

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of July 21, 2020**

**Regular Meeting #14**

The regular meeting of the Fort Scott City Commission was held July 21<sup>st</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:** Joel Harney, Community Christian Church said a prayer asking God for guidance for the City, our Government and City officials.

**AUDIENCE IN ATTENDANCE:** Josh Jones, Travis Shelton, Michael Bryant, Joel Harney, Sandra Carnes, Michael Hoyt, Nate Stansberry, Hazel Swarts, Lance Anderson, Richard Clark, and Vince Loffredo.

**PROCLAMATIONS/RECOGNITIONS:** Recognition of Ryan Coon and Jesse Smith (presented with certificate from the City Commission) – Mayor Mitchell read a letter received from Alan & Mary Davis who received assistance from two employees of Ron’s Tire and Service. The Davis’ were passing through Fort Scott and had vehicle issues. These two individuals assisted them late at night and they appreciated their help.

The Commission gave them a Certificate of Recognition for their efforts and thanked them for assisting this older couple.

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

- A. Approval of minutes of the regular meeting of July 7<sup>th</sup>, 2020 and amended special meeting minutes of June 30<sup>th</sup>, 2020.
- B. Approval of Appropriation Ordinance 1267-A totaling \$521,599.42.
- C. Request to Pay #9 – Crossland Heavy Contractors - \$400,285.97 – River Intake Project
- D. Request to Pay #10 – Crossland Heavy Contractors - \$136,141.25 – River Intake Project
- E. Request to Pay #11 – Crossland Heavy Contractors - \$71,607.49 – River Intake Project
- F. Request to Pay – HDR Engineering, Inc. - \$53,457.75 – River Intake Project
- G. Request to Pay – Lauber Municipal Law, LLC – (June) - \$11,187.50

H. June financials

Pete Allen questioned the invoices from Crossland Heavy Contractors and why they weren't stamped by the engineer.

Susan Bancroft said that the invoices are sent to the City by the engineer and he has approved them.

Nichols moved to approve the Consent Agenda. Watts seconded. Nichols, Watts, and Mitchell voted aye. K. Allen and P. Allen voted no. Motion carried 3-2.

**APPROVED CONSENT AGENDA.**

**APPEARANCE/COMMENTS/PUBLIC HEARING:**

**A. APPEARANCE:** Michael Bryant – First Source Lease – Mr. Bryant said that he was Vice-President of Operations for First Source. As the City is aware, First Source has occupied the building owned by the City in the Industrial Park since 2004. First Source has decided to surrender this lease to the City effective December 16, 2020. It is a business decision on their part. They have 175 employees and some of those travel up to 60 miles. With the COVID situation, they have moved all their employees from work to home and that will be their model going forward. They have no intentions to leave the area. They are in negotiations with a smaller building within the City to house about 30 employees and continue their presence in Fort Scott. There will also be office space there for meetings. They are currently hiring about 50 additional employees to grow their company. He thanked the Commission, the City Manager, and staff for all their assistance over the years.

Kevin Allen asked what the City was going to do with the building? Sell it, advertise it?

City Manager said he was going to bring this issue up to the Commission at their next meeting and get their views on the building on how to proceed with the building. This is a revenue generator to the City.

Mayor Mitchell thanked Michael and First Source for their growth in the City and dedication for all these many years.

Mr. Bryant said that this has been a huge transition for them with the pandemic hitting.

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

Richard Clark – Mr. Clark said that recently a lake lot sold, a non-frontage lake lot, for just under \$70,000. He just found out from seeing some signs that the City is going to sell 17 acres. He thinks the City would do better selling individual lots where it can be platted off and

make more money. He didn't see anything discussed in the minutes or posted in the Tribune and it didn't get publicized. He thought you were supposed to publish in the Tribune but maybe he missed it. His concern is that he thinks you can make a lot more money selling individual lots than the whole thing. That's his comment.

