carried 3-1.

APPROVE THE RETAINAGE PAYMENT TO ACE PIPE CLEANING IN THE AMOUNT OF \$5,430.85.

Jeff said that there was another issue raised by Commissioner Pete Allen and he now has direction on that. Pete is not here now and he asked if the Commission wanted the update on that in Executive Session. He can't say what the matter is.

Jeff asked that the City Commission recess into Executive Session. The subject matter of the recess is the discussion of confidential and privileged matters and a legal opinion as requested by Commissioner Pete Allen. The statutory justification for the recess is K.S.A. 75-4319(b)(2) – consultation with the City Attorney on matters that would be deemed privileged in the attorney/client relationship. The executive session will be for 10 minutes and include the City Commission, City Manager, and City Attorney. The open meeting will resume at 7:49 p.m.

Nichols moved to go into Executive Session. Mitchell seconded. K. Allen, R. Nichols, L. Watts, and J. Mitchell voted aye. Motion carried.

Recessed into Executive Session at 7:39 p.m.

K. Allen moved to return to open meeting at 7:49 p.m. Watts seconded. All voted aye.

Resumed open meeting at 7:49 p.m.

7. Discussion of First Source Lease – City Manager asked that this item be tabled at this time.
8. Consideration to remove some of the tree line near Hole #13 at Woodland Hills Golf Course – Allyson Turvey, Tourism/Community Development Director, informed the Commission that some new property owners have purchased property next to the Golf Course. This property sets between 205th Street and Hole #13. He wants to remove some of the tree line near Hole #13. This would come at the expense of the new property owner and would be overseen by Doug Guns, Golf Course Superintendent.

Kevin asked if the property owners in the area had been notified. He knows that Greg King lives right in that area and wondered if he had been contacted.

Ally said that she was not sure about that. The Golf Course Advisory Board did meet on this and approved the tree removal.

K. Allen moved to approve the tree removal provided that Greg King was in approval with this also. He will talk to Greg King. Watts seconded. All voted aye.

APPROVED THE TREE REMOVAL BY HOLE #13 AT WOODLAND HILLS GOLF COURSE BY THE NEW PROPERTY OWNERS AND OVERSEEN BY DOUG GUNS. KEVIN ALLEN WILL ALSO NOTIFY GREG KING TO SECURE HIS APPROVAL.

9. Consideration to purchase used fairway mower – Golf Course – Doug Guns, Golf Course Superintendent, asked permission to approve the purchase of a used fairway mower. He secured quotes and asked approval to spend up to \$25,000 for a used mower. Doug said that a fairway mower is a specific mower and there are no local vendors that sell golf equipment. He received quotes but is unsure if any of these quotes are still valid. This mower will also be used at LaRoche ballfield. The current mower is about 20 years old and has about 3,000 operating hours on it. He said that the current mower is down, and he is waiting on parts for it. They are getting hard to obtain. Once repaired, it will be moved to LaRoche Stadium to use there.

Nichols moved to approve to spend up to \$25,000 on a used fairway mower for the Golf Course. Watts seconded. All voted aye.

APPROVED TO SPEND UP TO \$25,000 ON A USED FAIRWAY MOWER FOR THE GOLF COURSE.

10. Consideration to purchase Cushman Utility Cart for Golf Course and sign a four year lease for 30 gas 2020 golf carts from KGT –

Shannon O'Neil, Golf Pro Manager, informed the Commission that the current golf carts that the City has leased will expire at the end of February 2021. The City leases 30 gas golf carts. These were leased from Clear Creek of Springfield, Missouri. Carts can only be leased from a licensed golf cart distributor and there are three major licensed companies: Yamaha, Club Car, and EZO Go. Four years ago, we leased from Clear Creek with the Club Car brand. He secured quotes and contacted the three distributors again to start the process. Yamaha did not bid as they did not feel like they could be competitive. Clear Creek and Kansas Golf and Turf both submitted quotes for a four year lease and 30 carts. He asked for windshields to be put on the carts as that was requested by the golfers. Kansas Golf and Turf also quoted us a purchase option for a used utility vehicle that Doug Guns could use on the course. He and Susan went over the two proposals. The Kansas Golf and Turf proposal provided more options at a lesser price. His recommendation is to approve the Kansas Golf and Turf proposal at an annual cost of \$16,359.40 annually. The used utility golf cart is a Cushman hauler and the cost is \$6,379.00.

Doug said that none of the local vendors had a golf utility hauler to choose from. The hauler he is using now is a 2006 hauler and will still be used until it is out of service.

Watts moved to approve the Kansas Golf and Turf lease for four years at an annual cost of \$16,359.40 and the purchase of the used utility golf cart hauler at \$6,379.00. Nichols. All voted aye.

