

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of October 19, 2021

Regular Meeting #20

The regular meeting of the Fort Scott City Commission was held October 19th, 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: Mark McCoy, Interim City Manager, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Jason Pickert, Dave Bruner, Tim Van Hoecke, Brad Matkin, Jesse Pohlmann, Rachel Thompson, Peter Earles, Patty LaRoche, Michael Hoyt, Rob Harrington, Sarah Pulliam, Jim Kemmerer, Nolene Whitesides, Sheryl Bloomfield, Martha Scott, Frank Adamson, Janice Allen, Max Fanning, Kate Freeman, Michael Mix, Kayla Bryan, Judy Warren, Lyle Brittain, Sarah Maike, Doug Guns, Terri Townsend, Peggy Cummings, Brenda Collinge, Bernita Hill, Marilyn Bailey, Barbara Ritter, Bailey Lyons, Harold Martin, and Jackie Martin.

ADDITIONS TO AGENDA: Mayor Jones asked that the sale of lake lots be added to old business, and Lindsey Watts asked that a 5K Veteran's Day be added to new business. Susan Bancroft asked that the Quarterly Report for the 3rd Quarter be added for approval in the Consent Agenda.

PROCLAMATIONS/RECOGNITIONS: Molly Berry Foster Chapter of the Daughters of the American Revolution 110th Anniversary – Diane Clay, City Clerk, read a Proclamation which proclaims October 19th, 2021 as Molly Berry Foster 110th Anniversary in the City of Fort Scott and urged all citizens to observe this day.

The organization recognized their oldest member, Nolene Whiteside.

CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of October 5th, 2021.
- B. Approval of Appropriation Ordinance 1298-A totaling \$1,736,577.53.
- C. Request to Pay #1 – Davis Structure & Development Corporation - \$12,379.50 – Water Clarifier Repainting #1 Project
- D. Request to Pay – HDR Engineering - \$8,970.75 – River Intake Project

- E. Street Closing Request – Community Christian Church – October 31st, 2021 – Annual Falloween Event
- F. Request to Pay – Earles Engineering – City Engineer - \$4,000.00
- G. Request to Pay – Earles Engineering – Building Inspection – \$3,582.00
- H. Request to Pay – Earles Engineering – WWTP Engineering - \$7,296.80
- I. Request to Pay – Earles Engineering – 17th & Eddy Street Drainage Engineering - \$11,520.00
- J. 3rd Quarter Treasurer’s Report

R. Nichols moved to approve the Consent Agenda. L. Watts 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)

Judy Warren – Thanked the Commission for getting National fixed. She also said that three weeks ago there was a surveyor in her yard with a clipboard. She asked the Commission why he was there and what he was doing. Eight days later there is a big hole in her yard and it was left uncovered. She asked her son-in-law to come and cover the hole.

Jesse Pohlmann, Public Works Director, informed Ms. Warren that a survey crew was here with Earles Engineering and they were checking for depth of water lines in this area around 17th and Eddy. He will get this hole filled in tomorrow.

Tim Van Hoecke – Mr. Van Hoecke said that he was following up to his appearance before the Commission on September 21st. He said that it has been 30 days later and it seems that the previous City Manager cannot be located or contacted. His severance package shows that he will be available to answer any questions for 90 days. The 90 days is up on November 1st. He was paid a lump sum over \$50,000 up front when he left. He had a list of questions and would like answers to them.

Michael Hoyt- Mr. Hoyt brought up the City Connecting Links Agreement with K.D.O.T. He said there is a conflict with the current law. K.D.O.T. will not pay for lanes used for parking. He said according to Sate Statute it should increase to \$5.00 per line mile. They will not pay for traffic control and parking lines.

Pete said that Michael Hoyt and he have worked together on this project. He doesn’t think the mileage is correct that we are being reimbursed for.

Susan Bancroft, Assistant City Manager/Director of Finance, informed the Commission that she talked to Dawn at K.D.O.T. They are updating their agreements with all the cities and haven't gotten to Fort Scott yet. To date, the City has received \$9,221.00 and there is one more quarter to receive money for.

City Attorney said to refer this to the Interim City Manager and let him get clarification.

Patty LaRoche – Ms. LaRoche said that she was also happy to see National Avenue completed.

She asked for an update on 195th Street at Lake Fort Scott. She said that the road by the rearing pond is in bad shape and too big of rock was used. Then she said that weeds came up and now they are sprayed and there is dead weeds and it looks terrible.

