

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of March 20, 2018

Regular Meeting #6

The regular meeting of the Fort Scott City Commission was held March 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: Rachel Pruitt, Bobby Duncan, Denise Duncan, Frank Adamson, Mike Trim, Marlene Braker, Jackie Webster, Carol MacArthur, Craig Campbell, Bobbi Kemna, Dave Bruner, Jackie Sellers, Diana Morris, Patrick Wood, Max Fanning, Marci Myers, Kevin Allen, Julie Saker, Rick Zingre', Jason Gorman, Marianne Crane, John Cowlshaw, Steve Buerge, Lindsay Madison, Robert Taylor, Barbara Woodward, Alisha Watkins, Leann Zingre', Diana Endicott, John Embry, Paul Ballou, Rhonda Dunn, Deb Needleman, Darrell Parker, Janet Braun, Jerald Mitchell, 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 March 6th, 2018.
- B. Approval of Appropriation Ordinance 1211-A totaling \$284,110.34.
- C. Resolution No. 12-2018 and Notice of Hearing With Reference to Alleged Unsafe and Dangerous Structure located at 1602 E. Oak – Public Hearing Date – 5/1/2018 at 6:15 p.m.
- D. Resolution No. 13-2018 and Notice of Hearing With Reference to Alleged Unsafe and Dangerous Structure located at 504 S. Judson – Public Hearing Date – 5/1/2018 at 6:15 p.m.
- E. Certificate of Appropriateness – Alterations to 22 & 22 ½ N. Main Street

Parker moved to approve the Consent Agenda. Nichols seconded. Adamson, Nichols, Parker and Mitchell voted aye. Bartelsmeyer abstained. Motion carried 4-1.

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE:

Mike Trim – School Resource Officer – Mike Trim informed the City Commissioners that active shooter training was held earlier in the day at the Fort Scott Middle School. This was a five hour training that included the Bourbon County Sheriff's Office, the Fort Scott Police Department, EMS, and 911 Dispatchers. He stated that he feels the Police Department is better prepared than ever. He stated that he is the only S.R.O. for five schools. He believes the teachers are well trained also and have had active shooter training.

Deb Needleman & Jackie Sellers – Senior Citizens/Taxi Update – Deb reminded the Commission that in 2016 the transportation changed for the SEKCAP office. They started requiring a 24 hour advance notice for a ride and would not change this requirement. Pitt Taxi came to Fort Scott and started providing rides when needed.

Jackie Sellers stated that she works for both SEKCAP and Pitt Taxi. She said that the first month Pitt Taxi came to Fort Scott there were around 200 rides. Last month they were up to about 1,000 rides a month. Their first ride is at 5:45 a.m. to take people to work and they offer rides through 6 p.m. at night. They look to expand the evening hours to 7 p.m. at night. Bourbon County Senior Citizens has helped subsidize some of the costs for low income families and senior citizens. Pitt Taxi has filled a great need since they came to town.

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

City Attorney, Bob Farmer, asked to address the Commission before Mr. Duncan did. City staff has been working hard to get this issue resolved. The Duncan's have been invited to these discussions and have now threatened a claim against the City. They have threatened to sue the City. As the attorney for the City, he advised the Commission to listen to Mr. Duncan in the allotted three minute time frame but to have no response as there is an open claim at this time. City Staff has spent many hours trying to get a meeting together but the Duncan's have not been willing to meet. City Attorney remarked that the City did not do anything to close this building. This is a public safety issue.

Bobby Duncan – Remarked that what the City Attorney said was not true. They have discussed this issue with Dave Martin, Rhonda Dunn, and Commissioner Randy Nichols. He stated that the building at 102 S. National is safe and the structure is fireproof. He said that Fort Scott has potential to grow but it seems a downward spiral has begun and continues today. The City Commission was elected to lead and they have failed to do so. The City Commission is rubber stamping everything that the City Staff does. He said that the code footprint was not mandated by the State and was sent in error by the City. He said that the City is not

progressing and will not progress by the actions they have taken. He invited the Commission and the public to a meeting next Tuesday evening and he will show everyone what is wrong with the code footprint document.

Steve Buerge – Mr. Buerge said that this is a touchy issue and he has found in working with Bedco that you can usually sit down and resolve an issue. He said that he has tried to resolve this personally and as a Bedco representative, has been unable to do so as the Duncan's will not meet with him.

