

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of September 7, 2021

Regular Meeting #17

The regular meeting of the Fort Scott City Commission was held September 7th, 2021 at 6:00 p.m. in the City Commission Meeting Room at City Hall, 123 S. Main Street, Fort Scott, Kansas.

ROLL CALL:

Commissioners K. Allen, P. Allen, R. Nichols, and L. Watts were present with Mayor J. Jones presiding.

INVOCATION: Sergeant Bill Downey, Fort Scott Police Department, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Jason Pickert, Susan Bancroft, Jimmy Kemmerer, Tim VanHoecke, Brad Matkin, Jesse Pohlmann, Rob Harrington, Jackson Tough, Jason Dickman, Michael Hoyt, Karen Hall, Lyle Brittain, Alison Leach, Fred Smith, Claudia Wheeler, Don Wheeler, Susan McKeen, Bill Downey, Carey Spoon, Tom Havron, Diane Striler, Dean Striler, Jim Kemmerer, Angie Kemmerer, Jennifer LaRoche, Peter Earles, and Michael Mix.

ADDITIONS TO AGENDA: None

PROCLAMATIONS/RECOGNITIONS: None

CONSENT AGENDA:

A. Approval of minutes:

Regular meeting of July 20th, 2021
Special meeting minutes of July 16th, 2021 at 11:15 a.m.
Special meeting minutes of July 16th, 2021 at 7:20 p.m.
Special meeting minutes of July 16th, 2021 at 8:30 p.m.
Special meeting minutes of July 19th, 2021 at 5:30 p.m.
Special meeting minutes of July 21st, 2021 at 5:30 p.m.
Special meeting minutes of July 22nd, 2021 at 12:00 p.m.
Special meeting minutes of July 23rd, 2021 at 8:00 p.m.
Regular meeting of August 3rd, 2021 at 6:00 p.m.
Special meeting minutes of August 5th, 2021 at 6:00 p.m.
Special meeting minutes of August 10th, 2021 at 6:00 p.m.
Regular meeting of August 17th, 2021

B. Approval of Appropriation Ordinance 1295-A totaling \$2,361,232.55.

C. Certificate of Appropriateness – Signage – Barbed Wire & Roses Vintage Market – Recommend approval by Design Review Board

D. Certificate of Appropriateness – Alterations – 20 S. Scott – Replacement of in-kind and alterations to current structure – Recommend approval by Design Review Board

E. Request to Pay #1 – Owenby Masonry & Associates – Eagle Block and CDL Building – 14,625.00

L. Watts moved to approve the Consent Agenda. R. Nichols seconded. K. Allen, R. Nichols, L. Watts, and J. Jones voted aye. P. Allen voted no. Motion carried 4-1.

APPROVED CONSENT AGENDA.

Public Comment:

(Sign up required. Comments on any topic not on the agenda and limited to 5 minutes per person, at Commission discretion)

Michael Hoyt – Mr. Hoyt informed the Commission that the trees have been removed and trimmed at 10th and Highway 69. There is still a cottonwood tree that needs trimmed.

Mr. Hoyt said that he and the Interim City Manager took a field trip together and looked at lights and signage throughout the city.

Mr. Hoyt said that there is a K.D.O.T. zoom meeting on September 8th at 1:30 tomorrow on Southeast Kansas.

Jennifer LaRoche – Mrs. LaRoche asked about the alley behind Common Ground Coffee and the Union Lofts building. She said that she has been patient for three (3) years. She has purchased and renovated three (3) buildings and the alley is still not repaired. She knows there were issues with the bid that was received.

City Manager said that it was too wet to get the bucket truck in that area,

Jason Dickman said that this is ready to send out for bid tomorrow. He will have the bid due date about a month from now.

Engineering Firm Update: Jason Dickman, Earles Engineering, Inc., informed the Commission that they have been working on Manhole #148 and that project. He discussed grants that they were working on. He also discussed the below grade project and the schedule for the week. The contractor will be back in on September 13th.

Peter Earles said that he was asked for a printout of the hours that Earles Engineering has had the last six months. He gave each Commissioner a copy of the hours and projects.

Public Hearings:

L. Watts moved to open the Public Hearing at 6:33 p.m. R. Nichols seconded. All voted aye.

OPENED PUBLIC HEARING AT 6:33 P.M.

6:00 p.m. Neutral Rate and Proposed Tax Rate Public Hearing – Susan Bancroft, Director of Finance, informed the Commission that she contacted the State of Kansas, who informed her to go ahead and hold the public hearing. This is part of the budget and states that we will not exceed the neutral rate. This has already been submitted to the County Clerk.

Michael Hoyt spoke in opposition to this neutral rate and proposed tax rate hearing. He said it does not need to be approved and urged the Commission to vote no.

