

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of March 28, 2017

Regular Meeting #6

The regular meeting of the Fort Scott City Commission was held March 28th, 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 Virgil Peck of the Fort Scott Church of the Nazarene said a prayer asking God for guidance for the city and all government and city officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Dustin McClure, Clayton Miller, Deb Needleman, Lindsay Madison, Rhonda Dunn, Janet Braun, Rachel Pruitt, Tom Graham, Allen Schellack, Karen Schellack, Jerald Mitchell, Paul Ballou, Dave Bruner, Virgil Peck, Joel Riggs, Taysha Butler, Kenny Howard, Cameron Carroll, Skip Farmer, Dr. Rick Kellenberger, Karen Kellenberger, Max Fanning, Michelle Workman, representing Fort Scott Biz, and Jason Silvers, representing the Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS: Recognition of City Employee – Deb Needleman recognized Allen Schellack, Communications Officer who will be retiring on March 31st, 2017. Allen has worked for the City in Dispatch for 15 years.

Travis Shelton recognized Tom Graham, Lake Patrol Officer. Tom started to work for the City in 2014 and enforces all the rules at Lake Fort Scott, Rock Creek, and Gunn Park. He always goes above and beyond his call of duty and also picks up trash and assists Lake residents. He loves to pass out lifesaver candy. He is ready to start back to work this spring. Travis thanked him for the great job he does.

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of March 7th, 2017.
- B. Approval of Appropriation Ordinance 1189-A totaling \$673,752.48.

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

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE:

Rachel Pruitt shared with the Commission the four minute promotional video of Fort Scott that was produced by Mat Casner, RedLogic Communications, Inc. He did a great job producing this video.

Rachel Pruitt introduced Taysha Butler to the Commission. She is representing 4 States Sanitation and their recycling program.

Ms. Butler informed the Commission that the recycling program is ready to begin on April 3rd, 2017. The location will be the old Topco building at 600 N. Franklin. It will be a drive through recycling and there will be individuals to assist residents with their recycling. Flyers promoting this will go out on Thursday of this week. They will not take glass at this time. The hours will be Monday and Wednesday from 11 a.m. to 1 p.m. and then from 4:00 p.m. to 6:00 p.m. They hope to extend their hours.

City Manager thanked them for taking this on worthy project and knows the citizens will appreciate it.

Veteran Benefit Concert – LaRoche Baseball Complex – July 4th - Also approval to temporarily waive alcohol sales which will allow the Bourbon County Shrine Club a temporary license to sell 3.2 beer for this event – Rachel Pruitt appeared on behalf of Josh Regan. The LaRoche’s would like to have another veteran benefit concert this year on July 4th at the baseball complex. They plan to open doors at 6:00 p.m. with a speaker first and then the main entertainment will be the Turnpike Troubadours. She asked that alcohol be waived at the baseball complex for July 4th and that the Bourbon County Shrine Club be allowed to sell 3.2 beer for this event. More information on ticket prices will be forthcoming.

Bartelsmeyer moved to approve that alcohol be waived at the LaRoche Baseball Complex on July 4th and that the Bourbon County Shrine Club be allowed to sell 3.2 beer for this event. Nichols seconded. All voted aye.

APPROVED THAT ALCOHOL BE WAIVED AT THE LAROCHE BASEBALL COMPLEX ON JULY 4TH AND THAT THE BOURBON COUNTY SHRINE CLUB BE ALLOWED TO SELL 3.2 BEER FOR THIS EVENT.

B. CITIZEN COMMENTS (Concerning Items Not on Agenda – 3 minute limit per citizen) - Dr. Rick Kellenberger – Dr. Kellenberger remarked that they are excited to get new neighbors by Dairy Queen. He is looking forward to this area blossoming and developing.

C. PUBLIC HEARINGS:

Mitchell moved to open the Public Hearing at 6:16 p.m. Bartelsmeyer seconded. All voted aye.

