

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of March 19, 2019

Regular Meeting #5

The regular meeting of the Fort Scott City Commission was held March 19th, 2019 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

ROLL CALL:

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

INVOCATION: Pastor James Collins, First Southern Baptist Church, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Rhonda Dunn, Michael Mix, Paul Ballou, Robert Uhler, Dave Bruner, Chad Brown, Rachel Pruitt, Brian Allen, Deb McCoy, Diana Morriss, Bobby Duncan, Dale Bollinger, Charyl Deloney, Drew Sebelius, James Collins, Amanda Collins, John Paul, Bert Lewis, Billy Keith, Greg Post, Deb Needleman, Bobbi Kemna, Jeff Fischer, Larry Gazaway, Heather Ethridge, Heather Herring, June Bloomfield, Josh Jones, Patrick Wood, Seth Simpson, Sandra Areu, George S. Areu, Kevin Allen, Kay Lindsay, Max Fanning, Darren Crays, Clayton Miller, and representing the press, Jason Silvers with the Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS: None

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of March 5th, 2019.
- B. Approval of Appropriation Ordinance 1234-A totaling \$340,436.50.

Mitchell moved the Consent Agenda. Bartelsmeyer seconded. All voted aye.

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

- A. APPEARANCE:** Bert Lewis – 2019 Prom – Street Closing and Parking Lot Request- April 13, 2019 – Ms. Lewis appeared before the Commission to request to close West Oak Street from Judson to National for Prom Walk-In. She also requested the parking lot across to the east for valet parking. Prom will be held this year at the River Room on April 13th, 2019 from 2:00 p.m. to midnight.

City Manager said that Public Works, Police and Fire will work with them on the closure of the streets.

Adamson moved to approve to close West Oak Street from Judson to National and to use the parking lot to the east for Prom Walk-in which will be held at the River Room on April 13th, 2019 from 2:00 p.m. to midnight. Nichols seconded. All voted aye.

APPROVED TO CLOSE WEST OAK STREET FROM JUDSON TO NATIONAL AND TO USE THE PARKING LOT TO THE EAST FOR PROM WALK-IN WHICH WILL BE HELD AT THE RIVER ROOM ON APRIL 13TH, 2019 FROM 2:00 P.M. TO MIDNIGHT.

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

Deb McCoy – Ms. McCoy read from a prepared statement and said that she was representing a group of concerned citizens regarding the purchase of fire equipment per the notice that was placed in the Tribune recently. She said they have attempted to get a petition together, but it has been a challenging process and their time is running out. She said she has concerns about the City's need for two fire trucks. There are numerous entities that depend on bond money and each of these entities need to be cognitive of the other so we don't end up a community in financial distress. She asked if the purchase of two fire trucks would be cost effective in the long run. She said that the Commissioners were voted for to be stewards of our community. As a steward you should consider 1) Who owns it; 2) How much is enough; and 3) Do we really need it? She asked why money wasn't put aside by the Fire Department for equipment needs when they knew 10 years ago that new equipment would be needed. She said, per history, there was a ½ cent sales tax that went into a fund that was shared by the Police and Fire Department for equipment needs. This fund disappeared several years ago. Since then there has been no budget in place to meet the needs to purchase new equipment. She said that in the past the purchase of fire truck equipment was staggered every seven years. To avoid the need to replace two trucks at once, the following recommendations to get back on the seven year rotation is as follows:

Purchase a 2019 E2 Pumper Truck replacing the current 1992 Pumper
Maintain the 2012 E3 Freightliner.

Purchase a 2006 L1 Ladder Truck to replace the 1993 Ladder Truck.

1997 E1 would be replaced in the year 2026.

This proposal would save the City \$1,000,000.

Diana Morriss - Diana Morriss continued reading Deb McCoy's prepared statement. She said that they are not opposed to paying for equipment that is needed. She stated they are concerned with the type of truck chosen with the 100' ladder. Is this increased cost justified when meeting the needs of our community? We have had a 75' ladder truck for the past 65 years and two of the largest occupied buildings in our city have been torn down. This truck would be 7' longer than our current truck. Would this truck be able to navigate all the corners and narrow streets of the city? She asked if the amount of insurance to be paid on these new trucks was considered. How many other options were actually

obtained and were other companies contacted. Is there room to house the requested aerial? Have you spoke with other communities that have purchased the type of truck you are looking at? If you have, you would learn that they have had problems with the truck. She said that there is another part of the equation when providing the services from the Fire Department. We need to provide decent wages for them. Their salaries should reflect those responsibilities and should be compensated appropriately. The last full time firefighter was hired for \$8.65 per hour. This is not something our community should be proud of. Chanute hires their firefighters at a starting wage of \$13.17 per hour.

