

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of February 7, 2017**

**Regular Meeting #3**

The regular meeting of the Fort Scott City Commission was held February 7<sup>th</sup>, 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 Paul Rooks, Grace Baptist Tabernacle 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, Bill Lemke, Paul Rooks, Lindsay Madison, Max Fanning, Janet Braun, Chris Petty, Jessica Schenkel, Rhonda Dunn, Rachel Pruitt, Chad Brown, Kenny Howard, Michelle Workman, representing Fort Scott Biz, and Jason Silvers, representing the Fort Scott Tribune.

**PROCLAMATIONS/RECOGNITIONS:** None

**APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:**

Mayor Mitchell asked that Item K – Alleged Dangerous and Unsafe Structure at 1223 Scott be removed from the consent agenda.

- A. Approval of minutes of the regular meeting of January 17<sup>th</sup>, 2017.
- B. Approval of Appropriation Ordinance 1186-A totaling \$479,063.43.
- C. Certificate of Appropriateness – Sign at 108 Scott Avenue  
Installation of flag pole  
Sign on Southeast corner of building
- D. Certificate of Appropriateness – Sign at 23 N. National Avenue
- E. Certificate of Appropriateness – Sign at 113 S. Main
- F. Resolution 4-2017 - Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at 14 N. Broadway Street – Public Hearing Date – 3/21/2017 at 6:15 p.m.
- G. Resolution 5-2017 - Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at 801 S. Margrave Street – Public Hearing Date – 3/21/2017 at 6:15 p.m.

- H. Resolution 6-2017 - Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure and Accessory Structure located at 805 S. Margrave Street – Public Hearing Date – 3/21/2017 at 6:15 p.m.
- I. Resolution 7-2017 - Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure and Accessory Structure located at 710 S. Lowman Street – Public Hearing Date – 3/21/2017 at 6:15 p.m.
- J. Resolution 8-2017 - Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at 102 N. Holbrook Street – Public Hearing Date – 3/12/2017 at 6:15 p.m.
- K. Resolution 9-2017 - Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure and Accessory Structure located at 402 E. 20<sup>th</sup> Street – Public Hearing Date – 3/21/2017 at 6:15 p.m.

Bartelsmeyer moved to approve the Consent Agenda with the removal of Item K which was - Alleged Dangerous and Unsafe Structure at 1223 Scott. Mason seconded. All voted aye.

**APPROVED CONSENT AGENDA WITH REMOVAL OF ITEM K WHICH WAS - ALLEGED DANGEROUS AND UNSAFE STRUCTURE AT 1223 SCOTT AVENUE.**

**APPEARANCE/COMMENTS/PUBLIC HEARING:**

**A. APPEARANCE:**

Jessica Schenkel – Wine Stroll – Jessica informed the Commission that the Bourbon County Arts Council is planning an Art Walk that would also include a Wine Stroll. There would be eight to ten wineries from across the state set up on the sidewalks on Main Street. After checking their ID, tickets could be purchased and a wrist band given and a wine glass. The idea is to stroll down Main Street sampling the wines and you can purchase your favorite unopened bottle to take home. They are also planning to have live music as well. She has checked with Alcohol Beverage Control and this is permitted under the Art Walk classification. She asked for Main Street to be closed from Wall to 2<sup>nd</sup> Street possibly except for the drive through streets. She is hoping this will attract about 500 people the first year. The proposed date is July 28<sup>th</sup>, 2017. She has visited with Travis Shelton, Chief of Police and he will have officers help patrol the area also. She has visited with the local liquor stores who will be donating items for this event.

City Manager suggested giving approval for the event with City staff coordinating the street closure.

Adams moved to approve the Arts Council Wine Stroll and Art Walk with City staff coordinating the street closure on Main Street with the possible event date of July 28<sup>th</sup>, 2017. Bartelsmeyer seconded. All voted aye.