L. Watts moved to approve the Neutral Rate and Proposed Tax Rate for the City of Fort Scott. J. Jones seconded. K. Allen, R. Nichols, L. Watts, and J. Jones voted aye. P. Allen voted no. Motion carried 4-1.

APPROVED THE NEUTRAL RATE AND PROPOSED TAX RATE FOR THE CITY OF FORT SCOTT.

L. Watts moved to close the Public Hearing at 6:42 p.m. J. Jones seconded. K. Allen, R. Nichols, L. Watts, and J. Jones voted aye. P. Allen voted no. Motion carried 4-1.

CLOSED PUBLIC HEARING AT 6:42 P.M.

L. Watts moved to open the Public Hearing at 6:43 p.m. R. Nichols seconded. All voted aye.

OPENED PUBLIC HEARING AT 6:43 P.M.

6:10 p.m. 2022 Budget Public Hearing - Susan Bancroft, Director of Finance, informed the Commission of key points of interest for the budget. They include a 3% raise for City employees; a contribution of \$20.00 per month for employer contribution for City health insurance; a 5% increase for City water, a 3% increase for sewer and 3% for stormwater for 2022. In addition, a monthly \$10.00 infrastructure fee will be added to the wastewater utility. This budget will result in a reduction of the mill levy of .738.

There were no comments from the audience.

L. Watts moved to approve the 2022 Budget. K. Allen seconded. K. Allen, R. Nichols, L. Watts, and J. Jones voted aye. P. Allen voted no. Motion carried 4-1.

APPROVED 2022 BUDGET.

R. Nichols moved to open the Public Hearing for all the alleged dangerous and unsafe structures. L. Watts seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

OPENED PUBLIC HEARING AT 6:49 P.M.

Bill Downey, Codes Sergeant, and Lyle Brittain, Codes Technician, updated the Commission on the following properties:

6:15 p.m. Resolution 22-2021 Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure located at 114 S. Barbee Street – Lyle informed the Commission that the porch roof is in poor condition, there are no utilities to the structure, it is open to the elements including wildlife, it has missing siding, and is not fit for human occupancy.

There were no comments from the audience.

L. Watts moved to approve Resolution 22-2021. J. Jones seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED RESOLUTION 22-2021 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 114 S. BARBEE. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY SEPTEMBER 27TH, 2021 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 23-2021 Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure located at 619 S. Ransom Street - Lyle informed the Commission that the kitchen and bathroom are missing from this structure. There are windows boarded up and there are fascia boards missing. There are no utilities to this structure. There are holes in the foundation and is not fit for human occupancy.

Fred Smith, owner, said that this structure is just used for storage. He put a new roof on the structure, and he could put a bathroom in it.

Discussion was held regarding whether the storage building had to have a kitchen and bathroom in it and to bring this back before the Commission at the next meeting.

The Commission agreed to allow him 90 days to have the bathroom installed in this structure.

L. Watts moved to approve Resolution 23-2021. J. Jones seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED RESOLUTION 23-2021 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 619 S, RANSOM STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY DECEMBER 10th, 2021 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 24-2021 Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure located at 323 S. Hill Street- Lyle informed the Commission that this is a fire property. The windows are broken out and the roof has collapsed. There are no utilities connected to the structure. It is not fit for human occupancy.

There were no comments from the audience.

L. Watts moved to approve Resolution 24-2021 and allow 14 days to repair or remove the structure. J. Jones seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED RESOLUTION 24-2021 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 323 S. HILL STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY SEPTEMBER 27TH, 2021 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 25-2021 Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure located at 14 S. Margrave Street - Lyle informed the Commission that the roof has collapsed, and the windows are broken. The electrical has been disconnected and is not fit for human occupancy.

There were no comments from the audience.

L. Watts moved to approve Resolution 25-2021 and allow 14 days to repair or remove the structure. J. Jones seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED RESOLUTION 25-2021 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 14 S. MARGRAVE STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY SEPTEMBER 27TH, 2021 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 26-2021 Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure located at 510 S. Heylman Street - Lyle

informed the Commission that the roof has collapsed and the windows are broken. The electrical has been disconnected and is not fit for human occupancy.

There were no comments from the audience.

L. Watts moved to approve Resolution 26-2021 and allow 14 days to repair or remove the structure. J. Jones seconded. R. Nichols, L. Watts, and J. Jones voted aye. K. Allen and P. Allen abstained. Motion carried 3-1-1.

