

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of January 10th, 2023

Regular Meeting

The regular meeting of the Fort Scott City Commission was held January 10th, 2023 at 6:00 p.m. in the City Commission Meeting Room at City Hall, 123 S. Main Street, Fort Scott, Kansas.

ROLL CALL:

Commissioners J. Jones, T. Van Hoecke, M. Wells, E. Woellhof were present with Mayor K. Harrington.

FLAG SALUTE AND INVOCATION: M. Wells, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Jeff Hancock, Brad Matkin, Interim City Manager, Travis Shelton, Police Chief, Dave Bruner, Fire Chief, Jason Dickman, City Engineer, Ben Hart, Interim Finance Director, Bob Farmer, City Attorney, Kevin Allen and Michael Clancy.

APPROVAL OF AGENDA: J. Jones motioned to approve the January 10th, 2023, amended agenda. J. Hancock asked if J. Jones wanted to remove Item I from the Consent Agenda. J. Jones amended his motion to approve the January 10th, 2023, amended agenda excluding Item I on the Consent Agenda: Resolution No. 2-2023 – Designating the Official Depositories for the Public Funds of the City of Fort Scott, Kansas. M. Wells seconded. All voted aye.

APPROVED THE JANUARY 10TH, 2023, AMENDED AGENDA EXCLUDING ITEM I. RESOLUTION NO. 2-2023 – DESIGNATING THE OFFICIAL DEPOSITORIES FOR THE PUBLIC FUNDS OF THE CITY OF FORT SCOTT, KANSAS ON THE CONSENT AGENDA.

CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of December 20, 2022.
- B. Approval of Appropriation Ordinance 1327-A totaling **\$519,425.14**
- C. Request to Pay – BakerTilly - **\$9,775.78** – Jeff Hancock – Services and Expenses for November 2022, Expenses for October 2022.
- D. Request to Pay – BakerTilly - **\$5,104.04** -- Interim Financial Management for November 2022.
- E. Request to Pay – EPEC - **\$459,666.73**
 - 1. Cell 1 Aeration Upgrade - \$424,088.60 – 65% of Total
 - 2. Baffle Curtain - \$35,578.13 – Installation has been completed

F. Request to Pay – Foley Equipment - **\$180,000.00** – Caterpillar 936K Track Loader Model 963K.

G. Approval of CMB License For Consumption on the Premises – Debra Cagle DBA Fifthwheel Tavern – 206 N. Humbolt

H. Resolution No. 1-2023 – DESIGNATING THE OFFICIAL CITY NEWSPAPER FOR THE ENSUING TERM OF THE GOVERNING BODY OF THE CITY OF FORT SCOTT, KANSAS.

~~I. Resolution No. 2-2023 – DESIGNATING THE OFFICIAL DEPOSITORIES FOR THE PUBLIC FUNDS OF THE CITY OF FORT SCOTT, KANSAS~~

J. Resolution No. 3-2023 – EXEMPTION FROM GENERALLY ACCEPTED ACCOUNTING PRINCIPLES UNDER K.S.A. 1120A

J. Jones motioned to approve the Consent Agenda with the removal of Item I. Resolution No. 2-2023 – DESIGNATING THE OFFICIAL DEPOSITORIES FOR THE PUBLIC FUNDS OF THE CITY OF FORT SCOTT, KANSAS. T. VanHoecke seconded. M. Wells voted nay. E. Woellhof, J. Jones, T. VanHoecke, K. Harrington voted aye.

APPROVED THE CONSENT AGENDA WITH THE REMOVAL OF ITEM I. RESOLUTION NO. 2-2023 – DESIGNATING THE OFFICIAL DEPOSITORIES FOR THE PUBLIC FUNDS OF THE CITY OF FORT SCOTT, KANSAS.

Reorganization of City Commission

Election of Mayor

J. Jones motioned to appoint M. Wells as Mayor. M. Wells seconded. E. Woellhof asked what prompted the change. K. Harrington and J. Jones explained that at the beginning of each year, there are positions and designations that are voted upon by the Commission. E. Woellhof, J. Jones, T. VanHoecke and M. Wells voted aye. K. Harrington voted nay.

APPROVED TO APPOINT M. WELLS AS MAYOR.

Commission President

J. Jones motioned to appoint T. VanHoecke as Commission President. M. Wells seconded. J. Jones, T. VanHoecke, M. Wells and E. Woellhof voted aye. K. Harrington voted nay.