Kevin Allen said that the barrier rock needs to be removed and redone. The ditch also needs redone. He will get with the City Manager and show him what needs done.

She asked about Pete Allen's letter to the editor regarding K.S.A. 12-825d regarding the violation of water funds.

Bob Farmer, City Attorney, said that is not what the State says and this is misleading people. You can transfer excess utility funds to the general fund. The City is not in violation of any misuse of funds by transferring accounts. He just attended an Attorney's conference and this topic came up. All cities do this transfer of excess utility funds to the general funds. This helps keep the mill levy down.

Susan Bancroft said that there is a cash basis law in the State of Kansas and we cannot violate that law.

Engineering Firm Update: Peter Earles, Earles Engineering, Inc., had no update at this time.

Public Hearings: None

Old Business: Sale of City Lake Property – Mark McCoy, Interim City Manager, said that there are two local real estate agents here this evening. Mark had informed the realtors to have their best and final offer to City Hall by 5:00 p.m. on Tuesday, October 19th, 2021.

Jared Leek and Bailey Lyons were both present and had bids for the Lake.

Jared said that it is against the law to publicly tell what the offer is.

Bailey said that the offer is not public until it is accepted.

Mark McCoy said that there are two offers on Lot #7 at Lake Fort Scott. The first offer is for \$122,000.00 including a \$1,000 earnest money. The second offer is \$120,000.00 with an \$1,000.00 escalation greater than the other offer so this offer would be for \$123,000.00. Mark said that closing costs will be split between the buyer and the seller. Both are cash offers and would close on or before November 1st, 2021.

L. Watts moved to approve the offer of \$123,000.00 for Lot #7 at Lake Fort Scott. J. Jones seconded. All voted aye.

APPROVED OFFER OF \$123,000.00 FOR THE SALE OF LOT #7 AT LAKE FORT SCOTT.

Mark that that there is a single offer for Lot #8 at Lake Fort Scott in the amount of \$130,000.00 and this offer includes \$1,000.00 escalation greater than any other offer up to \$160,000.00.

Mark said that there is another bid for Lots #8 and #9 together in the total amount of \$250,000.00. The offer for Lot 8 alone is \$120,000.00 and if there is another competitive offer, there includes \$1,000.00 escalation greater than any other offer up to \$130,000.00.

Mark said that the offer for Lots #8 and #9 are contingent upon both lots being sold together in the amount of \$250,000.00. The other buyer is willing to go up to \$160,000.00 for Lot #8. Mark said that closing costs will be split between the buyer and the seller.

L. Watts moved to approve to sell both Lots #8 and #9 at Lake Fort Scott in the total amount of \$250,000.00. R. Nichols seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED OFFER TO SELL BOTH LOTS #8 AND #9 AT LAKE FORT SCOTT IN THE TOTAL AMOUNT OF \$250,000.00.

Mark informed the Commission that he would need to sign the offers by 10:00 a.m. tomorrow morning. The Commission gave the City Manager authority to sign the real estate contracts.

APPEARANCES:

Sarah Pulliam, 316 S Main – Dangerous and Unsafe Structure – Ms. Pulliam said that she is still waiting on funding. She found out she has zero credit at the bank. She stated that she has to have 20% down which is around \$6,000. She should have this funding by the end of October.

Jim Kemmerer encouraged the Commission to continue with the demolition of the structure.

Lyle Brittain, Codes Technician, said that there have been issues with this structure since 2017 and nothing has been accomplished.

Rob Harrington, Bourbon County R.E.D.I. - Mr. Harrington spoke on 12 rules of leadership and read them to the Commission.

He also updated them on McDonald Hall. He said that he was told it was illegal to waive taxes. He has checked with the Department of Revenue, Department of Commerce, and the Attorney General's Office. He has discovered that it is not illegal and other cities do this also.

Mr. Harrington gave a Noble Health update. We should know an update within the next two weeks if they will locate here or not.

Frank Adamson, Grant Requests - Mr. Adamson said that in 2018 he did fundraising for Fisher Park and Gunn Park. He would like to apply for grants and asked the Commission to approve an updated letter of support for companies/people to donate.

L. Watts moved to authorize the City Manager to get an updated letter of support prepared for Mr. Adamson.

APPROVED TO AUTHORIZE THE CITY MANAGER TO GET AN UPDATED LETTER OF SUPPORT PREPARED FOR MR. ADAMSON FOR FUNDRAISING AT FISHER PARK AND GUNN PARK.