APPROVED RESOLUTION 26-2021 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 510 S. HEYLMAN STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY SEPTEMBER 27TH, 2021 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 27-2021 Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure and Accessory Structure located at 611 S. Ransom Street - Lyle informed the Commission that the roof has holes in it and the siding is in bad condition. There are missing windows. The garage is in poor condition and is not fit for human occupancy.

There were no comments from the audience.

L. Watts moved to approve Resolution 27-2021 and allow 14 days to repair or remove the structure. J. Jones seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED RESOLUTION 27-2021 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 611 S. RANSOM STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY SEPTEMBER 27TH, 2021 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 28-2021 Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure and Accessory Structure located at 316 S. Main Street - Lyle informed the Commission that there siding missing and gascia boards missing. The windows are broken, and the back porch is in poor condition. The garage roof is in poor condition and said is not fit for human occupancy.

Jim Kemmerer spoke and said he lives at 324 S. Main and has since 1998. The house is an eyesore and he wants to purchase the property. He does not want to have to pay for all the assessments on the property. He asked the Commission to approve the removal of the structure.

L. Watts moved to approve Resolution 28-2021 and allow 14 days to repair or remove the structure. J. Jones seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED RESOLUTION 28-2021 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 316 S. MAIN STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY SEPTEMBER 27TH, 2021 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 29-2021 Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure and Accessory Structure located at 1517 S. Main Street - Lyle informed the Commission that the roof has collapsed on the front porch and it is in poor condition. The back half of the house is collapsing and there are holes in the foundation. The windows are boarded up. The garage roof and carport have collapsed. It is not fit for human occupancy.

There were no comments from the audience.

L. Watts moved to approve Resolution 29-2021 and allow 14 days to repair or remove the structure. J. Jones seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED RESOLUTION 29-2021 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 1517 S. MAIN STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY SEPTEMBER 27TH, 2021 OR DEMOLITION PROCEEDINGS WILL BEGIN.

L. Watts moved to close the Public Hearings at 7:20 p.m. R. Nichols seconded. All voted aye.

CLOSED PUBLIC HEARING AT 7:20 P.M.

J. Jones moved to open the Public Hearing at 7:28 p.m. R. Nichols seconded. All voted aye.

OPENED PUBLIC HEARING AT 7:28 P.M.

6:15 p.m. Application for CDBG Funds - Sanitary Sewer System Improvements for the purpose of considering an application for CDBG funds on behalf of the City - Carey Spoon, Grant Administrator, Southeast Kansas Regional Planning Commission, informed the Commission that she has prepared a grant application on behalf of the City. The specific project application to be discussed is for funds under the Sewer category for improvements in an area generally bounded by the Fort Scott City limits. This project proposes to replace approximately 2,261 linear feet of existing undersized lines with new PVC pipe and reconnect the existing services, line approximately 5,874 linear feet of existing lines which have been identified as in very poor condition using CIPP and reconnect existing services. Also, replacement of 16 manholes identified as very poor condition and rehabilitate

10 manholes identified in poor condition. Alternates depending on bid prices means some items may be added, subtracted, or modified. The estimated project cost is \$1,125,000 with a maximum grant request of \$700,000. Forms needing the Mayor's signature include the following: Statement of Assurances and Certificates, Resolution No. 30-2021, Resolution No. 31-2021, Disclosure Report, and Anti-Displacement and Relocation Assistance Plan. Also included is the Agreement for Administrative Consulting Services for the 2022 CDBG Grant for Wastewater Collection System Improvement in the amount of \$22,000. The City's share is anticipated to be \$250,700.00.

There were no comments from the audience.

K Allen moved to approve the Mayor to sign all the pertinent documents and approve Resolution No. 30-2021 and Resolution No. 31-2021 for the submission of the Sanitary Grant Application to the State of Kansas for the CDBG program. R. Nichols seconded. All voted aye.

APPROVED THE MAYOR TO SIGN ALL THE PERTINENT DOCUMENTS AND APPROVE RESOLUTION NO. 30-2021 AND RESOLUTION NO. 31-2021 FOR THE SUBMISSION OF THE SANITARY GRANT APPLICATION TO THE STATE OF KANSAS FOR THE CDBG PROGRAM.

APPROVED RESOLUTION NO. 30-2021 CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE 2022 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FROM THE KANSAS DEPARTMENT OF COMMERCE AND AUTHORIZING THE MAYOR TO SIGN AND SUBMIT SUCH AN APPLICATION.

APPROVED RESOLUTION NO. 31-2021 ASSURING THE KANSAS DEPARTMENT OF COMMERCE THAT FUNDS WILL BE CONTINUALLY PROVIDED FOR THE OPERATION AND MAINTENANCE OF IMPROVEMENTS TO THE SANITARY SEWER SYSTEM TO BE FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

APPROVED AGREEMENT FOR ADMINISTRATIVE CONSULTING SERVICES FOR A 2022 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR WASTEWATER COLLECTION SYSTEM IMPROVEMENTS WITH SOUTHEAST KANSAS REGIONAL PLANNING COMMISSION IN THE AMOUNT OF \$22,000.00.