APPROVED THE KANSAS GOLF AND TURF LEASE FOR FOUR YEARS AT AN ANNUAL COST OF \$16,359.40 AND THE PURCHASE OF THE USED UTILITY GOLF CART HAULER AT \$6,379.00. THE LEASE WILL INCLUDE 30 EZO GO GOLF CARTS.

11. Discussion of B.C.E.D.C.I. board activities (Pete Allen) – City Manager said since Pete was not at the meeting and he had asked for this item to be placed on the agenda, it could be tabled.

Nichols moved to table the B.C.E.D.C.I. discussion. Watts seconded. R. Nichols, L. Watts, and J. Mitchell voted aye. K. Allen abstained. Motion carried 3-1.

TABLED B.C.E.D.C.I. DISCUSSION AT THIS TIME.

COMMISSION/STAFF:

A. Director Updates: None

B. City Commission:

Lindsey Watts – Nothing to report.

Randy Nichols – Randy said that he has had multiple emails begging us to emphasize the importance of mask use in close spaces as well as outdoors when you can't social distance. He wants to reinforce this to the community. It is an important thing and a social obligation to each other and if we don't do it, we're going to be running into this same issue over and over again about restricted numbers at meetings, and/or if we get acceleration of cases closing businesses again, and all the things we are seeing all over the country. Please don't think this has gone away. People may think, if I get it, okay, I get it, but that's not the problem. If that's what you want to risk, that's fine, but risking everybody's else goes along with that. That's the emails he has been getting and he certainly agrees with it, but just wants to say that mask wearing really is very important.

Kevin Allen – Kevin said that he remembers back when he was on the board years ago that the State of Kansas gave the opportunity for cities to decide to sell alcohol on Sundays and holidays. He said that we miss a lot of revenue off of this. We missed two days of revenue this past weekend and people getting on the highway to go to Missouri to buy alcohol. How do we go about looking at this again?

City Manager said that he has talked to numerous retailers and encouraged them to ask for the Commission to either vote it in or put it on the ballot. The previous Commission, when it came before them, decided to put it on the ballot. It was defeated by the community at the vote. He said that Don at Don's Spirits has a document to bring before the Commission.

Jeff Deane said that the fact that it went to a vote of the people before, it would be safer to take it back to a vote of the people.

His next item was the baseball tournament and it being shut down. He said that he wished we could, in the future, had that tournament and filled the hotels and restaurants. Golf tournaments and a parade was held, but he feels the tournament could have been held also.

City Manager said it was because of the Public Health order and the City's insurance. They would not be a party to the tournament as they could not secure insurance for COVID.

Lindsey said they chose to cancel their 5K race they were going to have at Gunn Park due to the Public Health Officer's mandates.

Kevin said that his last item was to have an Executive Session to discuss non-elected personnel.

Jeff asked that the City Commission recess into Executive Session. The subject matter of the recess is the discussion of non-elected personnel as requested by Commissioner Kevin Allen. The statutory justification for the recess is K.S.A. 75-4319(b)(1) – discussion of non-elected personnel. The subject matter is a facebook post. The executive session will be for 10 minutes and include the City Commission, City Manager, City Attorney, and Chief of Police. The open meeting will resume at 8:41 p.m.

Nichols moved to go into Executive Session. Mitchell seconded. K. Allen, R. Nichols, L. Watts, and J. Mitchell voted aye. Motion carried.

Recessed into Executive Session at 8:31 p.m.

L. Watts moved to return to open meeting at 8:42 p.m. K. Allen seconded. All voted aye.

Resumed open meeting at 8:42 p.m.

Kevin asked for 10 more minutes for an Executive Session to discuss non-elected personnel.

Jeff asked that the City Commission recess into Executive Session. The subject matter of the recess is the discussion of non-elected personnel as requested by Commissioner Kevin Allen. The statutory justification for the recess is K.S.A. 75-4319(b)(1) – discussion of non-elected personnel. The subject matter is a facebook post. The executive session will be for 10 minutes and include the City Commission, City Manager, City Attorney, and Chief of Police. The open meeting will resume at 8:54 p.m.

K. Allen moved to go into Executive Session. L. Watts seconded. K. Allen, R. Nichols, L. Watts, and J. Mitchell voted aye. Motion carried.

Recessed into Executive Session at 8:44 p.m.

L. Watts moved to return to open meeting at 8:54 p.m. J. Mitchell seconded. All voted aye.

Resumed open meeting at 8:54 p.m.

Pete Allen – Not present.

JoLynne Mitchell – Nothing to report.

C. City Attorney: Nothing to report.

D. City Manager: Nothing to report.

ADJOURNMENT:

R. Nichols moved to adjourn the meeting at 8:54 p.m. L. Watts seconded. All voted aye.

ADJOURNED MEETING AT 8:54 P.M.

The next regularly scheduled meeting is to be held on July 21st, 2020 at 6:00 p.m.

RECORDED BY:

**DIANE K. CLAY
CITY CLERK**