New Business:

a. Consideration of Airport Engineering – Taxiway Rehabilitation – Susan Bancroft, Assistant City Manager, informed the Commission that this agreement before them is for engineering for the rehabilitation of the runway at Fort Scott Municipal Airport. The engineering fees total \$107,200.00 for Exhibit A (Design Phase) and the bidding phase shall be the lump sum of \$11,000 for Exhibit B. This is a budgeted item for 2022.

R. Nichols moved to approve the Airport Engineering Agreement with Olsson Associates in the amount of \$107,200 for the Design Phase and \$11,000 for the bidding phase for the runway rehabilitation project at the Fort Scott Municipal Airport. L. Watts seconded. All voted aye.

APPROVED THE AIRPORT ENGINEERING AGREEMENT WITH OLSSON ASSOCIATES IN THE AMOUNT OF \$107,200 FOR THE DESIGN PHASE AND \$11,000 FOR THE BIDDING PHASE FOR THE RUNWAY REHABILITATION PROJECT AT THE FORT SCOTT MUNICIPAL AIRPORT.

b. Consideration to apply for K.D.O.T. grant application – Electric Gate - Susan Bancroft, Assistant City Manager, informed the Commission that K.D.O.T. has a 90%/10% grant that the Fort Scott Municipal Airport can apply for. The grant being applied for is the installation of an electric gate. This gate would be a sliding, electric gate with a keypad. This will also enhance safety by reducing the

possibility of people coming into Airport grounds without the proper authority and will assist with keeping wildlife off of the runway. She asked for permission to apply for this \$20,000 grant.

K. Allen moved to apply for the K.D.O.T. Grant application for the Fort Scott Municipal Airport for the electric gate. R. Nichols seconded. All voted aye.

APPROVED TO APPLY FOR THE K.D.O.T. GRANT APPLICATION IN THE AMOUNT OF \$20,000 FOR THE FORT SCOTT MUNICIPAL AIRPORT FOR THE ELECTRIC GATE.

- c. Consideration of 3rd, 6th, 12th and 25th Street Intersections with K.D.O.T. – K.D.O.T. Project 69-6 KA 5563-01 – Approval of Resolution Relating to Benefits Obtainable under the Federal and State Aid Program – Approval of Agreement for Traffic Signal Project between the City of Fort Scott and K.D.O.T - Susan Bancroft, Assistant City Manager, informed the Commission that this is a grant from K.D.O.T. to upgrade the traffic signals and add battery backup with retroflected backplates at 3rd, 6th, 12th, and 25th Street intersections. This is a \$1,920,000 project. Approval for the resolution and the agreement is recommended.

Pete said that he would like K.D.O.T. contacted regarding the City Connecting Links and the questions that Michael Hoyt brought up.

Susan will contact K.D.O.T., and if there are issues, she will contact the Commission.

K. Allen moved to approve the Traffic Agreement and Resolution No. 33-2021 with K.D.O.T. for the upgrade of the traffic signals at 3rd, 6th, 12th, and 25th Street intersections. J. Jones seconded. All voted aye.

APPROVED THE TRAFFIC AGREEMENT AND RESOLUTION NO. 33-2021 WITH K.D.O.T. FOR THE UPGRADE OF THE TRAFFIC SIGNALS AT 3RD, 6TH, 12TH, AND 25TH STREET INTERSECTIONS – AGREEMENT NO. 94-21 – 69-6 KA-5563-01.

- d. Consideration of Fort Scott Dam Improvements Bid -River Intake Project – Michael Mix, Public Utilities Director, informed the Commission that bids were taken for the Phase II section of the River Intake Project repair of dam. There were three bids received with the low bid from L. G. Barcus and Sons, Inc. of Kansas City, Kansas in the amount of \$1,844,640.00. The second bid was from Crossland Heavy Contractors of Columbus, Kansas in the amount of \$2,981,160, and the last bid was from R. A. Knapp Construction, Inc. of Lenexa, Kansas in the amount of \$4,295,140. The engineering firm, H.D.R., has recommended that the low bid be awarded this bid.

R. Nichols moved to approve to award the Phase II River Intake Project to L. G. Barcus of Kansas City, Kansas in the amount of \$1,844,640.00. L. Watts seconded. All voted aye.