**APPROVED THE ARTS COUNCIL WINE STROLL AND ART WALK WITH CITY STAFF COORDINATING THE STREET CLOSURE ON MAIN STREET WITH THE POSSIBLE EVENT DATE OF JULY 28<sup>TH</sup>, 2017.**

Chris Petty & Jessica Schenkel – Riverfront Ribfest – May 6<sup>th</sup>, 2017 – Mr. Petty said that he appeared before the Commission last fall on the proposed inaugural Riverfront Ribfest. There was not much interest at that time of the year and they decided to postpone until spring of 2017. He asked the Commission for approval to use the west end of Skubitz Plaza on May 6<sup>th</sup>, 2017 which is also the opening of Farmer’s Market. This event will be a fundraiser for the Riverfront group to hopefully raise enough to purchase seating for that area. This event could eventually be relocated to the Riverfront area in the future if enough interest is shown.

Bartelsmeyer moved to approve the use of the west end of Skubitz Plaza for the Riverfront Ribfest event to be held on May 6<sup>th</sup>, 2017. Mason seconded. All voted aye.

**APPROVED THE USE OF THE WEST END OF SKUBITZ PLAZA FOR THE RIVERFRONT RIBFEST EVENT TO BE HELD ON MAY 6<sup>TH</sup>, 2017.**

**B. CITIZEN COMMENTS** (Concerning Items Not on Agenda – 3 minute limit per citizen) - None

**C. PUBLIC HEARINGS:** None

**CONSIDERATION:**

1. Fort Scott Lofts – Project Proposal and Letter of Support – Rachel Pruitt, Economic Development Director informed the Commission that she is appearing on the proposal for the Fort Scott Lofts Project. Tony Krsnich of Flint Hills Holdings Group, LLC was unable to attend tonight’s meeting. This will be the redevelopment of the Union Block Building located at 18, 20 and 22 S. Main Street. It will be redeveloped with 27 loft style apartments with mixed use/mixed income. These apartments will range from 800 square feet to 1,100 square feet. There will also be up to 1,500 square feet of commercial space available. This project amounts to \$5,563,000 and will create ten (10) permanent jobs and an additional 40 residents in the downtown area. She asked for a Letter of Support to be signed by the City Manager and herself. Seven percent (7%) of the total project costs will be funded through the City which will amount to approximately \$400,000 and be used from the Economic Development budget. The application has been submitted to the State of Kansas without the Letter of Support from the City. There is a 50/50 chance to receive the tax credits. When the Letter of Support from the City is received those chances will increase.

Adams moved to approve the signing of the Letter of Support from the City of Fort Scott and the funding commitment of \$400,000. Nichols seconded. All voted aye.

**APPROVED THE SIGNING OF THE LETTER OF SUPPORT FROM THE CITY OF FORT SCOTT AND THE FUNDING COMMITMENT OF \$400,000 FOR THE FORT SCOTT LOFTS REDEVELOPMENT OF THE UNION BLOCK BUILDING AT 18, 20, AND 22 SOUTH MAIN STREET.**

2. Consideration of Annexation Ordinance for property belonging to the Lea Emory R. Arnold Revocable Living Trust – Rachel Pruitt, Economic Development Director informed the Commission that the co-trustees have voluntarily signed to annex the property directly south of El Charro into the City limits. This will be commercial property that will be developed by a major retailer. She does not know who the major retailer is at this time. This property does adjoin current property that is annexed into the City. She asked for approval of the Ordinance to approve the annexation.

Mason moved to approve the Ordinance annexing the land south of El Charro into the City limits. Bartelsmeyer seconded. All voted aye.

**APPROVED ORDINANCE NO. 3494 INCLUDING AND INCORPORATING CERTAIN LAND WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF FORT SCOTT, BOURBON COUNTY, KANSAS INTO THE CITY LIMITS. TRACT CONTAINS 1.68 ACRES – MORE COMMONLY KNOWN AS 2507 SOUTH MAIN.**

3. Discussion of Bids – 4 Police Interceptor Vehicles – Dave Martin, City Manager asked that the bids for the four police interceptor vehicles be rejected and rebid again. This is due to the fact that only two bids were received. He would like to see more bids received.

