

**CITY OF FORT SCOTT
SPECIAL CITY COMMISSION MEETING - AMENDED**

Minutes of May 25th, 2021

Special Meeting #11

A special meeting of the Fort Scott City Commission was held May 25th, 2021 at 6:00 p.m. in the City Commission Meeting Room, 123 S. Main Street, Fort Scott, Kansas.

ROLL CALL:

Commissioners Kevin Allen, Pete Allen, and Randy Nichols were present with Mayor Josh Jones presiding. Lindsey Watts connected via Zoom.

AUDIENCE IN ATTENDANCE: Travis Shelton, Susan Bancroft, Rachel Pruitt, Michael Hoyt, Janice Allen, Jason Dickman, and Dominic Eck appeared via Zoom.

CONSIDERATION:

1. Ordinance No. 3580 authorizing the City of Fort Scott, Kansas to issue Taxable Industrial Revenue Bonds (Fort Scott Lofts, LLC Project), Series 2021, in a principal amount not to exceed \$5,819,785 for the purpose of providing funds to pay the cost of acquiring, constructing, renovating and equipping a commercial facility; Authorizing the City to enter into certain documents and actions in connection with the issuance of said bonds (Sales Tax Exemption only)

Josh said that he got all of his questions answered that he had from Gilmore & Bell.

Pete said that he had been given a letter to read from Michael Hoyt.

Randy told the Mayor that he objected to the letter being read as there is no public comment allowed during a special meeting.

Josh said that he would go ahead and allow the letter to be read.

(On June 1st, the City Commission approved to remove the letter from Michael Hoyt).

R. Nichols moved to approved Ordinance No. 3580 and all other associated documentation for the I.R.B. for Fort Scott Lofts, LLC. J. Jones seconded. R. Nichols, L. Watts, and J. Jones voted aye. P. Allen and Kevin Allen voted no.

Kevin then said he wanted to change his vote from no to abstain.

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6:00 P.M.

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K. Allen made a motion to change his vote from no to abstain on the previous vote. L. Watt seconded. K. Allen, R. Nichols, L. Watts, and J. Jones voted aye. P. Allen voted no.

APPROVED ORDINANCE NO. 3580 AUTHORIZING THE CITY OF FORT SCOTT, KANSAS TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (FORT SCOTT LOFTS, LLC PROJECT), SERIES 2021, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$5,819,785 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, CONSTRUCTING, RENOVATING AND EQUIPPING A COMMERCIAL FACILITY; AUTHORIZING THE CITY TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS (SALES TAX EXEMPTION ONLY).

2. Discussion of possibly amending the agreement that was previous awarded to Bettis Asphalt for the mill and overlay of National Avenue from 13th to Highway 69 - City Manager said he had the previous contract that had been approved. He asked about holding off on the overlay between 13th and 17th on National due to curb and gutter issues in that area. It would be milled but the overlay would not happen until new curb and gutters are replaced. This would take the contract down from \$116,350.50 to an estimated \$80,000. He did not have exact figures from Bettis Asphalt yet. This is also a recommendation from Earles Engineering.

Discussion was held regarding this project and the fact that people would be driving on brick streets for a section on a highly traveled street.

City Manager said that the curb and gutter work could be bid out or equipment could be purchased for us to do this work internally.

Pete said that there are about 20 driveways that would all have to be redone. This could be fairly expensive.

Discussion was held if this would delay other projects that are scheduled for this year.

Pete discussed 15th and National and the inlet boxes that need moved.

Randy said that if we commit to the altering of this project, we are committing to a project that has not been engineered yet and will be driving on brick.

City Manager asked the Commission to pause the contract as it currently is until we can get more information.

Josh said that he thinks it is okay the way it is and the engineer will be here at the next meeting and can update us.

No action was taken.

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3. Executive Session –

J. Jones moved that the City Commission recess into Executive Session for the purpose of discussing attorney-client privilege regarding litigation in K.S.A. 75-4319(b)(2). The open meeting will resume in the Commission meeting room at City Hall at 7:05 p.m. K. Allen seconded. All voted aye. This included the City Commission, City Manager, and the City's legal representation.

J. Jones moved that the City Commission come out of Executive Session at 7:05 p.m. K. Allen seconded. All voted aye. Motion carried.

Executive Session:

J. Jones moved that the City Commission recess into Executive Session for the purpose of discussing attorney-client privilege regarding litigation in K.S.A. 75-4319(b)(2). The open meeting will resume in the Commission meeting room at City Hall at 7:20 p.m. K. Allen seconded. All voted aye. This included the City Commission, City Manager, and the City's legal representation.

J. Jones moved that the City Commission come out of Executive Session at 7:20 p.m. K. Allen seconded. All voted aye. Motion carried.

Executive Session:

J. Jones moved that the City Commission recess into Executive Session for the purpose of discussing attorney-client privilege regarding litigation in K.S.A. 75-4319(b)(2). The open meeting will resume in the Commission meeting room at City Hall at 7:32 p.m. K. Allen seconded. All voted aye. This included the City Commission, City Manager, and the City's legal representation.

J. Jones moved that the City Commission come out of Executive Session at 7:32 p.m. R. Nichols seconded. All voted aye. Motion carried.

Jason Dickman with Earles Engineering showed up at the end of the meeting. He gave his opinion on the National project. He also believes the curb and gutter should be done before the overlay occurs.

ADJOURNMENT:

J. Jones moved to adjourn the special meeting at 7:38 p.m. R. Nichols seconded. All voted aye.

ADJOURNED MEETING AT 7:38 P.M.

Respectfully submitted,

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Diane K. Clay, M.M.C.
City Clerk