Kevin Allen said that a Lake Advisory Board meeting was held the other day and this was one of the items that came up. Selling the 17 acres as a whole could be kind of scary. They discussed things that could happen because we do not have codes in our county. He mentioned selling 17 acres as a whole and wondered if there were any covenants in place. It is all road frontage. He believes we are putting the future of Lake Fort Scott in jeopardy. A lot of the Lake residents were wanting to buy these lots as a whole and then split them up. Some residents wanted storage units put on this property. He said that Nancy Van Etten, Chairperson of the Lake Advisory Committee, was going to write a letter and tell the City their concerns.

City Manager said that this was talked about in April, May, June, and July. It is an odd shaped piece of land and that's the reason they felt like they needed to sell it as a whole. The last meeting held was to schedule the auction which will be August 15, 2020.

Kevin said that we talked about selling this property, but not what could happen to the property. He asked if the other Commissioners were concerned with this.

City Manager said that he was going to bring this topic up under his time and there are others here to address this issue also.

Kevin said that he would like the City Commission to meet with the Lake Advisory Board Committee to hear their concerns.

Vince Loffredo – He said that he was there to speak on behalf of the property owners who live directly in front of the property that is for sale. They live directly in front of those 17 acres. They are concerned if the property does get divided up and does get sold individually. They moved there for the serenity and the hidden gem that Lake Fort Scott is. The people that he has brought out to this lake personally have invested heavily, not just into the Lake but the community. He brought his father-in-law from Florida to retire in Fort Scott, one of his partners and his mother-in-law to this community. They plan to retire at the lake, so this is not a short-term commitment for them. He is speaking on behalf of homeowners in that area. He brought his son out of athletics from Overland Park to do his athletics here because they like to spend time at the lake. Those lots are not straight lots. They are not interested in having mobile homes or other movable type homes there. He doesn't want to see storage placed on this lot. They would like to see it kept natural. That keeps it appealing to them. His point is that their current proposal to keep it as one unit is the right proposal. There are a lot of things that could happen if it was split up.

Kevin asked about a proposal to leave it alone and not sell it.

Vince said that he would be all for that.

Kevin said that our county has no restrictions in place. He said that our sewer system has room for 30 more hook-ups. He thinks it needs to be looked at further also before moving forward on it.

Vince said that once more and more people are put on the lake, it isn't sufficient to hold more boats and stuff. When a lot of the lakes were closed earlier in the season, a lot of people found Lake Fort Scott. They keep coming back because of the niceness of it. He said that he and his wife have both been working from home at the Lake and he knows of several others that have also been working from home.

Kevin said that the City owns a lot of property at the Lake and there are some other options we could look at. We could have nice camping spots and shelters. Those would bring good money. He said that we need to sit back and rethink this.

Deb McCoy – Deb said that she was going to pass on speaking this evening.

Ralph Carlson – Mr. Carlson notified the City Clerk that he did not wish to speak this evening.

Schery Rupprecht – 500 block of Andrick – City Manager said that she will not be here tonight. There will be an update on Andrick Street later in the agenda.

Michael Hoyt – Mr. Hoyt said that he wanted to bring them up to date on a few of the issues that they talked about last time. The recall petition efforts for finding sufficiency for the position has been moved to an out of town, out of area law firm because of blatant obstruction by the City Manager of the City of Fort Scott. That will be dealt with later. Also he has requested through K.O.R.A. a couple of documents that were mentioned in the packet last time and Mr. Deane has chosen to invoke the attorney-client privilege, but he failed to recognize, and he's here to give them free legal advice, that there is a crime fraud exemption to the attorney-client privilege. If he's trying to cover up a crime or fraud, and he said he would further and say retaliation, that's not legal. He said that each one of them as a Commissioner should be aware that he's sheltering these documents, and unless he's sheltering these documents from all of you, such as Mr. Nichols has a document that is in question, and Ms. Watts has a document that is in question, if he's not sharing it with you, then he's acting as their personal attorney. That is not legal. You might want to ask to see those documents. He said that he was also going to ask that those documents be secure, sequestered, and maintained separately from other documents in the City, so that when we get to a litigation forum we know where to go. He handed Jeff Deane,

Dave Martin, and JoLynne Mitchell each an envelope with a written response and told the City Attorney that he didn't have COVID so they didn't have to worry about touching them.

City Manager asked Mr. Hoyt to clarify to our attorney what he was supposed to have done.

