

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of February 20, 2018

Regular Meeting #4

The regular meeting of the Fort Scott City Commission was held February 20th, 2018 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

ROLL CALL:

Commissioners Adamson, Bartelsmeyer, Nichols and Parker were present with Mayor Mitchell presiding.

INVOCATION: Dave Martin, City Manager, said a prayer asking God for guidance for the city and all government and city officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Rachel Pruitt, Clayton Miller, Frank Adamson, Paul Ballou, Rhonda Dunn, Deb Needleman, Robert Taylor, Matthew Wells, Patrick Wood, Denton Wescoat, Karen Gazaway, Larry Gazaway, Katlyn Stahl, Abby Fangman, Liseth Arana, Courtney Russell, Izzy Russell, Jade Russell, Samantha Hunt, Trey Hunt, Mersadies Roof, Amy Roof, Jenna Graham, Kimberly Graham, Ashlyn Graham, Alvin Metcalf, Sr., Alvin Metcalf, Jr., Alexis Metcalf, Candy Stroud, Rick Zingre', Brandon Brown, Melissa Swisher, Teresa Russell, Kevin Russell, Hannah Vann, Jody Hoener, Amanda Roof, Edwin Roof, Addie Smith, Dakota Hall, and Jason Silvers, representing the Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS:

Recognition of Fort Scott High School Girls Wrestling Team – Mayor Mitchell recognized the Fort Scott High School Girls Wrestling Team which consisted of 12 girls. The team was formed in 2017/2018. There were 8 girls recently who placed at the State Wrestling Championship held in McPherson on February 10th, 2018. Those girls include: Jenna Graham, Mersadies Roof, Brea Brown, Alexis Rusk, Hannah Vann, Addie Smith, Jade Russell and Sam Hunt. The FSHS Girl's Wrestling Team finished 2nd in the State of Kansas. The City is proud of each of these girls and their accomplishments. They were each presented with a Certificate of Recognition.

Introduction of new City employees – Deb Needleman, Human Resource Director, introduced Denton Wescoat and Karen Gazaway. Denton will be the IT System Administrator and Karen is the new Water Utility Clerk.

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of February 6th, 2018.
- B. Approval of Appropriation Ordinance 1209-A totaling \$320,132.82.

- C. Approval of Archer Daniels Midland Agreement – Purchase of treated wastewater from City of Fort Scott
- D. Certificate of Appropriateness – Installation of Bicycle Racks in downtown area
- E. Certificate of Appropriateness – Approval of final Gordon Parks sign to be installed on Iron Star Building

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

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE: None

B. CITIZEN COMMENTS (Concerning Items Not on Agenda – 3 minute limit per citizen) -

Robert Taylor – Mr. Taylor said he moved to Fort Scott two years ago. He would like to address the closure of the Beaux Arts Center. He said they have been forced to move out due to the Kansas State Fire Marshal and the Fire Prevention Code violations. It would cost a lot of money to bring the building up to code. This puts an establishment out of business and is bad for the community. It diminishes the tax base and cultural base as the Beaux Arts Center helped support the local arts base in Fort Scott. He asked that the City give the owners reasonable accommodations and rescind the letter that was sent to the State Fire Marshal's office.

City Manager responded and said what was sent to the State Fire Marshal's office was the code foot print. It is an important document that you need when you change occupancy of a building which is what has occurred at this location. A complaint was filed with the State Fire Marshal's office that there was a change of occupancy for this building. The City has tried to work with the owners but they chose to close their doors.

Matthew Wells – Mr. Wells asked why the code foot print for the Beaux Arts Center was funded using City taxpayer funds. He also asked why the report was sent to the State Fire Marshal's office before confirming the size of the windows and doors. Lastly, he asked about the other downtown businesses and if the City would lose more businesses due to changes in occupancies in their establishments.

Mayor Mitchell said that the Beaux Arts Center did not have to close their doors. The City's first and foremost concern is safety for all of our citizens. The City would work with them as they would any other business.

Paul Ballou, Fire Chief, said that his department had been working with the Duncan's for some time.

Rick Zingre', architect, said he did the code foot print for the Beaux Arts Center. He said that the City is always willing to give variances and exceptions. The change in occupancy from business to assembly is why the State Fire Marshal's office requires the extra exit on the third floor.

Rachel Pruitt informed Mr. Wells that the code foot print was paid for with the downtown building improvement grant that is only for historical buildings.

City Manager said that he had a meeting with them this morning and asked them to reconsider again and they told him they were done.