APPROVED TO APPOINT T. VANHOECKE AS COMMISSION PRESIDENT.

Bourbon County REDI Representative

M. Wells motioned that J. Jones continue as the Bourbon County REDI Representative.

J. Jones motioned to appoint T. VanHoecke as Bourbon County REDI Representative. T. VanHoecke seconded. All voted aye.

APPROVED TO APPOINT T. VANHOECKE AS BOURBON COUNTY REDI REPRESENTATIVE.

Land Bank Representative

M. Wells asked if a Commissioner is interested in the position of Land Bank Representative. J. Jones stated that he would like to be considered.

T. VanHoecke motioned to appoint J. Jones as the Land Bank Representative. M. Wells seconded. All voted aye.

APPROVED TO APPOINT J. JONES AS LAND BANK REPRESENTATIVE.

Fort Scott Housing Authority Delegate

M. Wells motioned to appoint E. Woellhof as the Fort Scott Housing Authority Delegate. T. VanHoecke seconded. All voted aye.

APPROVED TO APPOINT E. WOELLHOF AS THE FORT SCOTT HOUSING AUTHORITY DELEGATE.

Lake Advisory Board Representative

T. VanHoecke motioned to appoint K. Harrington as the Lake Advisory Board Representative. M. Wells seconded. All voted aye.

APPROVED TO APPOINT K. HARRINGTON AS THE FORT SCOTT HOUSING AUTHORITY DELEGATE.

Library Board Representative

M. Wells stated that by default the Mayor is appointed as the Library Board Representative.

No vote was taken.

Public Comment:

Kevin Allen

K. Allen stated that he recently purchased Aunt Toadies (restaurant) and came to address the condition of the alley behind building. He stated that after speaking with B. Matkin, potholes were filled with gravel. He said there are (3) or (4) trees growing out into the alleyway and a (30) to (40) foot tree that is blocking his business sign and are all in the utility easements and need to be removed. K. Allen asked that the City remove the trees.

M. Wells stated that regarding the alley, the ordinance is written that the easement is City owned but citizen maintained therefore the City would not be responsible for removing the trees.

K. Allen stated that less than a month ago the City (Public Works) removed a fallen tree less than a block away from his location. He stated it was not in the roadway and was not a hinderance, such as his current situation. K. Allen said that a precedent had been set with that situation.

Discussion was had about the surrounding area as it pertained to power lines.

K. Allen showed the Commission photos he had taken of the trees.

B. Matkin stated that he would get with Public Works and look at the situation.

M. Wells told K. Allen that he could remove the tree if it was his property. K. Allen stated that it is on the adjoining neighbor's property. He said that he spoke with the neighbor. The neighbor said he did not notice the tree was there. K. Allen reiterated that the trees need to come down.

Old Business:

December financials by Ben Hart

B. Hart stated that the Commission was provided with a monthly and end of the year packet. Ad valorem taxes came in at (97%) of budget, overall revenue for the general fund is (4%) lower than budget due to the transfer of sales tax at Street and Highway. The general fund came in at a surplus of \$412,000.00 for the year, Water Utility is \$595,000.00 in surplus, Wastewater Utility is \$5.8 million in surplus which is related to ADM's revenue coming in and the Storm Water Utility is a deficit of \$11,000.00. B. Hart stated that the next step is to develop a 2023 Forecast which he will bring back in April. He stated that the general fund was at a surplus due to being underspent of the budget for expenses but primarily due to a (7%) increase in sales tax city-wide which was consistent throughout the year. B. Hart also stated that included in the packet was information about franchise fees that came in higher than last year. He stated that concluded what he had for the Commission regarding the financial overview.

B. Hart stated he also provided a packet that illustrated how he would like to restructure some of the (54) existing funds for efficiency. B. Hart elaborated on the possibilities he sees for the future.

Update of progress with Code compliance at 102 S. Horton

T. VanHoecke stated that he observed that some progress is being made on the property. B. Matkin stated that Norm Nation reported the same to him. He said they will continue to monitor the progression.

Lake Dock Locations – Doug Guns

D. Guns stated that the docks were ready for installation, and he needed to know from the Commission where they want them placed. He stated that the initial RFP had (4) docks in (4) different locations therefore he needed to know what to tell the vendor. T. VanHoecke asked D. Guns to confirm that (2) docks were purchased and (2) would be pending grants. D. Guns confirmed. T. VanHoecke asked for an update on the grants. D. Guns stated that as soon as the grants open for application, he will return to the Commission for permission to move forward.