Bobby Duncan – Mr. Duncan continued reading from Ms. McCoy's prepared statement. He said that we need equipment but the spending of approximately \$2,000,000 is not acceptable. He said that we need to budget for future needs of the Fire Department and they would like you to return the ½ cent fund that was created for the Fire and Police Department. We need to create a budget to go towards the wages of those who protect our community. He said that they appreciate these people who put their lives on the line in protecting the citizens of this community and thanked them for their service. He said that a protest petition has three possible results: 1) An election is held with a majority of voters voting against the proposed action by the governing body; thus the governing body may not proceed further; 2) An election is held with a majority of voters voting in favor of the proposed action by the governing body, thus the governing body may proceed as planned. 3) The governing body may abandon its ordinance/resolution recognizing there is a strong voter sentiment against the planned course of action and a special election would not be required that would cost the taxpayers money.

Mayor Parker thanked them for their comments.

C. PUBLIC HEARINGS:

Bartelsmeyer moved to open the Public Hearing at 6:17 p.m. Adamson seconded. All voted aye.

OPENED PUBLIC HEARING AT 6:17 P.M.

6:00 p.m. Budget Amendment Public Hearing – Rhonda Dunn, Codes Director, informed the Commission that the budget amendment hearing was posted in the local newspaper. This budget amendment for the Bourbon County EMS was given great detail. The City will operate the ambulance, the County will bill the insurance and receive the revenue and then reimburse the City. The amount of this budget is \$1,004,242. The majority of this budget is wages, taxes and benefits. She asked for approval to create the new EMS fund and adopt this budget.

A lady in the audience asked if the hospital was going to be demolished in two years, why we were doing this. It is going to be destroyed.

Dave Martin, City Manager, said that CHC and Via Christi are providing health care here now. We will have medical care here. It may not look like it is now. CHC and Via Christi see opportunities in Bourbon County. The County is responsible for emergency services. Even if the hospital is gone, the County would have to provide emergency services somewhere. With the City and County handling these services, it would be cheaper than getting an outside source to handle this service.

A man asked what the County was paying Mercy for the ambulance service.

Jeff Fischer, County Commissioner, said about \$340,000. They looked at Linn County and Allen County before taking this over. Allen County had the better model and that is what this agreement was modeled after. We will know more in a year. The hospital was very instrumental in helping set this up with the ambulance facility and the equipment. The County is responsible for the financial side and the City is responsible for the operating side.

Bartelsmeyer moved to approve to create the new EMS fund and adopt the EMS budget of \$1,004,242. Mitchell seconded. All voted aye.

APPROVED TO CREATE THE NEW EMS FUND AND ADOPT THE EMS BUDGET OF \$1,004,242.

Bartelsmeyer moved to close the Public Hearing at 6:32 p.m. Nichols seconded. All voted aye.

CLOSED PUBLIC HEARING AT 6:32 P.M.

CONSIDERATION:

1. Consideration of Conditional Use Permit to allow residential living on the 1st floor at the property at 18-20-22 South Main Street – Rachel Pruitt, Economic Development Director, informed the Commission this is the sister development to Fort Scott Lofts called the Union Lofts. This is located in the Central Business District and is a \$5,500,000 project. There was some delay in this as they were waiting on approval of plans from the federal government due to the government shutdown. This is coming before them to approve a Conditional Use Permit to allow residential living on the first floor. The developer does not want to install an elevator in this building so he must have two ADA units on the first floor. There will be a one bedroom and a two bedroom unit on the first floor. She shared photos of the layout of the complex. Also, on the first floor, is an exercise room, computer/lab room, an office area and the two apartments. The Planning Commission did meet on this on February 25th, 2019. Their main concern was the unit that would front on Main Street. There are 27 units. The Planning Commission voted in favor of this with the stipulation that there is restricted visibility into the units on Main Street. The City and property owner will control

the visibility so people cannot see into this unit when walking down Main Street. They are having deeds signed for the Stout building and demolition will begin after these are filed.

