

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of May 16, 2017**

**Regular Meeting #10**

The regular meeting of the Fort Scott City Commission was held May 16<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 Ian Johnson, Youth Minister, Community Christian Church, said a prayer asking God for guidance for the city and all government and city officials.

**AUDIENCE IN ATTENDANCE:** Travis Shelton, Michael Mix, Clayton Miller, Deb Needleman, Joseph Allen, Joel Riggs, Paul Ballou, Frank Halsey, Jody Hoener, Rhonda Dunn, Susan Galemore, Danny Hall, Janet Braun, and Jason Silvers, representing the Fort Scott Tribune.

**PROCLAMATIONS/RECOGNITIONS:**

Buddy Poppy Days–May 26<sup>th</sup>, 2017 - Mayor Mitchell read a proclamation which proclaims May 26<sup>th</sup>, 2017 as Buddy Poppy Day in the City of Fort Scott and urged men and women to wear a buddy poppy as evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens.

Recognition of Joseph Allen, School Resource Officer – Chief Shelton recognized Joseph Allen for his thirteen years with the Fort Scott Police Department. He has served as an Officer, a Detective, a Sergeant and most currently School Resource Officer for the last three years. He has had a good relationship working with the students at the various schools. He will soon be leaving the Fort Scott Police Department to be the Transportation Director at USD #234. Chief Shelton and the Commission presented him with a Certificate of Recognition for going above and beyond the call of duty in assisting a parent with a child recently and for his years of service.

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

- A. Approval of minutes of the regular meeting of May 2<sup>nd</sup>, 2017.
- B. Approval of Appropriation Ordinance 1193-A totaling \$290,330.94.
- C. Good Ol' Days Parade Request Form

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

**APPROVED CONSENT AGENDA.**

**APPEARANCE/COMMENTS/PUBLIC HEARING:**

**A. APPEARANCE:** Frank Halsey – Marmaton Massacre Festival - Mr. Halsey appeared before the Commission to request Gunn Park trails and Shelters #6 and #7 be used again this year for the Marmaton Massacre Festival which will be held July 8<sup>th</sup> and 9<sup>th</sup>. They will have events both days including a kid’s race as well as bike trail races and events. A band will play in the park that evening. He also gave an update on the recent flooding at Gunn Park and that there was some damage done to the trails which they are repairing. He shared that in 2016 there were three trail events held and new signage was put in place as well as mile markers and maps for the trails. He thanked the City for their assistance in all their projects.

Bartelsmeyer moved to approve the Marmaton Massacre Festival to be held in Gunn Park on July 8<sup>th</sup> and 9<sup>th</sup>. Nichols seconded. All voted aye.

**APPROVED MARMATON MASSACRE TO BE HELD IN GUNN PARK ON JULY 8<sup>TH</sup> AND 9<sup>TH</sup>, 2017.**

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

**C. PUBLIC HEARINGS:**

Bartelsmeyer moved to open the Public Hearing at 6:10 p.m. Mason seconded. All voted aye.

**OPENED PUBLIC HEARING AT 6:10 P.M.**

6:00 p.m. Public Hearing – Consideration of Downtown Commercial Rehabilitation Project at 124 E. Wall Street – CDBG Grant – Susan Galemore, with Southeast Kansas Regional Planning Commission, informed the Commission that this meeting is held to hold a public hearing to answer any questions from the public in regards to this project. The City is applying on behalf of Roy and Jody Hoener and the Hoener’s will provide the matching funds. This application will be submitted to the State of Kansas and the City should receive an answer if it is approved or not within 30 or 60 days.

There were no questions from the public.

- Approval of Resolution 21-2017 Declaring a Building Blighted with Respect to the Kansas Small Cities CDBG Program

Adams moved to approve Resolution No. 21-2017 declaring the building to be blighted with respect to the CDBG Program. Nichols seconded. All voted aye.

**APPROVED RESOLUTION NO. 21-2017 DECLARING A BUILDING BLIGHTED WITH RESPECT TO THE KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM – 124 E. WALL**

- Approval of Resolution 22-2017 Certifying Legal Authority to Apply for the 2017 Kansas Small Cities CDBG Program from the Kansas Department of Commerce and authorizing the Mayor to sign and submit such an application

Adams moved to approve Resolution 22-2017 authorizing the Mayor to sign all paperwork in regards to the Kansas Department of Commerce CDBG project. Nichols seconded. All voted aye.

**APPROVED RESOLUTION NO. 22-2017 CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE 2017 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FROM THE KANSAS DEPARTMENT OF COMMERCE AND AUTHORIZING THE MAYOR TO SIGN AND SUBMIT SUCH AN APPLICATION – 124 E. WALL STREET**

- Administrative Agreement between Southeast Kansas Regional Planning Commission and City of Fort Scott for this CDBG Project

Adams moved to approve the Administrative Agreement between S.E.K.R.P.C. and the City of Fort Scott at a cost not to exceed \$12,500. Nichols seconded. All voted aye.

**APPROVED ADMINISTRATIVE AGREEMENT BETWEEN THE SOUTHEAST KANSAS REGIONAL PLANNING COMMISSION AND THE CITY OF FORT SCOTT FOR A 2017 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR DOWNTOWN COMMERCIAL REHABILITATION AT A COST NOT TO EXCEED \$12,500 – 124 E. WALL STREET**

Mason moved to close the Public Hearing at 6:13 p.m. Adams seconded. All voted aye.