Mr. Hoyt said that this is his five minutes and if he wanted to talk about it, he could talk about it later.

Mr. Hoyt said moving on. Madam Mayor, there was a Facebook conversation that Mr. Jones is very well aware of and so is the Facebook legal department, conduct way unbecoming to a Mayor. He said he was giving her the opportunity to resign her position as Mayor before it becomes public because it is going to become very public. He said we're going to discuss how you can praise hate speech, liable slander, and she praises that? He doesn't even know the people that were contributing...

Mayor Mitchell interrupted him and said that he wasn't in any position to question...

Mr. Hoyt said that this is his five minutes and if she wanted...

Mayor Mitchell told him to finish it up.

Jeff Deane said that he is correct, and this is his five minutes. Let's just give him an opportunity to hang himself.

Mr. Hoyt said if she wanted to respond to it, fine. If she thinks he is out of line, fine. Sue him.

Jeff Deane thanked him for the legal advice.

Kevin asked if there were any documents that they need to see that he is speaking about.

Jeff said that the documents that he has asked for in question are covered by attorney-client privilege and you are entitled to see them. They are emails back and forth between Commissioners to him requesting legal advice. He said that he doesn't have them with him tonight but he can get them to them for a meeting and we can have a closed session to discuss those. He is asking for anything similar to when anyone on the Commission corresponds back and forth to look into a legal matter.

Kevin asked if there was specific emails he is referring to.

Jeff said yes. He picked a couple of them off of the bill. He doesn't know which ones in particular but there is a K.O.R.A. request for them. He asserted the attorney-client privilege because all communication is strictly prohibited from disclosure under K.O.R.A. We also have a

second attorney's opinion on this, and he asked him to reconsider it. He decided to see if there was any merit to his request, and the second attorney said he was entirely wrong also.

Kevin asked that they be given those documents so they can see them.

Jeff said he would.

City Manager said that those documents would be confidential.

**C. PUBLIC HEARINGS:** None

**CONSIDERATION:**

1. Consideration of Resolution 13-2020 – Coronavirus Relief Funds – SPARKS Grant – Susan Bancroft, Director of Finance, informed the Commission that Bourbon County recently notified them that there was money coming to the City for COVID relief. It has been called SPARKS funding. She was asked to sit on this committee. One of the items needed to access those funds is to approve Coronavirus Relief Fund Resolution No. 13-2020. She asked approval for this resolution.

Dave said that Susan is the City's representative on this committee.

Randy Nichols asked if the City was asking for a certain amount to be reimbursed for.

Susan said no. The first round is for reimbursement, so the City has been gathering all our expenses since March 1<sup>st</sup>, 2020. The second round is for programming that we may have through December 31<sup>st</sup> that is COVID related.

Nichols moved to approve Resolution 13-2020 – City Coronavirus Relief Fund. Watts seconded. All voted aye.

**APPROVED RESOLUTION NO. 13-2020 – CITY CORONAVIRUS RELIEF FUND.**

2. Approval to sell three Police seizure vehicles through Lance Anderson Auction Company – Travis Shelton, Chief of Police, informed the Commission that the City was awarded three vehicles through the Court system that were seized vehicles. These vehicles are a 1995 Honda Accord, 2005 Mazda 6, and a 2008 Hyundai Sonata. The seizure money that is raised will go into a special unbudgeted fund, and these funds are used for the drug dog, etc.

Kevin asked if any of these cars could be used as an unmarked vehicle.

Travis said that these vehicles need to be sold. The mileage is pretty high on the vehicles. There is foul language on the inside of one of the vehicles. These vehicles would be sold through Lance Anderson Auction Company online.

Lance Anderson, auctioneer, said he would do this online auction with a 10% buyer's fee.

K. Allen moved to approve to sell these three vehicles through Lance Anderson Auction Company online. L. Watts seconded. All voted aye.