Commissioner Adamson asked what made him change his plans from having retail on the first floor.

Rachel said that the cost of the elevator and the investor lease holder. They can make more money back having the apartment units.

Commissioner Bartelsmeyer said that she was disappointed that there will not be business retail located on the first floor.

Commissioner Adamson agreed and said we need to keep the integrity of Main Street.

City Manager said that we need to be able to control these zoning issues on a case by case issue. We don't want to close the door on someone who wants to save a downtown building.

Rachel said that part of this development and the incentives he is receiving as part of state and federal levels, require him to maintain ownership for 30 years. The changes to the building will go before the Design Review Board also which will ultimately come back before them for final approval.

Commissioner Bartelsmeyer said that she will vote in favor but she asked that we look closely at this in the future. We need to get stricter on this in the future.

Commissioner Mitchell said that she feels the same way. It is important to save the buildings but we have those ordinances in place to follow.

Commissioner Nichols mentioned going back to the Planning Commission and saying that first floor living is not the issue, but the fronting of Main Street.

Rhonda said that she would send the zoning ordinance for the Central Business District to the Commissioners.

Parker moved to approve the Conditional Use Permit to allow residential living on the first floor with the stipulation that there is restricted visibility into the living area at 18-20-22 South Main. Nichols seconded. Bartelsmeyer, Mitchell, Nichols and Parker voted aye. Adamson voted no. Motion carried 4-1.

APPROVED THE CONDITIONAL USE PERMIT TO ALLOW RESIDENTIAL LIVING ON THE FIRST FLOOR WITH THE STIPULATION THAT THERE IS RESTRICTED VISIBILITY INTO THE LIVING AREA AT 18-20-22 SOUTH MAIN.

2. Consideration of Engineering Firm to conduct energy audit – Michael Mix, Public Utilities Director, informed the Commission that the City reviewed Request for Qualifications for energy firms. The review team was comprised of Dr. Nichols, Robert Uhler, Kenneth Rood, Rhonda Dunn, and himself. This team recommended Snider Electric. The preliminary audit revealed that 81% of our energy use is found in water and wastewater. They were recommended to help assist with the water and wastewater energy loss. He asked for approval to enter into an agreement with Snider Electric to look at our facilities.

City Manager said that it is not costing anything for this investment grade audit.

Mitchell moved to approve Snider Electric and enter into an agreement with them to provide an energy audit for the City. Parker seconded. All voted aye.

APPROVED SNIDER ELECTRIC AND TO ENTER INTO AN AGREEMENT WITH THEM TO PROVIDE AN ENERGY AUDIT.

3. Request of installation of street light at 1st & Goodlander – Dave Martin, City Manager, informed the Commission that a citizen requested a street light be installed at 1st & Goodlander. This area is very dark and she said they had some issues with people walking in that area.

Mayor Parker said that she knows how dark it is in that area and a light is needed.

Parker moved to approve to install a street light at 1st and Goodlander. Bartelsmeyer seconded. All voted aye.

APPROVED TO INSTALL A STREET LIGHT AT 1ST AND GOODLANDER.

4. Consideration of amendment of Cereal Malt Beverage Ordinance to change from 3.2 to 6.0 – The Mayor asked that this be tabled at this time.

COMMISSION/STAFF:

A. Director Updates:

Health Care Update – Dave Martin, City Manager, informed the Commission that he wanted to clarify that his understanding is that there has been no commitment from Mercy as to what to do with the building after two years. His understanding was that they would have to pay taxes after that time frame. The Task Force has had good dialog with CHC and Via Christi and they are great partners. Both providers want to provide health care here whether it is in that facility or

not. The City has to work with both of those entities to assist them. He had a phone conference with Via Christi today.

A lady in the audience said that she was told today at CHC that the building can't be a medical facility and will have to be refurbished.

EMS Update – Dave Bruner, Deputy Fire Chief, informed the Commission that the building is coming along very good. The sheet rock is moving along and in the next two weeks it should be complete. Christi Keating is the current EMS Director. She has decided not to continue in this position. Interviews will be done next week for the EMS Director.

Commissioner Adamson asked if all firefighters are EMS certified?