OPENED PUBLIC HEARING AT 6:16 P.M.

6:15 p.m. Resolution 10-2017 – Resolution Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure located at 14 N. Broadway Street – Paul Ballou, Fire Chief, informed the Commission that this structure is owned by an out of country property owner. There has not been any repairs made to this property and it is in very bad condition. He recommended giving the property owner 30 days to either repair or remove this structure.

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

APPROVED RESOLUTION NO. 10-2017 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 14 N. BROADWAY STREET. STRUCTURE MUST BE BROUGHT UP TO 2006 INTERNATIONAL BUILDING CODE BY MAY 1ST, 2017 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m.- Resolution 11-2017 - Resolution Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure located at 801 S. Margrave St. - Paul Ballou, Fire Chief, informed the Commission that there has not been any contact from the property owner. There has not been any repairs made to this property and it is in very bad condition. He recommended giving the property owner 30 days to either repair or remove this structure.

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

APPROVED RESOLUTION NO. 11-2017 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 801 S. MARGRAVE STREET. STRUCTURE MUST BE BROUGHT UP TO 2006 INTERNATIONAL BUILDING CODE BY MAY 1ST, 2017 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. - Resolution 12-2017 - Resolution Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure and Accessory Structure located at 102 N. Holbrook Street – Paul Ballou, Fire Chief, informed the Commission that this structure and accessory structure have not had any repairs made by the owner and the house is rotting away and in very bad condition. He recommended giving the property owner 30 days to either repair or remove this structure.

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

APPROVED RESOLUTION NO. 12-2017 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE AND ACCESSORY STRUCTURE LOCATED AT 102 N. HOLBROOK STREET.

STRUCTURE AND ACCESSORY STRUCTURE MUST BE BROUGHT UP TO 2006 INTERNATIONAL BUILDING CODE BY MAY 1ST, 2017 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. - Resolution 13-2017 - Resolution Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure and Accessory Structure located at 805 S. Margrave Street – Paul Ballou, Fire Chief, informed the Commission that this structure and accessory structure have not had any repairs made by the owner and the house is in a very blighted condition. He recommended giving the property owner 30 days to either repair or remove this structure and accessory structure.

Nichols moved to give the property owner 30 days to either repair or remove this structure and accessory structure. Mason seconded. All voted aye.

APPROVED RESOLUTION NO. 13-2017 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE AND ACCESSORY STRUCTURE LOCATED AT 805 S. MARGRAVE STREET. STRUCTURE AND ACCESSORY STRUCTURE MUST BE BROUGHT UP TO 2006 INTERNATIONAL BUILDING CODE BY MAY 1ST, 2017 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. - Resolution 14-2017 - Resolution Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure located at 710 S. Lowman Street – Paul Ballou, Fire Chief, informed the Commission that there have been no repairs made by the property owner. This house has had more damage due to the last windstorm and some of the structure hit the house next to it. The structure is in very bad condition. He recommended giving the property owner 30 days to either repair or remove this structure.

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

APPROVED RESOLUTION NO. 14-2017 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 710 LOWMAN STREET. STRUCTURE MUST BE BROUGHT UP TO 2006 INTERNATIONAL BUILDING CODE BY MAY 1ST, 2017 OR DEMOLITION PROCEEDINGS WILL BEGIN.

Resolution Directing the Repair or Removal of an Alleged Unsafe and Dangerous Structure and Accessory Structure located at 402 E. 20th Street – (Ask to be taken off list – owned has demolished) - Paul Ballou, Fire Chief informed the Commission that this was demolished by the property owner.

Bartelsmeyer moved to close the Public Hearing at 6:23 p.m. Adams seconded. All voted aye.

CLOSED PUBLIC HEARING AT 6:23 P.M.

CONSIDERATION:

1. Approval of Resolution 15-2017 calling for and providing for a Notice of a Public Hearing on the advisability of creating a Redevelopment District in the City of Fort Scott – 2322 S. Main Redevelopment District – Rachel Pruitt, Economic Development Director introduced Joel Riggs to the Commission. He is in the process of creating the redevelopment district for the former Woods grocery store.