**APPROVED TO SELL THESE THREE VEHICLES THROUGH LANCE ANDERSON AUCTION COMPANY ONLINE.**

3. Approval to sell miscellaneous firearms through sealed bid process to Federal Firearms Licensed Dealers - Travis Shelton, Chief of Police, informed the Commission that this is similar to the request above. The City has twelve (12) miscellaneous firearms that were recently awarded to the Fort Scott Police Department. These were acquired through drug seizures or through people who were not able to have a gun. Some may have been from family members who have turned a gun into the Police Department that they did not want. These can be sold per K.S.A. 21-6307. He asked to sell these firearms. There are some local firearms dealers who have expressed interest. He wants to sell the entire lot of the firearms and have a sealed bid received.

City Manager said that Lance Anderson does not handle the auctioning of firearms.

Kevin asked Lance how the best way to sell these is.

Lance said that he doesn't want to get into selling firearms.

Travis said, per Kansas Statute, they have to be sold to a Federal Firearms Licensed Dealer. In the past, we have destroyed the guns. They thought that was a waste, so decided to try to sell these for revenue.

Kevin said that he wanted to verify that their credentials will be checked.

Travis said yes.

L. Watts made a motion to sell these twelve (12) miscellaneous firearms through the Federal Firearms Licensed Dealers. K. Allen seconded. K. Allen, P. Allen, L. Watts and J. Mitchell voted aye. R. Nichols voted no. Motion carried 4-1.

**APPROVED TO SELL TWELVE (12) MISCELLANEOUS FIREARMS THROUGH THE FEDERAL FIREARMS LICENSED DEALERS THROUGH SEALED BIDS.**

4. Consideration of US Cellular Ground Lease and for Mayor to sign all pertinent documents – Allyson Turvey, Tourism and Community Development Manager, handed out more information to the Commission on this item. Ally said that this is the first step to make this cell phone tower possible. U.S. Cellular has been working on this project for a couple of years now. It was originally asked to be at Skubitz Plaza, but now they are looking at the City parking lot south of Cheney Witt Funeral Home. They are requesting a ground lease for this space. It is a 1400 square foot plot right at the corner of 3<sup>rd</sup> and Main Street in the parking lot. This would amount to four parking spots that would be taken up. The site plans show that it will not disrupt any traffic flow in or out of this parking lot. This is a cell tower, but it looks like a flag pole. As part of the specifications, the only thing that can come off of the tower is an American flag. It is an 80' flagpole that will have basically the cell tower that beams up against the pole itself. You will not be able to tell a cell tower is there. At the bottom is equipment that will need to be put in. It will be surrounded by an 8' brick wall. To get entry into the tower, they will put two large wrought iron fences. They have looked at our historic downtown and are trying to make it fit into the architecture of the downtown area. This starts with an option lease and that could last up to 18 months. That gives U.S. Cellular their permission to come onto the property and do testing and make sure it is a feasible project for them. During this time frame, they will have to go through zoning, and through the Design Review Board. If approved, the zoning process will be started. This will include the notifying of property owners within a 200' radius that a Planning Commission meeting will be held to discuss this tower. The Planning Commission could either approve or deny this request. This would then come back to the City Commission for final approval. It would also then go before the Design Review Board for their approval which also comes back before the City Commission for final approval. This is a long process and could take several months to complete. This is the first step in the process. She asked for permission for the Mayor to sign this lease agreement.

City Manager said that this is the first step in this process.

Ally said that there are some positives in this project such as connectivity. This will assist in that. This will also bring in some revenue which will be \$750.00 per month which we aren't receiving now. If approved to be looked at, they will pay the City \$500.00 to look at the feasibility of this project.

Mayor Mitchell asked if Cheney Witt has been contacted regarding this project.



Ally said her plan was to visit with them next week about it. They wanted the City Commission's approval first. She said that the flag that would be put there would be a large flag visible from the highway.

Pete said that this is in the historic district and asked if she realized that.

Ally said that it has to go before the Design Review Board for their recommendation.

Kevin said that he would like to see the revenue from this be put in the Parks budget.

Pete said that there are 20' access utility easements that will be tied up from Cheney Witt and in front of all those lots.

Ally said that there is an easement that will run between the two rows of parking spaces. They will not affect Cheney Witt parking spaces. In order for them to get into the flag pole, they have to be given an easement to get there.

Lindsey said that that easement in the drawing is a proposed easement.