Bartelsmeyer moved to reject the Police Interceptor Vehicle bids and to rebid. Adams seconded. All voted aye.

**APPROVED TO REJECT THE POLICE INTERCEPTOR VEHICLE BIDS AND TO REBID THIS AGAIN.**

4. 124 E. Wall – Approval of Property Preservation Agreement – Dave Martin, City Manager informed the Commission that the building at 124 E. Wall is more commonly known as the old Spoiled Brat building. This building has several issues with the wall and has had a few people attempt to make repairs happen but nothing has come to fruition. Roy and Jody Hoener have come up with a way to save this building and the wall. They have requested the City to contribute what would have been given to have the building demolished if that would have occurred. City Manager explained that when a structure is demolished that bids are taken, the structure is demolished, the amount is billed to the property owner who is given 30 days to pay and then assessed to the taxes. The City hardly ever sees any of this money. They asked for an allocation of

\$30,000 in the event that repairs to the wall exceed \$80,000 which is an estimated cost they received from an engineering firm. The first step is to transfer the title to the Hoener's name and then they will begin applying for grants. The City Attorney has worked with the Hoener's attorney to draw up the Property Preservation Agreement.

Adams moved to approve the Property Preservation Agreement with Hoener Properties, LLC at a cost not to exceed \$30,000. Mason seconded. All voted aye.

**APPROVED PROPERTY PRESERVATION AGREEMENT WITH HOENER PROPERTIES, LLC AT A COST NOT TO EXCEED \$30,000 FOR THE BUILDING AT 124 E. WALL STREET.**

5. Discussion of Memorial Hall proposal – Dave Martin, City Manager asked the Commission to give him approval to work with Lillie Incorporated to purchase Memorial Hall. They approached the City and are very interested in buying Memorial Hall to make an event center. He asked for authority to negotiate further the selling of Memorial Hall. He also asked for authority to work on a contract with the City Attorney on this building. He will also need to evaluate the entities that are housed there now.

Bartelsmeyer moved to grant the City Manager authority to negotiate further the selling of Memorial Hall, working on a contract with the City Attorney and evaluating the entities housed there currently. Adams seconded. All voted aye.

**APPROVED TO GRANT THE CITY MANAGER AUTHORITY TO NEGOTIATE FURTHER THE SELLING OF MEMORIAL HALL, WORKING ON A CONTRACT WITH THE CITY ATTORNEY AND EVALUATING THE ENTITIES HOUSED THERE CURRENTLY.**

6. Approval of purchase of newer John Deere tractor for Airport/Lakes – Kenny Howard, Airport/Lakes Director informed the Commission that he is seeking approval to purchase a used 80 hp John Deere tractor. This will be used to mow at the Lakes and the Airport. He will be replacing the 1960 Model 3020 John Deere tractor that is currently being used. The price of the newer John Deere tractor is \$37,500 and will be purchased from R & R Equipment of Fort Scott. R & R Equipment will allow \$7,500 for the trade in of the old 1960 John Deere tractor.

Mitchell moved to approve the purchase of the newer John Deere tractor. Bartelsmeyer seconded. All voted aye.

**APPROVED PURCHASE OF A USED 80 HP JOHN DEERE TRACTOR FOR THE AIRPORT/LAKES FROM R & R EQUIPMENT OF FORT SCOTT, KANSAS IN THE AMOUNT OF \$37,500 WITH A TRADE IN OF THE OLD TRACTOR IN THE AMOUNT OF \$7,500.**

**COMMISSION/STAFF:**

**A. Director Updates:** Paul Ballou – ISO Report – Chief Ballou explained the Insurance Service Office (ISO) Report to the Commission and how cities are rated. The City of Fort Scott had a “4” rating but after a recent evaluation dropped to a “3”. A scale of 1 to 10 is used with 1 as the best. This is good news for the City. He thanked Bill Lemke and Chad Brown for their assistance in updating water services. He also thanked Dave Bruner for his assistance. There are several items looked at when this rating is given such as fire equipment, response time, dispatch, water service and distance to fire hydrants.