C. PUBLIC HEARINGS: None

CONSIDERATION:

1. Consideration of Zoning Change - A change of zoning from R-2 (Medium Density Residential District) to MU (Mixed Use District) – For Tract #1 at 1907 S. Horton – Approval of Ordinance No. 3530 – Rhonda Dunn, Community Development Director, informed the Commission that this zoning change went before the Planning Commission on February 1st, 2018. The Planning Commission recommended approval of the zoning change. This property is where the old trailer park used to be located across from the college. This property has been purchased by Patrick Wood and Jake Gross who have formed Two Dogs Barking, LLC.

Patrick Wood informed the Commission they plan to put a strip mall in the southwest corner of this property along Horton Street and a 12 unit apartment building along the northwest corner. The apartment building would be appealing to young professionals and be on an upscale level. He is working with Rhonda Dunn and Rachel Pruitt as he would like to put some retail business in this parcel of land. He hopes to be able to apply for a T.I.F. for this location.

Mitchell moved to approve Ordinance No. 3530 - Zoning change from R-2 to MU for the property at 1907 S. Horton Street. Parker seconded. All voted aye.

APPROVED ORDINANCE NO. 3530 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 – CHANGE OF ZONING FROM R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO MU (MIXED USE DISTRICT) FOR THE PROPERTY AT 1907 S. HORTON STREET.

2. Consideration of Zoning Change - A change of zoning from R-2 (Medium Density Residential District) to R-3 (High Density Residential District) for Tract #2 at 1920 S. Huntington – Approval of Ordinance No. 3531 - Rhonda Dunn, Community Development Director, informed the Commission that this zoning change went before the Planning Commission on February 1st, 2018. The Planning Commission recommended approval of the zoning change.

Patrick Wood said they are still deciding what to do with this property. This zoning will allow for housing at this area.

Mitchell moved to approve Ordinance No. 3531 - Zoning change from R-2 to R-3 for the property at 1920 S. Huntington Street. Bartelsmeyer seconded. All voted aye.

APPROVED ORDINANCE NO. 3531 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 – CHANGE OF ZONING FROM R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO R-3 (HIGH DENSITY RESIDENTIAL DISTRICT) FOR THE PROPERTY AT 1920 S. HUNTINGTON STREET.

3. Consideration of playhouse placement – Dave Martin, City Manager, informed the Commission that a playhouse has been given to the City of Fort Scott by Pittsburg State University. The Men’s Kiwanis group has worked on the playhouse to make it safer for children. City Manager said that they need a location now to put the playhouse and asked the Commission for their input. The Public Works Director would like to see it placed at Ellis Park. They would pour a concrete slab and the playhouse would be placed on top of that. There are other parks where it could be placed also.

Nichols moved to allow City Staff to make the decision where to place the playhouse. Parker seconded. All voted aye.

APPROVED TO ALLOW CITY STAFF TO MAKE THE DECISION FOR THE BEST PLACE TO PUT THE PLAYHOUSE THAT WAS DONATED TO THE CITY BY PITTSBURG STATE UNIVERSITY.

4. Consideration of Fitness Equipment purchase – Buck Run Community Center – City Manager asked for this to be tabled since Tom Robertson was not present.
5. Consideration of Natural Gas Supply Agreement with Constellation for Memorial Hall and the Public Works building – Jon Garrison, Director of Finance, informed the Commission that

several weeks ago he was approached by Constellation New Energy about switching our natural gas supplies from Kansas Gas Service to Constellation at Memorial Hall at 1 E. 3rd Street and the Public Works building at 2104 S. Sidney. He said that he has not checked with Kansas Gas Service yet to see if they would match their rate. He asked that this be tabled at this time and brought back in two weeks.

COMMISSION/STAFF:

A. Director Updates: None

B. City Commission:

Adamson – Remarked that the City did a great job on the streets.

Bartelsmeyer – Remarked that the Beaux Arts Center is important to our community and she hopes they reconsider their decision to close.

Nichols – Remarked that he noticed in the Planning Commission meeting notes that the new Comprehensive Plan will be coming before them at the first meeting in March. He will not be present at that meeting and asked if it could be moved to the second meeting in March.

Parker – Remarked that she appreciated the comments tonight at the meeting.

Mitchell – Nothing to report.

C. City Attorney: Not present.

D. Director of Finance: Nothing to report.

E. City Manager: Remarked that he has reached out to the owners of the Beaux Arts Center and hopes they reconsider their decision to close.

ADJOURNMENT:

Mitchell moved to adjourn the meeting at 6:57 p.m. Bartelsmeyer seconded. All voted aye.

ADJOURNED MEETING AT 6:57 P.M.

The next regularly scheduled meeting is to be held on March 6th, 2018 at 6:00 p.m.

RECORDED BY:

DIANE K. CLAY, CITY CLERK