Pete said that he don't see how this could fit into historic Fort Scott. He asked if other locations had been looked at.

Ally said that they wanted the downtown area.

Randy asked who would maintain the flag.

Ally said that they will be responsible for the flag.

Randy asked about the contract and this is just an 18 month lease contract.

Ally said that after all the processes have been approved, they will notify us they want to enter into a five year lease agreement.

K. Allen moved to approve the U.S. Cellular Ground Lease for the corner of 3<sup>rd</sup> and Main Street. L. Watts seconded. K. Allen, R. Nichols, L. Watts, and J. Mitchell voted aye. P. Allen voted no. Motion carried 4-1.

**APPROVED THE U. S. CELLULAR GROUND LEASE 18 MONTH CONTRACT FOR THE CORNER OF 3<sup>RD</sup> AND MAIN STREET.**

**COMMISSION/STAFF:**

**A. Director Updates:**

**Susan Bancroft – Budget Update** – Susan said she didn't have a budget update this evening but would like to set some budget work sessions. Her suggestion is at least two work sessions – one to review everything and then the next week make any recommended changes. She asked for a budget work session on Thursday, July 23<sup>rd</sup>, 2020 at 5:00 p.m. and Tuesday, July 28<sup>th</sup>, 2020 at 5:00 p.m.

**Allyson Turvey – CDBG-CV Grant Update** – Ally said she had planned to give them an update on the CDBG-CV grant process and have a few applications for them to review. Unfortunately, these funds are federal dollars that have moved to the State that have moved to us, and all of the issues have not been worked out on every level. We have received new requirements and guidelines from the State that are delaying this process. She hopes in two weeks she will have grants for the Commission to approve. She sent out another press release that the City is still accepting applications.

**Healthy Bourbon County Pathways Grant** – Ally said that the City is a recipient of a Healthy Bourbon County Pathways Grant. This grant is for the purpose of purchasing and installing nine water bottle stations in our parks and trails in Bourbon County. There will be three installed into Gunn Park, two into Riverfront Park, one in the walking trail at Fort Scott Community College, one at Elm Creek, one in Uniontown, and one in Bronson in Bourbon County. It is a grant award of \$14,969 through Blue Cross and Blue Shield. We have a company that we are purchasing these water filling stations from and another company that will be installing them. Stoughton will be doing the installation.

**B. City Commission:**

**Randy Nichols** – Remarked that he was glad to see people wearing their masks. He said that even our President today wore a mask. He said he keeps bringing this up every time, but he has noticed that some restaurants here in town are not having their employees wear masks. He is concerned on the health care issue but also the economic development issue. It is our public responsibility and a patriotic act to wear a mask.

**Lindsey Watts** – Remarked that there were questions brought up at the last meeting regarding our attorney's compensation. She did some research as well as with the League of Kansas Municipalities. The compensation paragraph as a whole reads, "The compensation of the City and the attorney in those cities where the City Attorney is not a full time position, the City Attorney is usually retained on an annual or a monthly salary appropriate to their duties required. Additional payment is to be made for the services considered beyond the City Attorney's normal duties such as litigation and out of City services". After speaking today with the League and one of their attorney's, the League understands and

said that about half of the cities in Kansas follow the hourly pay scale as we do, or the annual or monthly salary, we are well within our rights as a City. There is no illegal activity whatsoever. They stated that a billable hour contract such as ours is a standard type of contract for legal services and is not improper in any way.

Her next item was that there has been a lot of talk in the community and a lot of talk on Facebook with issues that we have with our City Attorney's bills. They have started dictating out what they are billing for and unfortunately now is causing another issue that could cause the City more dollars.

Jeff said that the time we spend reviewing our bill to you was at no charge.

Lindsey said she was referring to the breakdown of the bill. It was brought up during the citizen comments tonight that there are emails that was dictated in your bill that is now potentially causing the City more fees with our City Attorney through a K.O.R.A. request.

Jeff said that there is a balance that they have to walk the line between putting enough information in the billing entry which is a public document to let everyone know what is being done and paid for without violating the attorney-client relationship and the individual City representatives so it's a balance. Every entry he writes he thinks about.