APPROVED TO AWARD THE PHASE II RIVER INTAKE PROJECT TO L. G. BARCUS OF KANSAS CITY, KANSAS IN THE AMOUNT OF \$1,844,640.00.

- e. Consideration of C.I.P.P. Sanitary Lining Bid – Michael Mix, Public Utilities Director, informed the Commission that bids were taken for the CIPP Sanitary Lining project. There were two bids received with the low bid from Insituform Technologies USA, LLC of Chesterfield, Missouri in the amount of \$162,746.60. The second bid was from Municipal Pipe Tool Company, LLC of Hudson, Iowa in the amount of \$207,579.00 Jason Dickman, Engineer for Earles Engineering, recommended approval of the low bid from Insituform. The City has used this company in the past and worked well with them.

R. Nichols moved to approve the low bid from Insituform for the CIPP Sanitary Lining project in the amount of \$162,746.60. L. Watts seconded. All voted aye.

APPROVED THE LOW BID FROM INSITUFORM FOR THE CIPP SANITARY LINING PROJECT IN THE AMOUNT OF \$162,746.60.

- f. Consideration of Above Grade North Exterior Wall Bid – Hammon’s Building – Peter Earles, Earles Engineering, Inc., informed the Commission that bids were taken for the Hammon’s Above Grade North Exterior Wall. These were bid with two alternates. One alternate was for tuck pointing and the other alternate was for gunite. The low bid was from Mid-Continental Restoration Co., Inc. of Fort Scott in the Alternate Bid #1 of \$145,906.27 and Alternate Bid #2 of \$144,069.59. The other bid was from Owenby Masonry & Construction of Redfield, Kansas in the Alternate Bid #1 of \$208,490.00, and Alternate Bid #2 in the amount of \$241,990.00.

Discussion was held regarding tuck-pointing versus gunite.

The engineering firm recommended the tuck-pointing way to secure the building.

Rob Harrington informed the Commission that the Kansas State Historical Preservation does not approve of the idea of using gunite either.

Susan reminded the Commission that an Urgent Need Grant is being applied for with C.D.B.G. funds.

Mark McCoy said that Dave Lipe, owner of Sharky’s, is also opposed to gunite being used.

Kate Freeman, owner of the Hammon’s Building, asked that the Commission not table this bid. She said that time is of the essence. They would like to open their art gallery on the lower floor, and they will reside upstairs. This is their source of income and they had expected to be open in November, but are now looking at the end of January. She asked that the concrete pad be replaced as it was damaged during demolition of the 10 N. National building. She asked that the beam to hold up their roof be replaced as it was also damaged during the demolition. She urged them to take action on the bid this evening.

Discussion was held regarding the timeframe. Susan said that the CDBG Grant will be applied for immediately. They are still working with the contractor to install the French drain which should happen soon.

L. Watts moved to approve the Mid-Continental Restoration bid in the amount of \$145,906.27 for the above grade project at the Hammon's building. J. Jones seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED THE MID-CONTINENTAL RESTORATION BID IN THE AMOUNT OF \$145,906.27 FOR THE ABOVE GRADE PROJECT AT THE HAMMON'S BUILDING.

- g. Consideration of Above Grade South Exterior Wall Bid – Sharky's Building - Peter Earles, Earles Engineering, Inc., informed the Commission that bids were taken for the Sharky's Above Grade South Exterior Wall. These were bid with two alternates. One alternate was for tuck-pointing and the other alternate was for gunite. The low bid was from Mid-Continental Restoration Co., Inc. of Fort Scott in the Alternate Bid #1 of \$157,219.08 and Alternate Bid #2 of \$152,120.91. The other bid was from Owenby Masonry & Construction of Redfield, Kansas in the Alternate Bid #1 of \$260,293.00 and Alternate Bid #2 in the amount of \$300,569.00.

L. Watts moved to approve the Mid-Continental Restoration bid in the amount of \$157,219.08 for the Above Grade project at the Sharky's building. J. Jones seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED THE MID-CONTINENTAL RESTORATION BID IN THE AMOUNT OF \$157,219.08 FOR THE ABOVE GRADE SOUTH EXTERIOR WALL PROJECT AT SHARKY'S BUILDING.

- h. Discussion of creation of Public Nuisance Ordinance – Josh informed the Commission that before them is the creation of a Public Nuisance Ordinance.

Sarah Maiké, citizen, said that she lives at 1st and Main Street and is interested in the homeless people in town as she was once homeless. She believes that passing this ordinance is wrong. Most of the homeless people have mental illnesses. She said that all people are God's creatures.

