CITY OF FORT SCOTT
CITY COMMISSION MEETING

Minutes of January 17, 2017 Regular Meeting #2

The regular meeting of the Fort Scott City Commission was held January 17th, 2017 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

ROLL CALL:

Commissioners Adams, Bartelsmeyer, Mason and Nichols were present with Mayor Mitchell presiding.

INVOCATION: Pastor Matt Jones, Church of Christ said a prayer asking God for guidance for the city and all government and city officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Clayton Miller, Paul Ballou, Dustin McClure, Jerald Mitchell, Deb Needleman, Dave Bruner, Janet Braun, James Coffield, Paul Brock, Kay Brock, Mike Embry, Karen Rocher, Arnold Schofield, Rachel Pruitt, Nathan Wells, Jeff Madison, Nikki Traul, Stewart Gulager, Beverly Peel, Jeff Fischer, Steve Buerge, Elaine Buerge, Eric Heaney, Linda Rogers, Sue Sayers, Jim Cox, Michael Mix, Charles Gentry, Bob Reed, Traci Reed, Carol MacArthur, Caleb Dare, Lindsay Madison, Craig Campbell, Matt Jones, Billy Keith, Todd Madison, Max Fanning, Charlie Madison, Bryan Holt, Harold Rogers, Michelle Workman, representing Fort Scott Biz, and Jason Silvers, representing the Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS: None

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

A. Approval of minutes of the regular meeting of January 3rd, 2017.

B. Approval of Appropriation Ordinance 1185-A totaling $206,391.75.

Mason moved to approve the Consent Agenda. Bartelsmeyer seconded. All voted aye.

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. <u>APPEARANCE</u>: None

B. <u>CITIZEN COMMENTS</u> (Concerning Items Not on Agenda – 3 minute limit per citizen) - None

C. <u>PUBLIC HEARINGS:</u> None

CONSIDERATION:

1. Consideration of 2016 Audit Contract in the amount of $17,800 – Jon Garrison, Director of Finance informed the Commission that he received the contract for the 2016 Audit from Diehl, Banwart, Bolton, CPA in the amount of $17,800. The audit for last year cost $17,650. He asked for approval for the 2016 audit contract.

   Mason moved to approve the 2016 Audit Contract with Diehl, Banwart, Bolton, CPA of Fort Scott, Kansas in the amount of $17,800. Nichols seconded. All voted aye.

   APPROVED 2016 AUDIT CONTRACT WITH DIEHL, BANWART, BOLTON, CPA OF FORT SCOTT, KANSAS IN THE AMOUNT OF $17,800.

2. Consideration of amended Safe Routes to School Engineering Contract – Jon Garrison, Director of Finance informed the Commission that he is seeking approval of the amended Safe Routes to School engineering inspection contract in the amount of $29,955.97 with Professional Engineering Consultants. The original contract was for $58,987.45 but when he received the contract he only received the first page which listed an amount of $20,559.25. He recently discovered this error and contacted P.E.C. He informed them of the mistake but also stated he believed the $58,987.45 was too high. They sent him a new contract in the amount of $29,955.97. He asked the Commission to rescind the original contract approval in the amount of $20,559.25 and approve the new contract for $29,955.97. This project is expected to let for bid on February 15, 2017. Once the bid is accepted and all contract documents are signed, a Notice to Proceed will be issued and the contractor will have 40 working days to complete the project.

   Bartelsmeyer moved to rescind the original engineering inspection contract with PEC in the amount of $20,559.25 and approve the new contract for $29,955.97 with P.E.C. Mason seconded. All voted aye.

   APPROVED TO RESCIND THE ORIGINAL ENGINEERING INSPECTION CONTRACT FOR THE SAFE ROUTES TO SCHOOL PROJECT IN THE AMOUNT OF $20,559.25 WITH PROFESSIONAL ENGINEERING CONSULTANTS AND APPROVE THE NEW CONTRACT FOR $29,955.97 WITH PROFESSIONAL ENGINEERING CONSULTANTS.