Lindsey thanked him for the work he has done.

Kevin said that he appreciates the itemized statement. He itemizes his statements to his customers also to let them know what they paid for.

Jeff said that he is happy to discuss any billing issues with anyone within the City.

Lindsey said her last item is that in regard to breaking down the City Attorney's bills, what we are looking at that the citizens have been talking about on social media is that they feel our fees are very high. If you break them down and look at them from December through the month of June, we are spending in our legal counsel's eyes about 34% of our total budget. These are for issues that are not compliant with a City's daily duties, so that would fall under K.O.R.A. and K.O.M.A. requests, litigation, and other issues we may have. She spoke with Staff and broke down the bills more, and other issues and our real budget we have spent about 68% on issues that would have been spent in the legal department. We are turned into the Attorney General's office and any litigation falls back to the City Attorney for him to represent us.

Jeff said that he keeps time in separate groups such as K.O.R.A. requests, litigation, etc. There are things that are not usual but there are things aren't anticipated. So far all of the violations turned into the Attorney General's office have all been successful for the City and had no

follow-up violations so far. They ask for a lot of information and follow-up documentation.

Jeff said that last month's bill was 64% of the things that we can't control.

City Manager said that we are budgeting \$200,000 next year for legal fees.

**Pete Allen** – He asked for the report from Commissioner Nichols on the Bedco meeting that was last held.

Randy said that he came prepared last night, but you weren't able to finish the meeting. He said that some background on this is that in the fall of 2018, a group went to Wyandotte County to discuss combined City/County government. They apparently have morphed away from that mandate and are now calling themselves a Shared Services Committee. They are certainly a group of active concerned qualified people. There's just a difference redesigning County/City government and making shared services recommendations in terms of personnel or utilization of resources that this Shared Services Committee brought to Bedco. Another request they brought before the group was a request for a resolution that stated that a resolve of the cities of Bourbon County enter into negotiations for an inter-jurisdictional agreement to provide economic development services for the citizens of Bourbon County and further the task to create a first draft an arrangement is assigned to the Shared Services Committee under the leadership of Mark McCoy. So, the terms that they approached them was the non-binding resolution that was passed by Bedco. Mark and other people on the committee are working on this so there's really no actionable information at this point. There was no real process, no governance and the only financial portion they brought up or discussed at the meeting was not a cost or efficiency savings for either the County or the City as it is going to cost both of them as much as we are both currently spending. He said that we need to be aware of the circumstances that we are in. The City has had a long history of an Economic Development Director which has been successful for us and continues to be successful. Most of the economic development falls within the City and even if it were given to an outside new bureaucratic structure, it's still going to have to come back to us to do. That's part of the history, but another part is consideration of duplication of services. He asked them to remember that we had an economic development person, and there was an offer made to assist the County at quite a bit less than they're currently spending, but the County decided to hire a part time person. He is starting about processes and not individuals or people. The County decided to add a part time person and then a year later advanced that person to a full time person with their vision that the area needed two economic development entities and structures. We need to keep that in mind and understand where the duplication of processes came from. The Bedco board agreed to the resolution and that's where they are.

City Manager said that we have done a great job at economic development. He said that he offered to Lynne Oharah and Justin Meeks about partnering with the City and giving us some money so we could have economic development, community development, and tourism. Then their decision was to start with part time. The cost for economic development has not come from the City. He doesn't understand why now they are wanting to have the one person, where we've always had the one person in that department. It would be beneficial if they wanted to give us some money to run that and work with them. The City has always offered to help the County and partner with them on economic development.

Randy said that there are no rules, no definitions, and no real guidance on an update on this item. Each city in Bourbon County and each Commissioner would have to decide what they were going to do within their own structure to accept or not accept this move.

Pete asked if this was still in discussion?

Randy said yes it is still in discussion. He has talked with Mark McCoy and there have been other discussions with COVID and the SPARKS grant and other processes. He has no time frame.

Pete thanked him for his response.