Mark McCoy read the definition of the public nuisance. A public nuisance is an act or omission that obstructs, damages, or inconveniences the rights of the community. It shall be unlawful for any person to create or commit a public nuisance in or upon any city park, city street, city right of way, city alleyway, public parking lot, public sidewalk, public building, or any other place of public access unless authorized by the City Manager in a designated area. Examples of a public nuisance include, but is not limited to:

- A. Depositing feces and or urine; be it human or animal.

- B. Being noticeably intoxicated due to excessive drug or alcohol use
- C. Making living accommodations or preparations to sleep, sleeping, erecting a tent, or storing belongings, among other activities.
- D. Yelling, shouting, or screaming in a manner that causes members of the public alarm or concern.
- E. Loud or disruptive noises
- F. Beg or solicit for money or food.

When any person causes or commits any of the conditions in this section, a law enforcement officer may order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such order, is guilty of a violation of this section.

This section does not apply to any organized event in progress sanctioned by the City of Fort Scott.

This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

J. Jones moved to approve the Public Nuisance Ordinance No. 3594. L. Watts seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen voted no. Motion carried 4-1.

APPROVED ORDINANCE NO. 3594 CREATING THE DEFINITION OF A PUBLIC NUISANCE INSIDE THE CITY LIMITS OF THE CITY OF FORT SCOTT, KANSAS AND CREATING CHAPTER 8.20.100 – PUBLIC NUISANCE DEFINED IN THE FORT SCOTT MUNICIPAL CODE.

- i. Discussion of Ty Cullor Field Agreement - Mark McCoy, Interim City Manager, informed the Commission that the FSCC softball coach is here tonight to discuss this with them.

Kae Lani Bryan said that she was here to discuss the Inter-Local Agreement of Ty Cullor and Betty Ruth fields at FSCC between the City and FSCC. This agreement states FSCC will also allow Fort Scott Recreation Commission (FSRC) use of the fields located in the southwest corner, which is Ty Cullor and Betty Ruth fields of the college campus. FSCC agrees to allow FSRC to use the south fields for various youth activities, including but not limited to, youth soccer games/practices, youth baseball/t-ball games/practices, and youth flag football practices. The use of these fields will be communicated between the Director of FSRC and the Athletic Director of FSCC. FSCC reserves the right for its own use on an as needed basis at any reasonable time which can be agreed upon by both parties. FSCC and FSRC agree to continue partnership in regard to FSRC use of the synthetic turf football field located at the north end of the FSCC campus by 18th Street. FSCC agrees to come to work on a partnership agreement in regards to FSRC's use of Lion's field for Junior Babe Ruth Baseball league games.

FSCC guarantees that FSRC and the City of any of its residents will have the right of ingress and egress over the current north/south road running from 18th Street

to the ball diamond complex, as well as the east/west road running from Horton Street. This area will be available at all times. FSCC agrees to maintain the entire area listed above during all months of the year. The City agrees to perform mowing services of all common areas surrounding each of the ballfields at the Ty Cullor Complex. A minimum notice of thirty (30) days is given by each party to terminate this agreement.

R. Nichols moved to approve the Interlocal agreement for Ty Cullor and Betty Ruth fields between FSCC and FSRC. L. Watts seconded. All voted aye.

APPROVED INTERLOCAL AGREEMENT FOR TY CULLOR AND BETTY RUTH FIELDS AT FSCC BETWEEN FORT SCOTT COMMUNITY COLLEGE AND FORT SCOTT RECREATION COMMISSION.

- j. Consideration to accept T-Mobile Grant - \$50,000 - Susan Bancroft, Assistant City Manager, informed the Commission that this grant was presented to the City recently. This grant is intended to be done in phases. The first phase is to create a brick walkway to the Lunette Blair Blockhouse. Phase II includes construction of a proposed pavilion at the west end of Skubitz Plaza. The total project is estimated to cost \$103,000 with the City match being \$53,000. This is not budgeted for 2022. She can look to get more grant funding to fill that need if possible.

Discussion was held about visiting with Farmers Market individuals about this project and tabling it at this time.

L. Watts moved to table this issue until the next meeting. J. Jones seconded. All voted aye.

APPROVED TO TABLE THE ACCEPTANCE OF THE T-MOBILE GRANT UNTIL THE NEXT MEETING.