3. Consideration of Ordinance amending Section 5D of the Employee Handbook in regards to City technology – Deb Needleman, Human Resource Director informed the Commission that she is looking to strengthen the language in the Employee handbook with regards to technology networks and computers in the workplace. This is necessary to minimize our risk of viruses entering our network as well

as maximizing our operating capacity. The amendment to the ordinance addresses three sections:

Equipment Usage: Computers, Laptops and Cellphones: Each employee who is provided with a computer, laptop, tablet, iPad, cell phone, or other electronic device is responsible for the physical security of the item. Any damage or loss to equipment is the responsibility of the employee up to the replacement value of the damaged item.

Email: Employees must use extra caution when an e-mail is received from an unknown source or a suspicious e-mail from a known source. The potential to spread viruses through opening an unexpected or suspect e-mail is significant and can have undesirable consequences to the City's entire computer system.

City's Computer Networks: The following non-business use of the City's computer network is prohibited: Entering and/or monitoring chat rooms, instant messaging, accessing live streaming video or audio. (Examples would be Spotify, YouTube and Pandora.) To minimize the potential for a computer virus to be transmitted through the City's computer network, unauthorized downloading of software is prohibited. All software must be approved by the IT Director prior to downloading.

Commissioner Nichols asked if the ordinance identified who the employee should contact if they notify something suspicious.

Deb said that she would add this section to the ordinance specifying who the employee should contact.

Bartelsmeyer moved to approve the Ordinance amending the Employee handbook regarding technology with the addition of specifying who to contact if the employee notices something suspicious. Mason seconded. All voted aye.

APPROVED ORDINANCE NO. 3492 AMENDING SECTION 5D OF THE EMPLOYEE HANDBOOK TO AMEND THE POLICY ON COMPUTERS, EMAIL, PHONES, WEB, WORKSTATIONS AND FAXES WITH THE ADDITION OF SPECIFYING WHO TO CONTACT IF THE EMPLOYEE NOTICES SOMETHING SUSPICIOUS.

4. Consideration of Ordinance amending Section 3 of the Employee Handbook to add Section L – Shared Leave Policy – Deb Needleman, Human Resource Manager informed the Commission that she would like to implement a Shared Leave policy which will allow employees to donate leave to another employee who is in need of leave during certain situations due to extenuating and severe personal crisis. She said that an anonymous request would be sent to all employees stating that an employee needed leave time. If the anonymous

employee did not need all the leave that the other employee had donated, it would be returned to him.

Nichols moved to approve amending Section 3 of the Employee handbook to add Item L – Shared Leave Policy. Mitchell seconded. All voted aye.

APPROVED ORDINANCE NO. 3493, AMENDING SECTION 3 OF THE EMPLOYEE HANDBOOK TO ADD ITEM L – SHARED LEAVE POLICY.

5. Zoning Change – AG (Agricultural) to I-2 (Heavy Industrial) – Land south of KDOT on Highway 69 – Dave Martin, City Manager informed the audience that he appreciated all those who came to the meeting tonight. He stated that it is up to the City to encourage development. He asked for all to be respectful in their comments.

   Dave Bruner, Deputy Fire Chief informed the Commission that the Fort Scott Planning Commission met on January 3rd, 2017 and recommended changes of the property south of K.D.O.T. from AG (Agricultural) to I-2 (Heavy Industrial) for the placement of a veterinary clinic on 46.5 acres.

   Nathan Wells of K.W. Cattle Company shared a power point presentation with the Commission and audience. He stated that they want to construct Great West Vet Clinic which will be located south of K.D.O.T. This would be a great addition to Fort Scott. They would treat small and large animals for wellness exams, diagnostics, medical treatments, surgical procedures, dental care, radiology and boarding. The large animal will include bovine genetic services, reproductive evaluations, bull breeding soundness exams, pregnancy checks, diagnostics, vaccine protocols, medication protocols, nutritional consultation, routine necropsies and much more. A Veterinary Feed Directive will also be offered. Services offered will be for equine, swine, sheep, goat and other livestock also. They will have a partnership with large corporations for veterinary products for vaccines, de-wormers, antibiotics, and a variety of dog and cat food. The facility would offer Bovine Reproduction Services and an InVitro Fertilization, Embryo Transfer and IVF Laboratory. This laboratory would be one of three in the United States. All state of the art equipment would be placed inside the facility. Cogent IVF has become a world leader in the Invitro Fertilization industry. If approved the lab in Fort Scott would be the second lab in the United States.