He also mentioned that he received a call from Eric Bailey, Bourbon County Environmental Service Coordinator who told him the County had applied for a grant to help prevent the Zika virus. They will have a big push to eliminate as many tires as possible in the county which would help prevent any breeding of mosquitos. This would start on March 15<sup>th</sup> and end on April 23<sup>rd</sup>, 2017. A citizen can dispose of seven (7) tires per family. This would be a great way to help rid the City of unwanted tires that are at houses.

**B. City Commission:**

Adams – Remarked that the downtown area is looking better and momentum is moving forward.

Bartelsmeyer – Nothing to report.

Mason – Nothing to report.

Nichols – Complimented Chief Ballou and his staff on the ISO rating.

Mitchell – Remarked that the new Codes Manager is in attendance tonight and welcomed her to the City team.

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

**D. Director of Finance:** End of year financial update – Mr. Garrison gave an end of the year financial report. He remarked that these are budgeted funds and the numbers could change after the audit is completed. He remarked that he discussed with the auditor about the City’s funds. There are currently 19 funds and he would like to consolidate 8 of these funds together. The auditor had no objection to this.

Mr. Garrison also remarked that there have been many phone calls received from lake residents recently about their sewer bills. Their bills include the following: Sewer assessment of \$21.09; Wastewater assessment of \$15.77; and a \$150.00 Lake frontage fee assessed yearly. The City collects the sewer assessment and sends this amount to the County who uses it to pay on their indebtedness for this project. The \$15.77 wastewater assessment is an average household charge. This

amount will need to be raised 3% as the City residents was recently and this will be brought before them at a later date. The \$150.00 Lake frontage fee is assessed to all residents at the lake for improvements for the lake such as docks, concrete repairs and any other improvements that could occur.

Discussion was held regarding if docks were taxed at Lake Fort Scott. Rhonda Dunn will check into this and report back.

Discussion of charging for permits for docks at Lake Fort Scott was also discussed. Rhonda Dunn will discuss this with the County Appraiser also.

**E. City Manager:**

1. Discussion of reorganization of City Commission – City Manager asked the Commission to consider their reorganization in January of 2018 due to the recent legislation regarding elections occurring in the fall.

Bartelsmeyer moved to approve to reorganize the City Commission in January 2018. Mason seconded. All voted aye.

**APPROVED TO REORGANIZE THE CITY COMMISSION IN JANUARY 2018 AFTER THE ELECTION IN NOVEMBER 2017.**

2. Introduction Rhonda Dunn – New Codes Director - City Manager introduced Rhonda Dunn who will start on March 1<sup>st</sup>.

Rhonda Dunn stated that she is very excited to come to work for the City and join the team. She loves working for the public and will work hard to see improvement in infrastructure and making sure the ordinances are being fairly enforced. The City also has excess land that she will be working on to see if she can generate more taxes. She has already started working on codes issues. She explained her position as Bourbon County Treasurer and said that she has not resigned her position as of yet. The Bourbon County Commission has asked that she have a tax sale soon and then have another tax sale in the summer. She does not want to see a special election occur to fill her position. If need be she will fill in as Bourbon County Treasurer also by working part time for them. She is glad to be part of the City.

**ADJOURNMENT:**

Mason moved to adjourn the meeting at 6:59 p.m. Nichols seconded. All voted aye.

**ADJOURNED MEETING AT 6:59 P.M.**

The next regularly scheduled meeting is to be held on February 21<sup>st</sup>, 2017 at 6:00 p.m.

**RECORDED BY:**

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**DIANE K. CLAY  
CITY CLERK**