K. Allen moved to close the Public Hearing at 7:33 p.m. J. Jones seconded. All voted aye.

CLOSED PUBLIC HEARING AT 7:33 P.M.

L. Watts moved to open the Public Hearing at 7:34 p.m. J. Jones seconded. All voted aye.

OPENED PUBLIC HEARING AT 7:34 P.M.

6:30 p.m. Performance Public Hearing Notice for CDBG CV Funds for the purpose of evaluating the performance of Grant No. 20-CV-022 which was for Economic Development and Micro Grants - Carey Spoon, Grant Administrator for Southeast Kansas Regional Planning Commission, said a public hearing needed to be held for the purpose of evaluating the performance of Grant No. 20-CV-022 which was for Economic Development and Micro Grants within the City limits of Fort Scott. The completed project assisted four (4) businesses and retained four (4) jobs of which 100% were LMI. This grant was funded from the Kansas Department of Commerce, Small Cities Community Development Block Grant (CDBG) funds. She asked for the Mayor to approve all pertinent documents to close out this grant.

There were no comments from the audience.

L. Watts moved to approve for the Mayor to sign all pertinent documents and close out this grant. R. Nichols seconded. All voted aye.

APPROVED FOR THE MAYOR TO SIGN ALL PERTINENT DOCUMENTS AND CLOSE OUT GRANT NO. 20-CV-022 WHICH WAS FOR ECONOMIC DEVELOPMENT AND MICRO GRANTS.

J. Jones moved to close the Public Hearing at 7:35 p.m. L. Watts seconded. All voted aye.

CLOSED PUBLIC HEARING AT 7:35 P.M.

Old Business:

- a. Resolution 21-2021 for Sale of Lake Fort Scott Property Proceeds – City Manager said that this is the resolution from the sale of the four (4) lots at Lake Fort Scott properties. This would put all proceeds into a Lake Fort Scott fund. He said that the resolution could be approved or amended as they see fit.

R. Nichols said that he was all for restoring the lake, but we need to be able to maintain all of our City facilities.

Discussion was held regarding the maintenance portion of the resolution.

R. Nichols moved to remove the continued maintenance portion in the resolution. There was no second to his motion so it died for lack of a second.

K. Allen moved to approve Resolution No. 21-2021, the Lake Fort Scott Property Proceeds resolution. J. Jones seconded. K. Allen, P. Allen, L. Watts, and J. Jones voted aye. R. Nichols voted no. Motion carried 4-1.

APPROVED RESOLUTION NO. 21-2021 ESTABLISHING A RESTRICTED FUND ACCOUNT FOR PROCEEDS FROM REAL ESTATE PROPERTY SALES AT LAKE FORT SCOTT BELONG TO CITY OF FORT SCOTT. THE RESTRICTED FUNDS WILL BE NAMED LAKE CAPITAL IMPROVEMENT FUND AND WILL BE USED FOR CONTINUED MAINTENANCE AND IMPROVEMENTS AT LAKE FORT SCOTT.

APPEARANCES:

Rob Harrington, Bourbon County R.E.D.I. – Mr. Harrington appeared before the Commission to discuss the possibility of Bounty County R.E.D.I. providing economic development for the City of Fort Scott. He said that he has assisted with some grants and could provide additional grant writing efforts for the City. He also mentioned working with Jackson Tough to bring in conferences to the City. He said that he had an intergovernmental agreement that he could present before them to sign. He said he could also be the Land Bank Manager for the City.

City Attorney said that he has not reviewed the intergovernmental agreement nor had any of the Commissioners.

R. Nichols said that he would like to see a work session on this subject first.

City Manager said that he will get a work session scheduled on this topic.

Tom Robertson & Tom Havron – Ty Cullor Field Discussion - Tom Havron, Fort Scott Community College Athletic Director, informed the Commission he was appearing before the Commission regarding the lease agreement for Ty Cullor Field. He said that they are wanting to terminate the agreement. They want to put turf on their baseball field. They would like to turn the Ty Cullor Field into a softball field.

Jennifer LaRoche reminded the Commission of LaRoche Stadium and how important it is to have games there and keep people in Fort Scott to buy, stay and eat here. We need to keep the tournaments here and giving up a field would cause people to have to go to Pittsburg, Nevada, or Joplin, which is not good.

Discussion was held to table this topic for two weeks and bring back before the Commission.