M. Wells stated that the secondary issue was putting the (2) new docks where the current docks are then moving those (2) docks into the other locations where docks were needed. M. Wells asked the Commission if everyone was still in agreement with that plan.

D. Guns stated that moving the (2) existing docks might incur some additional costs. He stated that he would have to talk with the vendor to see if they could move the existing docks to their new locations.

D. Guns stated that the vendor is ready to put the new docks in now. M. Wells asked D. Guns to ask the vendor if they would have time while they were here and how much it would cost to move the (2) existing docks to the new locations that were discussed. D. Guns said the vendor needs to know the locations in order to determine what size boat they had to bring on site.

D. Guns stated that having a location to tell the vendor would be ideal to determine the pricing.

Discussion was had about dock locations.

It was determined that the current dock at west entrance boat ramp will be relocated 2.3 miles down the east entrance at the end of 195th St. (194th Terrace). GPS location: N 37 Deg 45" 43.71" W 94 Deg 44' 44.46". A new dock will then take the place of the current dock at the main boat ramp. The second of the new docks will be located 1.8 miles down the west entrance on 190th St. GPS location: N 37 Deg 46' 18.78" W 94 Deg 45" 29.14". This location will need to have gravel added for ease of access off the main road on both the entrance and exit of the circle type drive area.

M. Wells asked that the Lake Advisory Board be contacted by email for their input on these decisions. D. Guns asked to clarify if the Board was to be asked for their advice or to inform them of the dock locations.

M. Wells stated that it be communicated to the Board that the locations that were decided upon originally is what the Commission plans on doing and asking if they have any concerns with the locations that were originally decided upon by them and the Commission. M. Wells also directed D. Guns to move forward in asking the supplier what it would cost to bring the boat to move the docks to those locations.

D. Guns stated that he could do that.

B. Matkin asked the Commission if D. Guns reaches out to the Lake Advisory Board and shares what was said, please clarify what he is to do if they disagree or have concerns. D. Guns stated that he would send an email to the Chairperson, Nancy Maze. It was decided that the Lake Advisory Board and the Commission have agreed on the locations.

Discussion was had about the most opportune time to place the docks at the advice of the vendor, the concrete sidewalk leading up to the gangway ramps headed out to the docks and the fishing area that is missing rock and really undermined. B. Matkin stated that it could be addressed.

Appearances:

Renodry USA – Michael Clancy

M. Clancy addressed the Commission regarding the possibility of drying out Memorial Hall and keeping it dry as well. He extended an offer to inspect Memorial Hall for free and give an estimate for their services. An appointment was set with Norm Nation for January 13, 2023, at 10:30 AM.

Public Hearing: None

New Business:

Approval of Bid for Demolition of 523 S. Heylman, Bid #48-2022 – Dave’s Demolition at \$1,800.00 or Skitch’s Hauling and Excavation at \$3,425.00

T. VanHoecke motioned to award the demolition bid for 523 S. Heylman, Bid #48-2022 to Dave’s Demolition at the amount of \$1,800.00. J. Jones seconded. All voted aye.

APPROVED TO AWARD THE DEMOLITION BID FOR 523 S. HEYLMAN, BID #48-2022 TO DAVE’S DEMOLITION AT THE AMOUNT OF \$1,800.00.

Approval of 2023 Holiday Schedule

T. VanHoecke motioned to approve the 2023 Holiday Schedule. J. Jones seconded. All voted aye.

APPROVED THE 2023 HOLIDAY SCHEDULE

Consideration of Jeff Hancock’s Amended Contract – BakerTilly

T. VanHoecke asked to confirm with Bob Farmer that there were no changes from what was previously presented and agreed upon. B. Farmer stated it is the same.

T. VanHoecke motioned to approve Jeff Hancock’s amended contract from BakerTilly with our legal advice, Mr. Farmer, has verified there have been no changes. K. Harrington seconded. All voted aye.

APPROVED JEFF HANCOCK’S AMENDED CONTRACT FROM BAKERTILLY WITH OUR LEGAL ADVICE, MR. FARMER, HAS VERIFIED THERE HAVE BEEN NO CHANGES.