- k. Consideration to accept Timken Grant for Fire Department - \$10,500 - Dave Bruner, Fire Chief, informed the Commission that in 2020 the Fire Department applied for a grant from Timken. In September, the Fire Department found out they were awarded this grant. They will use these grant funds for the rehabilitation of the fire house trailer, updated CPR equipment, and ALICE training for the Police Department. He asked for approval to accept the grant.

R. Nichols moved to accept the Timken grant for the Fire Department in the amount of \$10,500. K. Allen seconded. All voted aye.

APPROVED TO ACCEPT THE TIMKEN GRANT FOR THE FIRE DEPARTMENT IN THE AMOUNT OF \$10,500.

Kevin Allen left the room at 9:27 p.m.

- l. Consideration of payment of Skitch's Hauling & Excavation, Inc. Invoices

* Port-a-Potties - September \$2,640.00

- * Port-a-Potties – September – Airport Fly-In - \$250.00
- * Port-a-Potties – September – Marmaton Massacre - \$325.00

J. Jones moved to approve the invoices from Skitch’s Hauling & Excavation Inc. L. Watts seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. Motion carried.

APPROVED INVOICES FROM SKITCH’S HAULING & EXCAVATION, INC. INVOICES FOR SEPTEMBER 2021.

m. Consideration of Bids – Demolition of Structures

- 611 S. Ransom – Structure and Accessory Structure
- 323 S Hill – Structure
- 1517 S Main – Structure and Accessory Structure
- 316 S. Main – Structure and Accessory Structure
- 114 S. Barbee – Structure
- 14 S Margrave – Structure
- 510 S Heylman – Structure

Discussion was held regarding a dump fee agreement with Bourbon County. It has not been finalized yet. Discussion was held to table at this time until the agreement is finalized.

J. Jones moved to table the demolitions for two weeks until the November 2nd, 2021 meeting. L. Watts seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. Motion carried.

APPROVED TO TABLE THE DEMOLITIONS FOR TWO WEEKS UNTIL THE NOVEMBER 2ND, 2021 MEETING.

Kevin Allen returned to the room at 9:40 p.m.

- n. Health in All Policies Pledge – Mayor Jones said that he was asked by Healthy Bourbon County about the Health in All Policies Pledge. This pledge states that the City will work with the Coalition to assess current conditions and policies related to this effort to inform work on package. Identify an organizational representative to serve on their team which is the Mayor. The principles are to promote health, equity and sustainability.

J. Jones moved to approve the Health in All Policies Pledge with Bourbon County Healthy Action Team. L. Watts seconded. All voted aye.

APPROVED THE HEALTH IN ALL POLICIES PLEDGE WITH BOURBON COUNTY HEALTHY ACTION TEAM.

- o. Consideration of Veteran’s Day 5K race – Lindsey Watts said that this is a request for her business to hold a 5K race on November 13th. The race would start in the

1900 block of Judson and go down National and back. It would be held from 8:00 a.m. to 10:30 a.m. She has talked to Travis Shelton, Chief of Police, and they will assist with traffic control at heavily traveled intersections.

J. Jones moved to approve the 5K Veteran's Day race on November 13th, 2021. R. Nichols seconded. All voted aye.

APPROVED 5K VETERAN'S DAY RACE ON NOVEMBER 13TH, 2021.

Reports and Comments:

Interim City Manager Report and Comments:

- * City/County Luncheon – October 26th, 2021 – 12:00 p.m. (This will be held at the Empress Event Center and the City will provide lunch)
- * 512 S. Judson – Historical Register – This will be heard on November 13th, 2021 in Topeka and is quite the honor.
- * Land Bank Meeting – Wednesday, October 20th – 4 pm
- * Read a thank you note from C.A.S.A. for the City's recent donation.
- * MK&T Freight Depot – Mark read a letter from Christopher Harold Sales and Service regarding the MK&T Freight Depot. They had plans to have this turned into a restaurant, but then COVID hit and this project stopped. He asked for approval to extend their agreement to convert the depot to December 31st, 2023.

R. Nichols moved to approve the MK&T Depot agreement until 12/31/2023. L. Watts seconded. All voted aye.

APPROVED THE MK&T DEPOT AGREEMENT WITH A NEW EXTENSION DATE OF 12/31/2023.

*Certificate of Substantial Completion by Earles Engineering – National Avenue – 13th to 17th – Mark McCoy stated he was given this by the engineering firm, but he did not sign it as the project is not complete yet.