   Audience members who spoke in favor of the vet clinic included Stewart Gulager and Nikki Traul.

   Adams moved to approve the zoning change from AG (Agricultural) to I-2 (Heavy Industrial) for the land south of K.D.O.T. on Highway 69. Bartelsmeyer seconded. All voted aye.

APPROVED ORDINANCE NO. 3490 CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF FORT SCOTT, KANSAS, UNDER THE AUTHORITY GRANTED BY K.S.A. 1973 SUPP. 12-708. - AG (AGRICULTURAL) TO I-2 (HEAVY INDUSTRIAL) FOR THE LAND SOUTH OF K.D.O.T. ON HIGHWAY 69 – GREAT WEST VET CLINIC

6. Zoning Change –AG (Agricultural) to C-4 (Central Business District) – three tracts of land south of Jayhawk and Liberty Bell Road

Dave Bruner, Deputy Fire Chief informed the Commission that the Fort Scott Planning Commission met on January 3rd, 2017 and recommended change of the three tracts of land south of Jayhawk and Liberty Bell Road from AG (Agricultural) to C-4 (Central Business District) for the placement of a tiller dirt track. The three tracks of land total 45.70 acres.

Charles Gentry, attorney spoke on behalf of Countryside Addition in opposition to the zoning change. He referenced several court cases in regards to dirt tracks with residents close by. He does not believe this dirt track should be located in the Industrial Park. Mr. Gentry urged them to vote against the rezoning and the Conditional Use Permit.

Bob Farmer, City Attorney reminded the Commission that this first part is to consider the zoning change and the Conditional Use Permit will be considered next.

Nathan Wells that their goal is to design a man-made course that would create a dirt tiller track that would allow dirt bikes, side-by-sides and possibly four wheelers. The dirt track would consist of rolling hills and lots of turns. There would not be any big jumps that could result in a crash. There would be a $50.00 entry fee per class for race weekends. The classes offered would include: 4 stroke bikes only – 150cc, 250cc, 450cc, mixed class, enduro class and street legal. The projected race attendance will be 200-300 riders per race weekend. Races would be held three weekends per month. The motocross would be a single elimination bracket based on the number of racers per class. The races would start at 10:00 a.m. to 8 p.m. and the track would be available limited hours at other times. There would be an economic benefit with all the racers in town spending money for food and gas and overnight stays. He talked about the noise level and said that all the bikes will have mufflers and there should not be any more noise than a train or highway vehicle noise. He also mentioned dust control and that water will be sprayed multiple times during practices and on race days. A solution called TrackMoist will be used where dust control consumes large quantities of water. He stated that the track design will minimize noise and maximize rider safety. The goal is only 15% of the duration of the race will be with maximum sound power level. He also shared decibel

comparison levels and stated that trees and ground vegetation will absorb most of the noise.

Those that spoke in opposition to the dirt track were: Paul Brock, Kay Brock, Bob Reed, Charles Gentry, Karen Rocher, Linda Rogers and Eric Heaney. Their main concerns were noise, de-valuation of their property, and diminished desire of new jobs in the area. Mr. Heaney is concerned about the noise as he is the owner of the Oak Tree Inn which is in close proximity to the track.

Those that spoke in support of the dirt track were: Stewart Gulager, Nikki Traul, Caleb Dare, and Steve Buerge.

Nichols moved to approve the zoning change from AG (Agricultural) to C-4 (Central Business District) for the three tracts of land south of Jayhawk and Liberty Bell Road. Mason seconded. All voted aye.