C.H. Felt – Closure of street behind V.F.W. Post #1165 for September 11th, 2021 event – Mr. Felt was not present at the meeting. Kevin Allen said that the VFW was having a Poker Run Motorcycle Ride on Saturday, September 11th, 2021. He asked that the City block 18th Street to the south of the VFW for parking for the motorcycles as they are expecting a large group.

L. Watts moved to approve to close 18th Street to the south of the VFW on Saturday, September 11th, 2021. K. Allen seconded. All voted aye.

APPROVED TO CLOSE 18TH STREET TO THE SOUTH OF THE V.F.W. ON SATURDAY, SEPTEMBER 11TH, 2021.

Alison Leach – Monarch Habitat for Gunn Park – Ms. Leach, with the Fort Scott Parks Advisory Board, requested permission for a monarch butterfly garden to be located left of the entrance into Gunn Park. She has been in contact with Monarchs on the Move and their Director. She said that fall is the perfect time to create the habitat. They, along with volunteers, will prepare the area and plant the area with clover. Seed bombs will also be planted. She did say the first year would not look pretty or be manicured. In two or more years, it would look more like a habitat area. 2nd Street Park is still being considered for a sunflower field. She would need assistance with Park staff to help remove the poison ivy and asked if they could begin by October 1st, 2021.

R. Nichols moved to approve to proceed with the monarch butterfly habitat at the entrance of Gunn Park and for her to ask the City Manager for any assistance she needs. L. Watts seconded. All voted aye.

APPROVED TO PROCEED WITH THE MONARCH BUTTERFLY HABITAT AT THE ENTRANCE OF GUNN PARK AND FOR HER TO ASK THE CITY MANAGER FOR ANY ASSISTANCE SHE NEEDS.

Finance Director Update:

- a. Change of billing for Lake Fort Scott residents from the 15th of each month to the 22nd of each month effective December 2021 billing – Susan Bancroft, Director of Finance, informed the Commission that she is asking approval to change the billing date for Lake Fort Scott residents from the 15th of each month to the 22nd of each month to match what the City residents date is. This would be effective with the December billing.

K. Allen moved to approve to change the billing date from the 15th of each month to the 22nd of each month starting in December for Lake Fort Scott residents. J. Jones seconded. All voted aye.

APPROVED TO CHANGE THE BILLING DATE FROM THE 15TH OF EACH MONTH TO THE 22ND OF EACH MONTH STARTING IN DECEMBER FOR LAKE FORT SCOTT RESIDENTS.

- b. K.D.O.T. Cost Share Application Submittal -Susan Bancroft, Director of Finance, informed the Commission that she is preparing to submit the K.D.O.T. Cost Share Application again. It is due September 24th, 2021. She asked the Commission for approval to submit the Horton Street project again. She mentioned that Cooper Street could be submitted, but

it is not a designated thoroughfare street. It could be made a throughfare street by resolution.

L. Watts moved to approve to use the Horton Street Project for the Cost Share Application submittal. R. Nichols seconded. K. Allen, R. Nichols, L. Watts, and J Jones voted aye. P. Allen voted no. Motion carried 4-1.

APPROVED TO USE THE HORTON STREET PROJECT FOR SUBMISSION TO THE K.D.O.T. APPLICATION.

Interim City Manager Report and Comments: Mark McCoy, Interim City Manager, said that he would give his report later in the meeting.

New Business:

- a. Certificate of Appropriateness – Alterations to Windows – 6 N. Main – Design Review Board did NOT recommend approval of this submission – Dean and Diane Striler, owners of the 6 N. Main Street building, said that they requested a Certificate of Appropriateness for installation of windows at their building. Dean attended two Design Review Board meetings, where there were not enough members present for a quorum. He was not informed of the September 6th meeting, but was informed the Design Review Board did not recommend approval for their windows. They have spent over \$100,000 on windows from a local window company for this building. The Board asked that a rail be placed across the center of the window and outside of the windows. Dean shared photos of the windows and their architectural plans with the Commission.

J. Jones said that he wanted to apologize for the language used by one of the board members at that meeting as he went back and watched it on You Tube.

J. Jones also said that City personnel and realtors need to do a better job in notifying downtown business owners of the process when making additions or alterations to their buildings.

R. Nichols moved to approve the Certificate of Appropriateness for the window replacement at 6 North Main Street. L. Watts seconded. All voted aye.

APPROVED CERTIFICATE OF APPROPRIATENESS FOR THE WINDOW REPLACEMENT AT 6 NORTH MAIN STREET.