Commissioner Reports and Comments:

L. Watts – Nothing to report.

K. Allen – Asked about the street to the south of City Hall and the big drop in that area and if it could be fixed.

Additional Buck Run parking – Kevin asked if the City Manager could contact K.D.O.T. to see if additional parking can be provided.

P. Allen – Pete asked Mark about Cooper Street and where the City was on it.

Kevin said that we are waiting on Evergy to move the poles.

Mark said that the bids were rejected at the last meeting.

Pete mentioned putting a crown in the center of the road to assist with water runoff.

Pete made a motion to use the material that we have and put a crown in the middle of Cooper Street and any extra rock that is needed and use Earles Engineering if needed.

Kevin said that we can just give direction to the City Manager.

Josh asked Mark to get with the engineering firm and check into this project.

Mark will do that in the morning.

Pete asked if the crack fill machine was being used. Mark said it has been used.

R. Nichols – Congratulated the Molly Berry Chapter of the D.A.R. on their accomplishments.

He said that the news about the Chop House sale in downtown Fort Scott was exciting.

He stated that it is important that the City remember health care in this community. We have two strong partners in this community and Via Christi is very committed to our community as well as C.H.C. We cannot do without an emergency room. We should be thankful that we have health care in this community. We are in the wild west of health care. The City needs to be prepared to assist with the support of health care in this community and we need to keep this in mind.

He also stated the last couple of years we have heard lots about infrastructure, but it is not the only need we have in the City. It's not our only responsibility to our citizens. People in Fort Scott have been subjected to fake news and misinformation. There is a Commission and a person who is guiding him that is stating that our 1 cent sales tax is illegal and not being used lawfully. That is wrong. This tax is being used as it was intended. To say otherwise is an insult to the intelligence of the voters who approved the tax in 1986. To say otherwise would fail to recognize that the Commissioners had good faith in using this tax to benefit our community for the last 35 years. To say otherwise disregards that the State has never questioned the validity of this tax. The 1 cent sales tax is the major way to fund the Police Force and Fire Department and others. To avoid defunding the Police and Fire Departments, other funds would have to be taken from Buck Run, LaRoche Stadium, Codes Department, and City Hall and other departments. Our property taxes would need to be raised by more than 30 mills. To defund public safety and not support the attractions that bring people to Fort Scott, or to raise our mill levy to 30 mills, would be a death blow to sustaining and growing our community. Don't believe the fake news. Don't defund our Police and Fire Departments and don't risk having your property taxes increased by more than 30 mills. Be wise in your choice of candidate selection. Your vote really does count.

J. Jones – Asked about the bridge that needs to be removed at Mill Creek.

Susan said that she and Diane will work on a bid document this week.

City Attorney Report and Comments: None

Executive Session:

J. Jones moved that the City Commission recess into Executive Session for the purpose of discussing non-elected personnel in K.S.A. 75-4319(b)(1). The open meeting will resume in the Commission meeting room at City Hall at 10:31 p.m. R. Nichols seconded. All voted aye. This included the City Commission, Human Resource Director, and City Manager.

J. Jones moved that the City Commission come out of Executive Session at 10:31 p.m. R. Nichols seconded. All voted aye.

Lindsey Watts announced that she has purchased a home in the county. She will be a County resident after the end of November. Her term ends at the end of December. She asked if she could finish her term out until the end of the year.

City Attorney said that he will check on the Ordinance and how to fill a vacancy.

Kevin referred back to when he moved out of the city limits and how he was allowed to fulfill his term.

Assistant City Manager Comments:

Susan announced that the City has received an offer on a piece of property at Lake Fort Scott even though it has not been advertised. The offer is \$350,000 and the property owners own all the adjoining property. They said that they would be putting up high fencing to keep people from crossing into their property. There are 80 acres in this section they put the offer on. Susan reminded the Commission that the City has a written agreement for walk in hunting with the State of Kansas. This agreement goes through 2027 with the Kansas Department of Wildlife and Parks.

K. Allen moved to table this issue at this time. L. Watts seconded. All voted aye.

TABLED THE OFFER ON THE SALE OF THE PIECE OF PROPERTY AT LAKE FORT SCOTT.

Adjournment:

J. Jones moved to adjourn the meeting at 10:34 p.m. L. Watts seconded. All voted aye.

ADJOURNED MEETING AT 10:34 P.M.

Respectfully submitted,

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