Permission to go out for picnic table grant – Dave Bruner

Fire Chief Dave Bruner addressed the Commission for permission to go out for a grant from Champlin Tire and Recycling Incorporated. They currently have a bench, table and safety surfacing grant which is the same grant that was used for the park mulch. D. Bruner stated that currently there are (5) tables at the Aquatic Center. Over the years the coating has deteriorated and is beginning to rust and becoming a safety hazard. He stated that this grant is to replace the (5) tables with (8 ft) wheelchair accessible picnic tables. D. Bruner stated that the

total on the grant is \$5,670.00 and is a 50/50 match. The City would be responsible for \$2,335.00.

J. Jones motioned to approve to pursue the Champlin Tire and Recycling Incorporated Grant to purchase a quantity of (5), (8ft) wheelchair accessible picnic tables to be used at the Aquatic Center. The City will be responsible for 50% or \$2,335.00. K. Harrington seconded. All voted aye.

APPROVED TO PURSUE THE CHAMPLIN TIRE AND RECYCLING INCORPORATED GRANT TO PURCHASE A QUANTITY OF (5), (8FT) WHEELCHAIR ACCESSIBLE PICNIC TABLES TO BE USED AT THE AQUATIC CENTER. THE CITY WILL BE RESPONSIBLE FOR 50% OR \$2,335.00.

Consideration of Brick Street Policy – M. Wells

M. Wells opened his presentation by reading information provided by Smart Growth America.

T. VanHoecke asked for clarification of who makes up the Brick Street Policy Committee. M. Wells stated that the Brick Street Policy Committee was originally himself, previous City Manager, Pete Allen and Brian Allen.

T. VanHoecke stated that he appreciated the amount of work presented to the Commission by M. Wells regarding the Brick Streets Policy but had concerns. Much discussion was had about the proposed policy. M. Wells stated that this policy does not bind us to any funding, this is a policy that gives us a roadmap moving forward on how we are going to address the brick streets. More discussion was had regarding the concern of where the funds would come from to make the repairs.

E. Woellhof asked Bob Farmer if it is legal to have a policy like this and can we have you look at the policy and make it something that is enforceable.

B. Farmer stated that he would agree with T. VanHoecke that it is more contractual; if you are going to do work here, you must come to get a permit.

M. Wells stated that (B. Farmer) is trying to apply something to this policy that has worked in (16) different municipalities throughout our country and it is effective, and it works. He stated that to make it known and enforceable it is a Codes and licensing piece that must be addressed. He stated that this is just a policy on the fact that we want to try to save our brick streets. He also asked the Commission to read through the information he provided (4) weeks prior to the meeting so the issues could have been addressed before the meeting.

E. Woellhof asked B. Matkin to comment. B. Matkin stated that a lot of damage is done by our own crews, but do not have time to address properly due to other demands on their time. He stated that the City would have to abide by the policy as well.

K. Harrington asked M. Wells when the last time that a car count on the brick streets was completed. M. Wells stated that one has not been done. Discussion was had on vehicle count and traffic on streets. Lack of maintenance on the brick streets as well as costs for repairs were discussed.

B. Matkin suggested taking First Street between National and Main, get one bid, tear it up, concreting it, throw your sand down, put the bricks back, and sand it, also add labor. This approach versus just making it a concrete road and do a cost analysis. He stated that will determine whether you are saving money or not. B. Matkin stated that right now the City does not have the crew but does have some guys who do know how to put bricks in properly; it's a training process but it's also an art and labor intensive. It can be done.

It was decided that Bob Farmer will take a look at the policy and report back at the next City Commission meeting.

T. VanHoecke would like to see what B. Matkin finds with the cost analysis.

M. Wells stated that getting a bid for the suggested cost analysis does not affect the proposed Brick Street Policy.

The Brick Street Policy is tabled until the next meeting.

Consideration to Go Out for Banking Bids – J. Jones

J. Jones motioned to go out for banking bids. T. VanHoecke seconded. All voted aye.

APPROVED TO GO OUT FOR BANKING BIDS.

J. Jones asked B. Hart to review the one we have in place now and verify it with what we've been receiving.

Reports and Comments:

Interim City Manager: B. Matkin, stated that concrete is cracking at the main entrance of the boat ramp. The City crew will do the repairs and the money for the repair will be coming out of the Lake Fund. He stated he will give a quote for the job at the next meeting to be voted on.

B. Matkin also stated that the lake valve has been closed for a few weeks.

Gunn Park RV project is underway getting additional 50 amps hook ups and making the RV spots larger due to number of large trailers that come out.

He addressed downtown parking at the Downtown Meet and Greet. He feels he has a plan to help with the business's concerns about parking as well as additional parking. He hopes to have a rough draft by the next meeting. He would like to have the businesses involved in the solution.