- b. Consideration to repeal Ordinance 2563 – Section 12.12.070 – Pavement Excavation-Procedure, Section 12.12.080 – Unimproved Street – Procedure – Exception, and Section 12.12.110 – Replacement of Materials – Exception - Jason Dickman, Earles Engineering, informed the Commission they are requesting that there are three sections in our City ordinance that they would like to see repealed. They are Section

12.12.070 – Pavement excavation – procedure; Section 12.12.080 – Unimproved Street – procedure; and 12.12.110 – Replacement of materials – exception. These were adopted back in 1975 by Ordinance 2463, 3489, and 3489. Jason said that these ordinances caused great expense to the 3rd Street project.

R Nichols moved to repeal Sections 12.12.070, Section 12.12.080, and Section 12.12.110 of the Fort Scott Municipal Code. L. Watts seconded. R Nichols, L. Watts, and J. Jones voted aye. K Allen abstained. P. Allen voted no. Motion carried 3-1-1.

APPROVED TO REPEAL SECTIONS 12.12.070, SECTION 12.12.080, AND SECTION 12.12.110 OF THE FORT SCOTT MUNICIPAL CODE. THESE SECTIONS ARE SECTION 12.12.070 – PAVEMENT EXCAVATION – PROCEDURE; SECTION 12.12.080 – UNIMPROVED STREET – PROCEDURE; AND 12.12.110 – REPLACEMENT OF MATERIALS – EXCEPTION.

- c. Consideration to pay – J R Radell – 3rd Street Ballpark Project – Jason Dickman, Earles Engineering, informed the Commission that the invoice for J.R. Radell Construction Co., Inc. is before them for review. The amount of the invoice is \$57,049.41.

Discussion was held regarding this project and the original invoice and this entire project.

J. Jones said that this invoice was 2 ½ times higher than the original invoice. He said that if we refuse to pay this invoice, the City won't find anyone to work for them.

Jason Dickman said that the numbers were not out of line due to the work involved.

L. Watts moved to approve the invoice in the amount of \$57,049.41 to J.R. Radell Construction Co., Inc. for the 3rd Street Project. R. Nichols seconded. R Nichols, L. Watts, and J. Jones voted aye. K. Allen and P. Allen both abstained. Motion carried 3-2.

APPROVED THE INVOICE IN THE AMOUNT OF \$57,049.41 TO J.R. RADELL CONSTRUCTION CO., INC. FOR THE 3RD STREET PROJECT.

K. Allen left the room at 9:36 p.m.

- d. Consideration to pay – Skitch's Hauling – 3rd Street Ballpark Project - Jason Dickman, Earles Engineering, informed the Commission that Skitch's Hauling & Excavation, Inc. invoice is before them for approval for the 3rd Street project. It is for \$5,100.00.

R. Nichols said that he has an issue with this invoice. This was not an emergency purchase and should have been brought before them to approve. He asked that the purchase policy be brought before them at the next meeting so they can review what an emergency purchase is.

L. Watts said that she also has an issue with this invoice. Bourbon County had free clay available to the City and we didn't take advantage of it. She said that the project was stopped by a Commissioner who was down there, which is a huge issue.

J. Jones said that the previous City Manager called and made three telephone calls to local vendors for the clay material and Skitch's was the cheapest. It was within the City Manager's approval authority.

L. Watts said the entire Commission should have been notified about this at a special meeting held regarding it. It was not an emergency and says it is legally questionable.

J. Jones moved to approve to pay Skitch's Hauling & Excavation, Inc. invoice in the amount of \$5,100.00. P. Allen seconded. P. Allen, L. Watts, and J. Jones voted aye. R. Nichols voted no. Motion carried 3-1.

APPROVED INVOICE FROM SKITCH'S HAULING & EXCAVATION, INC. INVOICE IN THE AMOUNT OF \$5,100.00 FOR THE 3RD STREET PROJECT.

K. Allen returned to the room at 9:51 p.m.

- e. Consideration to bid – Sewer CIPP - Jason Dickman, Earles Engineering, informed the Commission that this project is budgeted with 2021 funds. This is to bid the Cured in Place Pipe Sanitary Sewer Lining Project consisting of approximately 4,432 linear feet of various 10", 12" and 15" sanitary sewer lines within the City of Fort Scott. The bid date is September 30th, 2021 at 10:00 a.m.

R. Nichols moved to approve to go out for bid for the Sanitary Sewer CIPP project. L. Watts seconded. All voted aye.

APPROVED TO GO OUT FOR BID FOR THE SANITARY SEWER CIPP PROJECT.

- f. Consideration to bid – River Intake Project – Phase II – Michael Mix, Public Utilities Director, informed the Commission that the River Intake Project for Phase II is ready to go out for bid, This project will consist of constructing improvements on the City's low head dam downstream of the River Intake Facility. This work will include adding a stepped spillway to the dam, drilling a secant pile wall, removing abutments, and grading and other appurtenant items. The bid date is October 5th, 2021 at 2:00 p.m.