John Cowlshaw – Mr. Cowlshaw addressed the Commission and asked them to reconsider the structure at 1234 E. Elm that they deemed dangerous and unsafe at the March 6th, 2018 meeting. He missed the hearing date. His son, whose name the house is in, was unable to attend tonight's meeting due to the death of a grandparent. He said that the electricity has been upgraded but that the inside of the house still does need some work, but he believes it is not bad enough to be demolished.

Rhonda Dunn told him that this structure has been condemned twice in previous years and that his son has owned it since 2015 and made no repairs on it.

No action was taken by the Commission.

C. PUBLIC HEARINGS:

Parker moved to open the Public Hearing at 6:19 p.m. seconded. Motion carried.

OPENED PUBLIC HEARING AT 6:19 P.M.

6:15 p.m. Resolution 14-2018 – Resolution Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure and Accessory Structure located at 1523 E. Wall Street – Rhonda Dunn, Codes Director, informed the Commission that this structure started the condemnation process in 2009. She believes the owner is in prison. She mailed a list of improvements to a family member. She is recommending 30 days for this structure to either be repaired or removed.

A lady in the audience acknowledged receiving the letter.

Bartelsmeyer moved to give the property owner 30 days to either repair or remove this structure. Parker seconded. All voted aye.

APPROVED RESOLUTION NO. 14-2018 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE AND ACCESSORY STRUCTURE LOCATED AT 1523 E. WALL STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY APRIL 27th, 2018 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 15-2018 - Resolution Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure and Accessory Structure located at 1601 E. Wall Street - Rhonda Dunn, Codes Director, informed the Commission that this is the former Sugarfoot & Peaches establishment that a fire occurred in. She has been unable to make contact with the owner. She believes the structure is damaged beyond repair and asked for 30 days for the owner to either repair or remove the structure.

John Embry was present and said he has talked to Kevin Allen (Skitch) about this property. He believes that the roof and rafters need replaced and the back of the structure but otherwise it is still in good condition and rebuildable. He asked for more time to be able to work on this structure as he would like to see this building saved as it is over 100 years old.

Nichols moved to table this resolution for 30 days to allow the property owner more time to either repair or remove this structure. Adamson seconded. All voted aye.

APPROVED TO TABLE THE STRUCTURE AT 1601 E. WALL FOR 30 DAYS TO ALLOW THE OWNER MORE TIME TO EITHER REPAIR OR REMOVE THIS STRUCTURE.

6:15 p.m. Resolution 16-2018 - Resolution Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure and Accessory Structure located at 13 N. Holbrook Street - Rhonda Dunn, Codes Director, informed the Commission that the property owner has knocked this structure down but has not cleaned up the debris. She spoke with him today on the phone and he is planning to remove the debris.

Parker moved to give the property owner 30 days to either repair or remove this structure. Bartelsmeyer seconded. All voted aye.

APPROVED RESOLUTION NO. 16-2018 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE AND ACCESSORY STRUCTURE LOCATED AT 13 N. HOLBROOK STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY APRIL 27th, 2018 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 17-2018 - Resolution Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure located at 523 S. Main Street - Rhonda Dunn, Codes Director, informed the Commission that she met with Mark McKenney as this structure belongs to the McKenney Family Trust. He will be boarding up the windows and repairing the front of the structure. She asked them to table this for 30 days and see where the structure is at that time.

Bartelsmeyer moved to table this resolution for 30 days to allow the property owner more time to either repair or remove this structure. Adamson seconded. All voted aye.

APPROVED TO TABLE THE STRUCTURE AT 523 E. WALL FOR 30 DAYS TO ALLOW THE OWNER MORE TIME TO EITHER REPAIR OR REMOVE THIS STRUCTURE.

6:15 p.m. Resolution 17-2018 - Resolution Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure located at 108 W. Oak Street - Rhonda Dunn, Codes Director, informed the Commission that issues with this structure goes back to 2010. There have been no building permits issued for this structure. There has been no water or electricity to the structure for some time. The owner started to put a metal roof on but it is not finished. There are broken windows in the structure and the porch roof is in bad condition.

Mitchell moved to give the property owner 15 days to either repair or remove this structure. Bartelsmeyer seconded. All voted aye.