The are many water leaks being addressed due to the weather.

Travis Shelton is retiring at the end of February. The City is searching for a new Police Chief.

Engineering: J. Dickman updated the Commission on the CDBG Sewer Project that approval was received so that can go out to bid.

CIP work session, Wastewater Treatment Plant add the water reuse system needs to be replaced.

Summer visit to plant, a directive was put in place. ADM waste being pushed into lagoon needs to be considered in permitting.

Base 2.0 Grant opportunity that may be able to be used for water line projects. J. Jones suggested that J. Dickman talk with Rob Harrington regarding a similar grant that has reopened.

J. Dickman told B. Matkin that he would draw up his parking plan for him.

J. Dickman stated that he had a specification for the bricks that he can re-introduce that would need to be approved. It has been previously considered by staff.

Memorial Hall Steps Reconstruction Bids to be opened on January 24th, 2023

J. Jones asked about the status of the Pavilion. J. Dickman stated that it is not officially out for bid. T. VanHoecke said he would like to see exactly where it would sit. J. Dickman and J. Jones stated it would depend on cost. J. Dickman put together a bid document. He stated that it needed to be approved by the Commission before it is published. Discussion was had on parking, design, size and location of the Pavilion.

The Horton Street and Wall Street Project are not until 2024 though previously thought it was 2023. He will call KDOT to verify and question moving it up to 2023.

Commissioners Comments:

J. Jones – National Street School Sign light. B. Matkin is still working on getting a better design that works for what we need.

City Hall is struggling with IT issues, is it something that needs to be bid out because they are busy.

B. Matkin stated quotes are coming for microphone system. J. Jones would like to see quotes at next meeting. E. Woellhof has a contact for a second quote.

J. Jones would like to see better cameras at Gunn Park.

M. Wells stated that IT has a 3- 5- and 10-year CIP to resolve the issues. B. Matkin will distribute that plan.

T. VanHoecke – staking out the SplashPad before the Commission votes.

J. Jones stated it should be marked out in the next week. Plans changed a bit due to utility lines.

T. VanHoecke asked B. Matkin if the contracts had been signed for the Demo Bids that were awarded and status of demos. B. Matkin stated that they have been started.

J. Jones stated that there is confusion on who disconnects utilities prior to demo. B. Matkin stated there is a utility timeline issue and he is working on it with Codes.

T. VanHoecke would like to suggest getting a Daily Operating Card for the preventative maintenance on the City's equipment.

T. VanHoecke thanked B. Matkin for his open communication.

E. Woellhof – Thank you to Chief Shelton for his service, wishes him well in his retirement.

K. Harrington – Gordon Parks Museum has its MLK Junior Celebration starting Thursday and Chamber Coffee hosted there at the Gordon Parks Museum at 8:00 AM. J. Jones added there is a canned food drive on January 16th.

M. Wells – suggests pre-planning by setting up accounts for large equipment. B. Matkin stated it is crucial to have an asset management system. E. Woellhof stated he could look into that system.

Requested a list of alleyways that have been graveled. B. Matkin stated he will have a list available.

What would it cost for a Brick Crew. B. Matkin estimates approximately \$120,000.00 a year for a crew of (3). Discussion was had about the types of crews the City could utilize for the projects planned.

J. Jones suggested getting B. Hart's opinion on budget position for crews.

M. Wells wants to discuss contractor's licensing. What do we need to do to move forward. B. Matkin suggested considering a work session and M. Wells agreed. Research has already been done on what surrounding cities charge for permits for contractors.

A work session for February 7th, 2023, at 4:30 PM has been agreed upon to discuss contractor permits and licenses.

J. Hancock stated that B. Matkin is doing an excellent job. J. Hancock stated that he will not be around as much but will be conducting a coaching program with B. Matkin over next few months for the transition.

J. Hancock would like to have an Executive Session prior to the January 24th, 2023, at 4:30 PM. It will be a Goal Setting Session for a Gold Standard for the City Manager. B. Farmer questioned whether it needed to be an Executive Session. It was determined that since it was an evaluation of non-elected personnel, it would be in Executive Session.

J. Hancock will confirm the time prior to the next meeting.

City Attorney Comments: None

Executive Session – None

Adjournment:

T. VanHoecke moved to adjourn at 8:26 PM. M. Wells seconded. All voted aye.

ADJOURNED MEETING AT 8:26 P.M.

Respectfully submitted,

Lisa Lewis
City Clerk