Joel Riggs informed the Commission he was with AWG and SMD. AWG has local ties with Valu Merchandisers. The approval to set the public hearing is the first step for the redevelopment project. They are working with a local retailer to put in a grocery store and look to move quickly on this project. They would like to have all the paperwork completed by the end of June with the redevelopment started in July. They anticipate opening the store by November. There will be several more meetings regarding this. They are working with Gilmore and Bell on the paperwork for the redevelopment district. The public hearing will be held on May 2nd, 2017 at 6:00 p.m. at City Hall.

Nichols moved to approve Resolution 15-2017 calling for the public hearing on May 2nd, 2017 at 6:00 p.m. for creating a redevelopment district for the property at 2322 S. Main Street. Adams seconded. All voted aye.

APPROVED RESOLUTION 15-2017 CALLING AND PROVIDING FOR NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A REDEVELOPMENT DISTRICT IN THE CITY OF FORT SCOTT, KANSAS PURSUANT TO K.S.A. 12-1770 ET SEQ (2322 S. MAIN REDEVELOPMENT DISTRICT). – PUBLIC HEARING DATE – MAY 2ND, 2017 – 6:00 P.M.

2. KDOT Agreement for Riverfront Bridge Project - \$600,000 grant – City Manager informed the Commission that this agreement is between K.D.O.T. and the City for the Riverfront Bridge project. The budget consists of a maximum KDOT Grant in the amount of \$600,000. The grant will pay for 80% of all construction, contingency, and construction engineering costs. The Riverfront match of \$152,000 will pay for 20% of construction, contingency, and construction engineering costs plus 100% of all preliminary engineering costs. Any costs incurred on this project greater than the \$600,000 KDOT grant is the responsibility of the Riverfront Authority.

Mason moved to approve the KDOT Agreement in the amount of \$600,000. Nichols seconded. All voted aye.

APPROVED KDOT GRANT AGREEMENT IN THE AMOUNT OF \$600,000 FOR THE RIVERFRONT BRIDGE PROJECT.

3. Professional Engineering Contract – Felsburg, Holt & Ullevig – Riverfront Bridge Contract – Contract amount \$104,500 – City Manager said that this is an agreement for professional engineering services between Felsburg, Holt & Ullevig and the City for the Riverfront Bridge project. This contract is for \$104,500. The K.D.O.T. grant in the amount of \$600,000 does not include engineering costs, so this amount is funded by the Riverfront Authority. Approval was recommended.

Mitchell moved to approve the Professional Engineering Contract between Felsburg, Holt & Ullevig in the contract amount of \$104,500 for the Riverfront Bridge contract and the City of Fort Scott. Bartelsmeyer seconded. All voted aye.

APPROVED THE PROFESSIONAL ENGINEERING CONTRACT BETWEEN FELSBURG, HOLT & ULLEVIG IN THE CONTRACT AMOUNT OF \$104,500 FOR THE RIVERFRONT BRIDGE CONTRACT AND THE CITY OF FORT SCOTT.

4. Consideration of Bids – Animal Shelter Improvement Bid – Travis Shelton informed the Commission that this project needed done to improve the parking conditions and water runoff at 601 N. Barbee where the animal shelter is located. The water currently backs up to the building which also deteriorates the roadway conditions. This project was engineered by P.E.C. who developed the specifications. There were five bids received with the low bid from Marbery Concrete, Inc. of Fort Scott in the amount of \$37,200. Approval was recommended.

Mitchell moved to approve the low bid from Marbery Concrete, Inc. of Fort Scott in the amount of \$37,200 for the animal shelter improvements. Nichols seconded. All voted aye.

APPROVED LOW BID FROM MARBERY CONCRETE, INC. OF FORT SCOTT IN THE AMOUNT OF \$37,200 FOR THE ANIMAL SHELTER IMPROVEMENTS.