Dave said yes they are. They have EMS, four advanced EMT's and one paramedic.

Legislative Update – Robert Uhler, Community Development Director, informed the Commission about their trip to Washington, D.C. with Waggoner Associates. They had a great meeting with Senator Roberts and his staff. They also met with Representative Steve Watkins. His first piece of legislation was for the National Historic Fort and it was signed by President Trump. His State update in Topeka has been slow. There were 634 bills introduced with 109 worked. Eight bills have passed both houses with five sent to the Governor. She has only signed two bills into law. He said he continues to work with the County Commissions to partner together to help lower taxes.

Economic Development – Rachel said that she wanted to remind them of the ribbon cutting on Wednesday, March 20th at 5:30 p.m. for Gordman's. She also handed out an updated community profile.

Fire Truck Purchase – Rachel Pruitt informed the Commission that changes were made to the low to moderate income levels set by H.U.D. which only change every 10 years when the census occurs. The City is now eligible to apply for a Community Facilities Grant. There will be money available in 2020. They believe they have a good chance to receive some of this grant money. This grant falls under the Community Development Block Grant. In order to apply, you have to have under a 50% low to moderate income. They believe it is best to wait to purchase the ladder truck until after these grants are awarded. Your City has to have a low to moderate income of 50% or more. They do think this will be a competitive grant. She will start to begin working on this application which is due in the fall.

Commissioner Bartelsmeyer said that she worked at the college for many years on grants. The state and federal government set aside funds to award to students, non-profits, cities. If you don't spend that money, you have to send it back. They don't want the money back. If Fort Scott doesn't spend it, another city will.

Susan Galemore, with Southeast Kansas Regional Planning Commission, is assisting with the grant submission.

Fire Truck Discussion - Rhonda Dunn addressed the Commission and audience and shared some handouts with them. She gave them a spreadsheet on the City of Fort Scott debt payment reduction over the next few years. The next spreadsheet was on Sales Tax History from 2012 to 2018. The last spreadsheet was a Southeast Kansas City Tax Rate Data Comparison with 5 cities in Southeast Kansas. This was sorted by population, total indebtedness, assessed valuation, and mill levy.

B. City Commission:

Bartelsmeyer – Thanked the audience for their participation tonight. She reminded them that all the decisions they make are for the whole city and not just a few people

Adamson - Remarked that it was good to see a good audience in attendance this evening.

Nichols – Said that it was a good meeting with good interaction.

Mitchell – Thanked all for attending.

Parker – Remarked that they are all citizens and taxpayers just like the audience in attendance. The County Commissioners receive a salary and insurance and the City Commissioners volunteer their time with no salary. They all do this job because they love Fort Scott. She said that she appreciated the audience in attendance tonight also.

C. City Attorney: Not present.

D. City Manager:

1. K.W. Cattle Sale – Dave said that he attended the 5th annual cattle sale. There were a large number of people that came in for the bull sale. One of the bulls brought \$16,000. It was an impressive sale.
2. Street Closure – Dave asked for permission to close the alley at 1st Street to National on the north side starting immediately. This is for the demolition of the Stout building.

Rachel said that the City is waiting on final approval from K.D.H.E.

Parker moved to close the alley at 1st Street to National on the north side starting immediately for the demolition of the Stout building. Bartelsmeyer seconded. All voted aye.

APPROVED TO CLOSE THE ALLEY AT 1ST STREET TO NATIONAL ON THE NORTH SIDE STARTING IMMEDIATELY FOR THE DEMOLITION OF THE STOUT BUILDING.

3. City Attorney – City Manager said that there will be a notice going out next week for a part time City Attorney and a part time Prosecuting Attorney. This will not be a full time position and will be separated.
4. City Manager thanked the audience in attendance tonight and for their participation.

Bobby Duncan asked if he could ask another question. He said he had reviewed the previous Director of Finance's projected budget. It is different from what Rhonda Dunn has reported.

City Manager said that we are looking at actual numbers and not projected numbers.

ADJOURNMENT:

Parker moved to adjourn the meeting at 7:34 p.m. Mitchell seconded. All voted aye.

ADJOURNED MEETING AT 7:34 P.M.

The next regularly scheduled meeting is to be held on April 2nd, 2019 at 6:00 p.m.

RECORDED BY:

**DIANE K. CLAY
CITY CLERK**