APPROVED ORDINANCE NO. 3491 CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF FORT SCOTT, KANSAS, UNDER THE AUTHORITY GRANTED BY K.S.A. 1973 SUPP. 12-708. - AG (AGRICULTURAL) TO C-4 (CENTRAL BUSINESS DISTRICT) FOR THE THREE TRACTS OF LAND SOUTH OF JAYHAWK AND LIBERTY BELL ROAD – FORT SCOTT TILLER TRACK

7. Conditional Use Permit – Operation of a dirt track for the land south of Jayhawk and Liberty Bell Road

Dave Bruner, Deputy Fire Chief said that the Planning Commission recommended a Conditional Use Permit for the land south of Jayhawk and Liberty Bell Road to operate a dirt race track. They recommended this permit be issued when the occupancy permit was issued and revisited every year.

Charles Gentry again voiced his disapproval for this permit due to the noise and the fact that he believes this dirt track does not belong in the Industrial Park.

Steve Buerge stated that no one else has ever looked at this piece of property in the 15 years he has served as President of Bourbon County Economic Development Council. He said it would cost over $2,000,000 to flatten the land for any development.

City Attorney said that the purpose of the Conditional Use Permit is to revisit any issues in a certain time frame if the Commission desires to do so. He stated that he can draft a Conditional Use Permit and bring it back before the Commission for final approval. The Commission can authorize City Staff to work in developing the C.U.P. and any conditions they desire.

Nathan Wells stated that they want to make sure the track is successful and will work with the City however they can.

Nichols moved to approve the Conditional Use Permit with the condition that City Staff work to develop the conditions and this permit be brought back before the Commission for final approval. Mitchell seconded. All voted aye.

APPROVED THE CONDITIONAL USE PERMIT WITH THE CONDITION THAT CITY STAFF WORK TO DEVELOP THE CONDITIONS AND THIS PERMIT BE BROUGHT BACK BEFORE THE COMMISSION FOR FINAL APPROVAL FOR THE OPERATION OF A DIRT TRACT SOUTH OF JAYHAWK AND LIBERTY BELL ROAD.

COMMISSION/STAFF:

A. Director Updates:

Paul Ballou and Traci Reed – End of the year Dispatch Report – Paul Ballou, Fire Chief and Traci Reed, Communications Manager appeared before the Commission to give an update on Dispatch for 2016. Chief Ballou reported that in 2016 Dispatch received over 23,000 phone calls. About one third of these were emergency or 911 calls or calls for assistance. In 2016 the work stations in the dispatch area were updated as well as the phone system. The new fiber project is ongoing to tie USD 234, Bourbon County and the City together. Also a new digital repeater was installed and digital radios are now used throughout the City and County.

Dave Martin recognized Traci Reed for her dedication to her position and her graduation from the Certified Public Manager class.

Michael Mix – Wastewater Treatment Plant Inspection Results – Michael Mix, Water Utilities Director informed the Commission that the Wastewater Treatment Plant was surprised with an inspection in December. The plant passed with no violations or problems. He thanked Jim Cox and Mike Embry for their dedication in running the plant.

B. City Commission:

Adams – Nothing to report.

Bartelsmeyer – Thanked all who came to the meeting tonight.

Mason – Echoed Commissioner Bartelsmeyer's comments.

Nichols – Nothing to report.

Mitchell – Nothing to report.

C. **City Attorney:** Nothing to report.

D. **Director of Finance:** Nothing to report.

E. **City Manager:** City Manager said that he needs approval of a Resolution of Support for Fort Scott Lofts for an application which will be submitted in February. This is for the downtown apartments which will result in 30 apartments some of which will be market rate apartments.

Nichols moved to approve the Resolution of Support for Fort Scott Lofts. Bartelsmeyer seconded. All voted aye.

APPROVED RESOLUTION NO. 3-2017 – RESOLUTION OF SUPPORT FOR FORT SCOTT LOFTS.

ADJOURNMENT:

Mason moved to adjourn the meeting at 8:04 p.m. Bartelsmeyer seconded. All voted aye.

ADJOURNED MEETING AT 8:04 P.M.

The next regularly scheduled meeting is to be held on February 7th, 2017 at 6:00 p.m.

RECORDED BY:

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DIANE K. CLAY
CITY CLERK