5. Change Order #1 – Exterior Restoration Project at Public Safety Building – Dave Bruner, Deputy Fire Marshal, informed the Commission that when the contractor, JCL&S, began exterior work on the Public Safety Facility, he discovered further deterioration. He shared photos of the deterioration with the Commission. The change order is for \$4,317. He asked for approval for this amount.

Bartelsmeyer moved to approve Change Order #1 in the amount of \$4,317 for the additional exterior work at the Public Safety Facility building. Nichols seconded. All voted aye.

APPROVED CHANGE ORDER #1 IN THE AMOUNT OF \$4,317 FOR THE ADDITIONAL EXTERIOR WORK AT THE PUBLIC SAFETY FACILITY BUILDING.

6. Approval of appointments to Design Review Board (5 City residents) – Approval of Ordinance 3495 amending the staggering of expiration dates of the board members – Diane Clay, City Clerk, informed the Commission that all five members terms have expired in 2016. The current board members are Peggy Cummings, Shane Walker, Rick Zingre’, Arnold Schofield, and Judy Renard. She received letters of interest from Peggy Cummings, Shane Walker, Rick Zingre’, and Arnold Schofield and Darren Crays and Oliver Hawk. She asked the Commission to approve five appointments. She also asked the Commission to approve an Ordinance amending the staggering of the expiration dates and to amend the number of members from six members to five members.

Bartelsmeyer moved to approve the appointments of Arnold Schofield, Rick Zingre’, Shane Walker, Peggy Cummings and Darren Crays. Also approved Ordinance 3495 changing the staggering of the terms and amending the number of board members from six members to five members. Nichols seconded. All voted aye.

APPROVED THE APPOINTMENTS OF ARNOLD SCHOFIELD, RICK ZINGRE’, SHANE WALKER, PEGGY CUMMINGS AND DARREN CRAYS. ALSO APPROVED ORDINANCE 3495 CHANGING THE STAGGERING OF THE TERMS AND AMENDING THE NUMBER OF BOARD MEMBERS FROM SIX MEMBERS TO FIVE MEMBERS. BOARD MEMBERS TERMS WILL BE AS FOLLOWS:

**ARNOLD SCHOFIELD – 12/2019
RICK ZINGRE’ – 12/2019
SHANE WALKER – 12/2020
PEGGY CUMMINGS – 12/2020
DARREN CRAYS – 12/2019**

7. Approval of appointments to Airport Advisory Board (2 openings) - Approval of Ordinance 3496 amending the staggering of expiration dates of the board members - Diane Clay, City Clerk, informed the Commission that two members terms will expire in 2017. Those positions are held by Jim Gladbach and Ken Lyon. Ken Lyon has decided to not serve again. She received letters of interest from Jim Gladbach and Bill Waldron. She asked the Commission to approve two appointments and to approve an Ordinance amending the staggering of the expiration dates.

Mitchell moved to approve to the appointments of Jim Gladbach and Bill Waldron and Ordinance 3496 changing the staggering of the terms. Bartelsmeyer seconded. All voted aye.

APPROVED THE APPOINTMENTS OF JIM GLADBACH AND BILL WALDRON. APPROVED ORDINANCE 3496 CHANGING THE STAGGERING OF THE TERMS. BOARD MEMBERS TERMS WILL BE AS FOLLOWS:

MATT MCGEHEE – 12/2019
JIM GLADBACH – 12/2020
CARSON FELT – 12/2020
GREG POST – 12/2020
DAVID SACHAU – 12/2019
BILL WALDRON – 12/2020

8. Approval of appointments to Planning Commission (2 City – 1 County)
- Approval of Ordinance 3497 amending the staggering of expiration dates of the board members - Diane Clay, City Clerk, informed the Commission that three members terms will expire in 2017. Those positions are held by Diana Mitchell, Carol MacArthur, and Curt McCullough. Curt McCullough has submitted his letter to resign from the board as he has moved out of town. She received letters of interest from Diana Mitchell (County), Geoffrey Clark (County), and Vivian Moore (County), and Carol MacArthur (City) and Robert Morrison (City). She asked the Commission to approve two City resident appointments and one County appointment. She also asked the Commission to approve an Ordinance amending the staggering of the expiration dates.