L. Watts moved to approve to go out for bid for the River Intake Project Phase II. R Nichols second. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED TO GO OUT FOR BID FOR THE RIVER INTAKE PROJECT FOR PHASE II,

- g. Consideration of bid – Cooper Street - Jason Dickman, Earles Engineering, informed the Commission that this was tabled at the last meeting. He asked how they wished to proceed.

Susan Bancroft said that the City can issue bond and change Cooper Street to a main trafficway or thoroughfare so it would qualify for the bonds. You could also add more streets.

Susan McKeen, property owner on Cooper Street, informed the Commission that the dust on the street is terrible. She also asked if turning lanes with traffic signals could be installed on 23rd Street and that a turning lane needs to be installed on 20th Street to alleviate traffic.

R. Nichols made a motion to table the bids on Cooper Street. J. Jones seconded. All voted aye.

APPROVED TO TABLE THE BIDS ON COOPER STREET.

- h. Consideration of bid – Horton Street- Jason Dickman, Earles Engineering, informed the Commission that his recommendation is for them to reject the bids on the Horton Street project since only one bid was received.

J. Jones moved to reject the bid on Horton Street. K. Allen seconded. All voted aye.

APPROVED TO REJECT THE BID ON HORTON STREET.

- i. Consideration of Earles Engineering Proposal – 17th Street & Eddy Drainage Improvements - \$28,800 - Jason Dickman, Earles Engineering, informed the Commission that this is the engineering proposal for the area at 17th and Eddy that runs to 15th and National. The cost for engineering this project is \$28,800.00.

J. Jones moved to approve the engineering proposal for 17th and Eddy. L. Watts seconded. P Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED ENGINEERING PROPOSAL FOR 17TH AND EDDY IN THE AMOUNT OF \$28,800.00.

- j. Consideration to purchase police cars from Kansas Highway Patrol – Jason Pickert, Captain, Fort Scott Police Department, informed the Commission that the Police Department is budgeted to purchase two marked patrol vehicles this year. After researching options, they discovered the new Dodge Durangos are not an option due to the factory is no longer taking orders after March of this year. The Kansas Highway Patrol sells their fleet 2020 Dodge Durangos with approximately 50,000 miles on them for \$29,350, with some equipment included with them. These vehicles also have a warranty up to 100,000 miles. Additional equipment needed for the vehicles would amount to \$3,750 for each vehicle. He asked for approval to purchase two (2) 2020 Dodge Durangos from the Kansas Highway Patrol. If approved, they should be available for purchase next month. The vehicles that the new ones would replace would go to Bill Downey in Codes and the other one would go to the second School Resource Officer, if that is awarded.

J. Jones moved to approve to purchase two 2020 Dodge Durangos from the Kansas Highway Patrol in the amount of \$58,700. R. Nichols seconded. All voted aye.

APPROVED TO PURCHASE TWO 2020 DODGE DURANGOS FROM THE KANSAS HIGHWAY PATROL IN THE AMOUNT OF \$58,700.

- k. Consideration of allocation to Bourbon County C.A.S.A. of the 6th Judicial District – Susan Bancroft said she received a request from Christa Horn for their annual allocation of funding from the City in the amount of \$10,000. She said that C.A.S.A. is in their 31st year in Bourbon County and has assisted many, many neglected and abused children. Susan said that these funds come from the Special Alcohol and Drug Fund.

J. Jones moved to table this allocation until the next meeting. K Allen seconded. K. Allen, P. Allen and J. Jones voted aye. R. Nichols and L. Watts voted no. Motion carried 3-2.

APPROVED TO TABLE THE ALLOCATION TO THE BOURBON COUNTY C.A.S.A. UNTIL THE NEXT MEETING.

- l. Discussion of removal of military bridge – Susan Bancroft informed the Commission that this bridge has fallen into the Marmaton River. Permits have been received and she asked the Commission how to proceed with the removal of this bridge. She said the City was told that the previous City Manager had awarded this removal to a contractor, but this was not approved by the Commission. She recommended taking R.F.P.'s for the removal of this bridge.

J. Jones moved to accept R.F.P.'s for the removal of the military bridge and bring back before the Commission. R Nichols seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K Allen abstained. Motion carried 4-1.

APPROVED TO ACCEPT R.F.P.'S FOR THE REMOVAL OF THE MILITARY BRIDGE AND BRING BACK BEFORE THE COMMISSION.

- m. Approval of \$20.00 towards City employee health insurance starting October 1st, 2021 – Susan Bancroft asked that the City contribute \$20.00 towards City employee health insurance starting October 1st, 2021.