**Kevin Allen** –

Discussion of Sunday Liquor sales – Kevin said that this was mentioned at the last meeting and the history of this same subject from 15 years ago. He said that he feels that we miss out on tax revenue and it hurts local businesses. The City couldn't sell alcohol on July 4<sup>th</sup> and it would be nice to keep the revenue in town. He said to get the process started and it passes, it not necessarily passes that we sell alcohol on Sundays and holidays, except for Easter, but it goes to a 30 or 60 day period, where a protest petition can be filed. He asked the City Attorney for clarification.

Josh Jones said that Newton County had passed this. People can get a protest petition started and get 5% of the signatures from the last election and then it would go to a ballot vote. If not, then after so many days, it would be approved.

City Manager said he would work on this with the City Attorney and bring something back before them.

Randy asked if numbers can be put together to bring that back before them also.

Staff was given direction to bring this Ordinance back before the Commission at the next meeting.

Old R & R building – Kevin asked about an update on the old R & R building and where we are at on that. Scott Johnson is the owner and he has been talking to him. Scott knows that he is in over his head. There is another gentleman interested in saving the façade. He will have a sitting area behind the façade. Scott has agreed to sell this building to him. Steve Mason is the other interested party. He is excited to save this building and that someone is interested in it. He asked Dave to work with Steve and Scott on this building to save it.

City Manager said that he has been trying to convince Scott that the City needs to see movement on the building and get it stabilized.

Codes - Demolitions – Kevin said that he has had people come and ask him about demolition of houses. He would like to work with the County on that and get the dump fees offset to assist with the fees. He asked what the budget is.

Susan said that the budget is \$60,000 but it has been put on hold until the budget has stabilized. She mentioned that we have kept the pool open and generated about \$8,000 but it will probably cost us about \$80,000 to open the pool. Where you normally have a deficit of 50%, it's about 90%. We've made cuts in other areas to allow quality of life projects.

Kevin asked what we will lose at the golf course this year.

Susan said about \$130,000 and that's budgeted this year. There are losses in a lot of areas this year.

Street Repairs – Kevin asked for an update on Andrick Street.

City Manager said that the concrete work should be finished by the end of this week and the Street Department will go in next week and finish the grade, and check for final compaction. The following week, if Bourbon County is ready, the asphalt will be laid. Paving should be done in August.

JoLynne said she thought that July 1<sup>st</sup> was the deadline.

Kevin said that we are waiting on the curb and gutter to finish.

City Hall Whistle – Kevin asked where we are at on the whistle at City Hall.

Street Signs – Kevin would like the street signs straightened at City Hall also.

City Manager said he would get it taken care of.

Executive Session - *K.S.A. 75-4319(b)(1) – to discuss matters of 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 8:35 p.m.

K. Allen moved to go into Executive Session. L. Watts seconded. All voted aye. Motion carried.

Recessed into Executive Session at 8:25 p.m.

R. Nichols moved to return to open meeting at 8:35 p.m. L. Watts seconded. All voted aye.

Resumed open meeting at 8:54 p.m.

**JoLynne Mitchell** – Nothing to report.

**C. City Attorney:** Consideration of adoption of Code of Ethics – Ordinance No. 3563 – Jeff said that the ordinance adopting the Code of Ethics. This ordinance will replace Chapter 2.256 of Title 2 of the Fort Scott Municipal Code Book regarding a code of ethics.

R. Nichols moved to approve the adoption of Ordinance No. 3563 – the Code of Ethics. J. Mitchell seconded. R. Nichols, L. Watts, and J. Mitchell voted aye. K. Allen and P. Allen voted no. Motion carried 3-2.

**APPROVED ORDINANCE NO. 3563 FOR THE PURPOSE OF REPEALING AND REPLACING CHAPTER 2.56 OF TITLE 2 OF THE CITY CODE OF THE CITY OF FORT SCOTT, KANSAS AS IT REGARDS A CODE OF ETHICS APPLICABLE TO CITY PERSONNEL.**

Jeff introduced Sarah Carnes as a new attorney in their law firm. She has a lot of experience with City government.

**D. City Manager:**

- 1. Lake Fort Scott property auction** – Dave said that this property at the Lake is scheduled to be auctioned off on August 15<sup>th</sup>, 2020. City staff needs direction from the Commission to proceed further or not. Dave said that we would be out about \$300 - \$400 on advertising that would need paid for.