Bartelsmeyer moved to approve the appointments of Carol MacArthur and Robert Morrison for the City appointments and Geoffrey Clark for the County appointment. Also approved Ordinance 3497 changing the staggering of the terms. Mitchell seconded. All voted aye.

APPROVED THE APPOINTMENTS OF CAROL MACARTHUR AND ROBERT MORRISON (CITY APPOINTMENTS) AND GEOFFREY CLARK (COUNTY APPOINTMENT). APPROVED ORDINANCE 3497 CHANGING THE STAGGERING OF THE TERMS. BOARD MEMBERS TERMS WILL BE AS FOLLOWS:

DARCY SMITH – 12/2019
MITCH QUICK – 12/2020
MARK LEWIS – 12/2020
MARK MCCOY – 12/2020
PAM HIGHTOWER – 12/2019
DIANA ENDICOTT – 12/2019
JARED LEEK – 12/2019
GEOFFREY CLARK – 12/2019
CAROL MACARTHUR – 12/2020
ROBERT MORRISON – 12/2019

9. Approval of appointments to Board of Zoning Appeals – (3 openings) - Approval of Ordinance 3498 amending the staggering of expiration dates of the board members - Diane Clay, City Clerk, informed the Commission that three members terms will expire in 2017. These positions are held by Robert Nelson, Clyde Stepps, and Patrick Wood. She received letters of interest from Robert Nelson, Clyde Stepps and Patrick Wood. She asked the Commission to approve these three

appointments. She also asked the Commission to approve an Ordinance amending the staggering of the expiration dates.

Mason moved to approve the appointments of Robert Nelson, Clyde Stepps, and Patrick Wood and approved Ordinance 3498 changing the staggering of the terms. Bartelsmeyer seconded. All voted aye.

APPROVED TO THE APPOINTMENTS OF ROBERT NELSON, CLYDE STEPPS, AND PATRICK WOOD. APPROVED ORDINANCE 3498 CHANGING THE STAGGERING OF THE TERMS. BOARD MEMBERS TERMS WILL BE AS FOLLOWS:

**ROBERT NELSON – 12/2021
CLYDE STEPPS – 12/2021
PATRICK WOOD – 12/2021
BRIAN RHOADES – 12/2020
DIANA ENDICOTT – 12/2020**

COMMISSION/STAFF:

A. Director Updates: Rachel Pruitt – Informed the Commission that Cameron Carnell and Skip Farmer were present tonight at the meeting. They are close to finalizing the Memorial Hall negotiations.

She also updated the Commission on the Tourism Director position. The Chamber has received some applications as well as the City. They have done several interviews and are close to making an offer. They have hired an Administrative Assistant, Alison Turney who will be starting on April 5th, 2017.

B. City Commission:

Adams – Nothing to report.

Bartelsmeyer – Nothing to report.

Mason – Nothing to report.

Nichols - Nothing to report.

Mitchell – Nothing to report.

C. City Attorney: Commended the Commission on the last meeting that was held as it involved the City taking over the tourism. He thought they handled the meeting very well.

D. Director of Finance: Not present.

E. City Manager:

1. Transient Guest Tax meeting – City Manager said that they had a recent Transient Guest Tax meeting and are looking to restructure the committee.

ADJOURNMENT:

Mason moved to adjourn the meeting at 6:46 p.m. Nichols seconded. All voted aye.

ADJOURNED MEETING AT 6:46 P.M.

The next regularly scheduled meeting is to be held on April 4th, 2017 at 6:00 p.m.

RECORDED BY:

**DIANE K. CLAY
CITY CLERK**