K. Allen moved to approve the \$20.00 towards City employee health insurance starting October 1st, 2021. Watts seconded. All voted aye.

APPROVED \$20.00 TOWARDS THE CITY EMPLOYEE HEALTH INSURANCE STARTING OCTOBER 1ST, 2021.

- n. Consideration of appointment of David Stewart to the Lake Advisory Board – Josh Jones said that the Lake Advisory Board has recommended that David Stewart be appointed to their board. This is to replace Don Banwart.

J. Jones moved to appoint David Stewart to the Lake Advisory Board. L. Watts seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED TO APPOINT DAVID STEWART TO THE LAKE ADVISORY BOARD.

- o. Discussion of minimum bid requirements – one single family dwelling per lot – Mark McCoy, Interim City Manager, informed the Commission that the verbiage on the minimum bid requirements for single family dwellings at Lake Fort Scott needs to be clarified.

Discussion was held that it meant one single family home per lot.

J. Jones moved to clarify the verbiage for building specifications at Lake Fort Scott to mean one single family dwelling per lot. L Watts seconded. All voted aye.

APPROVED TO CLARIFY THE VERBIAGE FOR BUILDING SPECIFICATIONS AT LAKE FORT SCOTT TO MEAN ONE SINGLE FAMILY DWELLING PER LOT.

- p. Discussion of four Lake Fort Scott properties for sale – Mark McCoy, Interim City Manager, asked the Commission if they wanted to set a minimum price for the four City lots at Lake Fort Scott.

City Attorney said, that until a contract is signed with the City by the realtor, a price can't be discussed.

Mark said that he would be willing to work with the realtor on the sale of the properties.

- q. Discussion of First Source Building for sale – Mark McCoy said that the building at First Source is similar to the Lake Fort Scott lots. A contract has not been signed yet.
- r. City Manager Search Update – Brad Matkin, Human Resource Director, informed the Commission of an estimated timeline for the City Manager search. He has already received several applications and the job posting ad will close on October 2nd, 2021. He has created a City Manager Search Panel which will meet on Thursday and discuss the process of interviewing the candidates. Background checks will also be done. The first round of interviews will be done by the City Manager Search Panel the week of October 4th. The second round of interviews will be done the week of October 18th, and the 3rd round of interviews conducted the week of November 1st. They look to make an employment offer the week of November 14th and for the new City Manager to start after the first of the year in January 2022.

Reports and Comments:

Commissioner Reports and Comments:

L. Watts – Nothing to report.

R. Nichols – Nothing to report.

P. Allen – Nothing to report.

K. Allen – Kevin said that he talked to C.H. Felt about the event the V.F.W. is holding on Saturday, September 11th. They are wanting to close 18th Street south of the V.F.W. He asked that someone talk to Marsha's Deli and inform them of the event.

J. Jones moved to close 18th Street south of the V.F.W. for the event on September 11th, 2021. R. Nichols seconded. All voted aye.

APPROVED TO CLOSE 18TH STREET SOUTH OF THE V.F.W. FOR THEIR SPECIAL EVENT ON SEPTEMBER 11TH, 2021.

Kevin asked about the second valve at Lake Fort Scott and if it has been installed. He asked if anyone was exercising the current valve at Lake Fort Scott.

He also asked that the water be checked at Lake Fort Scott for any algae.

J. Jones – Asked Public Works to check the ditches in front of Niece Products as they need dug out.

City Attorney Report and Comments: Asked that an Executive Session be held to discuss a claim against the City.

Executive Session:

J. Jones moved that the City Commission recess into Executive Session for the purpose of discussing attorney/client privilege in K.S.A. 75-4319(b)(2) to discuss a claim against the City. The open meeting will resume in the Commission meeting room at City Hall at 11:47 p.m. L. Watts seconded. All voted aye. This included the City Commission, City Manager, City Attorney, and Human Resource Director.

J. Jones moved that the City Commission come out of Executive Session at 11:47 p.m. L. Watts seconded. All voted aye.

Executive Session:

J. Jones moved that the City Commission recess into Executive Session for the purpose of discussing attorney/client privilege in K.S.A. 75-4319(b)(2) to discuss a claim against the City. The open meeting will resume in the Commission meeting room at City Hall at 11:59 p.m. R. Nichols seconded. All voted aye. This included the City Commission, City Manager, City Attorney, and Human Resource Director.

J. Jones moved that the City Commission come out of Executive Session at 11:59 p.m. K. Allen seconded. All voted aye.

Adjournment:

J. Jones moved to adjourn the meeting at 11:59 p.m. L. Watts seconded. All voted aye.

ADJOURNED MEETING AT 11:59 P.M.

Respectfully submitted,

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