APPROVED RESOLUTION NO. 17-2018 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 108 W. OAK STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY APRIL 4th, 2018 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 18-2018 - Resolution Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure located at 309 S. Lowman Street - Rhonda Dunn, Codes Director, informed the Commission that there was a fire in this structure in 2015. There has been no attempt to repair this structure. She was notified by the property owner that Kevin Allen will be tearing the structure down. She asked the Commission to move forward with the 30 days to either have it repaired or removed.

Bartelsmeyer moved to give the property owner 30 days to either repair or remove this structure. Parker seconded. All voted aye.

APPROVED RESOLUTION NO. 18-2018 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 309 S. LOWMAN STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY APRIL 27th, 2018 OR DEMOLITION PROCEEDINGS WILL BEGIN.

Bartelsmeyer moved to close the Public Hearing at 6:31 p.m. Parker seconded. All voted aye.

CLOSED PUBLIC HEARING AT 6:31 P.M.

CONSIDERATION:

1. Presentation of 2018 Comprehensive Plan – Diana Endicott, Chairperson, Fort Scott Planning Commission, informed the City Commission that the Planning Commission has been working on the update to the Comprehensive Plan for quite some time now. When the plan was first updated years ago, it was quite expensive. The Planning Commission agreed to update this plan “in-house”. Each member took a chapter and updated it and then brought that chapter before the Planning Commission who either approved it or made suggestions to each chapter.

City Manager suggested having a work session before their first meeting in May to review the Comprehensive Plan.

The Commission suggested inviting the Planning Commission members to that meeting also.

2. Supplemental Agreement for Construction Engineering on the South Main (Highway 69) Widening Project and 18th/23rd Street Intersection Project – Jon Garrison, Director of Finance, informed the Commission that he is requesting approval of the two Supplemental Agreements between the City, K.D.O.T., and Felsburg, Holt & Ullevig. The City and KDOT contracted with F.H.U. to provide construction inspection services on the projects. The original inspection contract for the widening contract (6 U-0040-01) was \$396,150.00. This supplement contract totals \$90,548.72 which makes the adjusted contract amount \$486,698.72. The original inspection contract for the intersection project (6 KA-2822-01) was \$148,500.00. This supplemental contract totals \$24,632.29 which makes the adjusted contract amount \$173,132.29.

Mitchell moved to approve the two supplemental agreements. Nichols seconded. All voted aye.

APPROVED SUPPLEMENTAL CONTRACTS WITH FELSBURG, HOLT, & ULLEVIG, AND K.D.O.T. FOR THE FOLLOWING: SUPPLEMENT CONTRACT FOR THE WIDENING CONTRACT (6 U-0040-01 TOTALS \$90,548.72 WHICH MAKES THE ADJUSTED CONTRACT AMOUNT \$486,698.72. THE ORIGINAL INSPECTION CONTRACT FOR THE INTERSECTION PROJECT (6 KA-2822-01) WAS \$148,500.00. THIS SUPPLEMENTAL CONTRACT TOTALS \$24,632.29 WHICH MAKES THE ADJUSTED CONTRACT AMOUNT \$173,132.29.

COMMISSION/STAFF:

A. Director Updates: None

B. City Commission:

Adamson – Nothing to report.

Bartelsmeyer – Nothing to report.

Nichols – Thanked the Planning Commission members who worked on the Comprehensive Plan. He appreciates all their hard work.

Parker – Thanked Rhonda Dunn for all her hard work with the Codes Department and the dangerous and unsafe structures.

Mitchell – Nothing to report.

C. City Attorney: Remarked that there was a comment made that the City was not progressing and he takes that personally. He said that he is not a City Manager or administrator, but has worked for several City Managers. He said that Dave Martin has an extremely competent staff and he has never seen anything come up that the City staff is not willing to go the extra mile to resolve.

D. Director of Finance: Nothing to report.

E. City Manager:

1. Active Shooter Training – City Manager said that he went to the training today put on by the School Resource Officer and was very impressed. He thanked Mike Trim for doing a great job.
2. K.W. Cattle Sale – City Manager said that he was asked to come out to the K.W. Cattle annual sale. He said it was amazing how many trucks were there to purchase cattle. It is quite the operation and he invited the Commissioners to go there to view the facility.

ADJOURNMENT:

Parker moved to adjourn the meeting at 7:02 p.m. Bartelsmeyer seconded. All voted aye.

ADJOURNED MEETING AT 7:02 P.M.

The next regularly scheduled meeting is to be held on April 3rd, 2018 at 6:00 p.m.

RECORDED BY:

DIANE K. CLAY
CITY CLERK