JoLynne said that she visited with Lance today on this property and other options available.

Lance Anderson said he has heard from both sides – people who want to keep the acreage together and people who want to separate it. He said that the City has three options: 1) You can go forward and auction the 17 acres on August 15<sup>th</sup>; 2) You can decide to get it platted into smaller lots as historically smaller lots bring more money; and 3) You can do both. You can get it platted. AG Engineering did the original surveying of the property and he talked to them and they are willing to start the plat process. You can sell it separately or in total. If you separate into eight (8) lots, you sell tract one (1) and then hold that bid. You move to the next lot and so forth. All of that is added up, and then you put it together, and then sell as a total lot. You have the option to either buy separately or as a total lot.

City Manager asked if this platting and advertising could be accomplished by August 15<sup>th</sup>.

Lance said no – possibly by Labor Day weekend.

Discussion was held about the bid and the minimum bid.

Lindsey said that she is uncomfortable with the Commission since we took office in January. We seem to be backtracking and questioning our decisions.

Kevin said that he is not uncomfortable with that. The main discussion was the actual auction and not the property.

Randy said that he listened to the Lake Advisory Board meeting. We know that this is an odd shaped land. We know we need this source of revenue. Our obligation is that we don't own this land. The citizens of this community own this land. He thinks it is time to move forward and doesn't see why we need to delay this sale.

Lindsey asked how we could restrict the land.

Lance said that deed restrictions could be put on the land.

Kevin said that we are still in control of this property and can control what happens to this property. He thinks this needs to be discussed with the Lake Advisory Board committee first.

Discussion was held about how much property the City owns at the Lake.

Kevin suggested a joint meeting be set up with the Lake Advisory Board committee, citizens, lake residents, and the City Commission and hear their views.

Randy said that there are different groups wanting different things. Is meeting with these groups going to give us any different views? He doesn't know that it will change.



Lindsey doesn't know if the whole Commission needs to meet with the Lake Advisory Board since we have a liaison on this board.

Discussion was held regarding deed restrictions and if they need put on the property.

Kevin Allen made a motion to table the sale of the property at Lake Fort Scott until we can have a meeting can be made with the Lake Advisory Board committee and the public. Pete Allen seconded.

Lindsey stated that she wanted to clarify who "we" is. The purpose of having a Commission liaison is that we are that person for each board. The whole Commission does not have to meet with each advisory board. How would this meeting be handled? Would decisions be made?

Jeff Deane said that that the advisory boards report to the Commission. You have a liaison for that purpose. It is just advice. You don't have to follow their recommendations.

Lindsey asked if the whole entire Commission needs to meet with the Lake Advisory Board or if Kevin wants to meet with them as the liaison and come back with recommendations?

Kevin said that he has already been the liaison for that group and it obviously didn't help. He thinks it would be best for the Commission to take the time and meet with them. They can tell you their feelings and the lake residents and any citizens can state their opinions.

Lindsey said that since there are still questions out there and you (Kevin) would like the Advisory Board and residents of Fort Scott to meet, she feels that is part of the liaison's part to go to that meeting and bring that back to the Commission.

Kevin said he would do that and attend that meeting.

Lindsey asked if he had any suggestions for deed restrictions.

Kevin said that is why he wanted to have a meeting to discuss this type of restrictions. Kevin asked that the City Commission be at this meeting.

All voted aye.

**APPROVED TO TABLE THE SALE OF THE PROPERTY AT LAKE FORT SCOTT UNTIL A MEETING CAN BE MADE WITH THE LAKE ADVISORY BOARD COMMITTEE, THE PUBLIC AND THE CITY COMMISSION.**

City Manager informed Lance Anderson to postpone the sale of the Lake property at this time.

**ADJOURNMENT:**

L. Watts moved to adjourn the meeting at 8:39 p.m. R. Nichols seconded. All voted aye.

**ADJOURNED MEETING AT 8:39 P.M.**

The next regularly scheduled meeting is to be held on August 4<sup>th</sup>, 2020 at 6:00 p.m.

**TRANSCRIBED BY:**

**DIANE K. CLAY  
CITY CLERK**