**CLOSED PUBLIC HEARING at 6:13 P.M.**

6:15 p.m. Resolution directing the Repair or Removal of an Unsafe and Dangerous Structure and Accessory Structure located at Lot 4A/5A, Lot 21B, Lot 25B, Lot 36C and Lot 44C, 1920 S. Huntington Blvd. – City Manager informed the Commission that this public hearing needs to be continued for 60 days. – Rhonda Dunn, Community Development Director/Codes Manager, asked the Commission to postpone this public hearing for 60 days as the owner is working on some things.

Mason moved to postpone the public hearing 60 days. Bartelsmeyer seconded. All voted aye.

**APPROVED TO POSTPONE PUBLIC HEARING FOR 60 DAYS.**

**CONSIDERATION:**

1. Resolution 19-2017 of the Governing Body of the City of Fort Scott, Kansas determining that the City is considering adoption of a Redevelopment Project Plan within the boundaries of the 2322 S. Main Redevelopment District; Establishing the date and time of a Public Hearing on such matter; and Providing for the giving of notice of such Public Hearing.

Nichols moved to approve Resolution 19-2017 considering adoption of the Redevelopment Project Plan at 2322 S. Main. Adams seconded. All voted aye.

**APPROVED RESOLUTION NO. 19-2017 OF THE GOVERNING BODY OF THE CITY OF FORT SCOTT, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ADOPTION OF A REDEVELOPMENT PROJECT PLAN WITHIN THE BOUNDARIES OF THE 2322 S. MAIN REDEVELOPMENT DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER; AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING. (2322 S. MAIN REDEVELOPMENT PROJECT).**

2. Resolution 20-2017 calling a Public Hearing on the Advisability of creating a Community Improvement District within the City of Fort Scott, Kansas; Establishing a Community Improvement District Sales Tax to finance improvements within such district; and Providing for the giving of notice of such Public Hearing (2322 S. Main Community Improvement District).

Adams moved to approve Resolution 20-2017 setting a Public Hearing on the establishment of a Community Improvement District at 2322 S. Main. Bartelsmeyer seconded. All voted aye.

**APPROVED RESOLUTION 20-2017 CALLING A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY OF FORT SCOTT, KANSAS; ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO FINANCE IMPROVEMENTS WITHIN SUCH DISTRICT; AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (2322 S. MAIN COMMUNITY IMPROVEMENT DISTRICT).**

3. Consideration to bid out update to College Booster Pump Station – Michael Mix, Public Utilities Director, informed the Commission that the College Booster Pump Station is a critical installation which serves the South Tower and the entire high pressure side of the potable Water Distribution system. This includes Mercy Hospital, the Industrial Park, businesses and residents along the Highway 69 corridor, and a supply point for Bourbon County Rural Water District #2. This pump station was installed in 1970 and is in need of an update, especially an electrical update including the installation of a permanent standby generator for emergency power outages. This project has been engineered by Allgeier, Martin & Associates and is ready to go out for bid for the construction phase of this project. This project is estimated to cost \$245,000 and is budgeted. If a brand new generator is purchased, it could be \$50,000 more.

Nichols moved to approve to bid out the College Booster Pump Station update. Bartelsmeyer seconded. All voted aye.

**APPROVED TO BID OUT UPDATE TO COLLEGE BOOSTER PUMP STATION PROJECT.**

4. Consideration of bid - Water Treatment Plant for solids handling and disinfection feed improvements - Michael Mix, Public Utilities Director, informed the Commission that the sludge (dirt pulled out of the raw river water) produced by the Water Plant was meant to go to two small lagoons located on Heylman Street between Park Avenue and 8<sup>th</sup> Street. These lagoons are severely undersized and the City has been forced to send the lagoon effluent to the sanitary sewer. This however creates problems if the receiving sewer main is surcharged (overwhelmed with too much flow). If this condition occurs, several downstream customers experience sewer backing up into their homes or places of business. Therefore, a gate valve was provided for operators to help regulate the flow from the lagoons into the sewer. This helps, but the design of the current systems still allows lots of room for error. In addition to the threat of backing up customer's sewers, the lagoons also catch rain water which is fed

directly into the sewers, which contributes to the sanitary sewer inflow problems and increases pumping costs. The current design is insufficient to handle flows from filter backwashing, which also is sent to the lagoons. In 2014 a study was conducted that engineering solutions to control flows, eliminate sewer backups, and design a much needed update of the wastewater holding pump station. The conditions of the lagoons are continuing to deteriorate and it is imperative that this project is completed this year. The study also included relocation of the disinfection injection point from pre-filter to post-filter at the Water Treatment Plant. This will increase treatment efficiencies and pumping capacity for high demand periods, monitoring efficiencies and could result in disinfection chemical cost savings. This project was bid out at the end of 2016 and only one bid was received in the amount of \$176,500 from UCI of Wichita, Kansas. This is a budgeted item.

Bartelsmeyer moved to accept bid from UCI of Wichita, Kansas in the amount of \$176,500. Mason seconded. All voted aye.

**APPROVED TO ACCEPT BID FROM UCI OF WICHITA, KANSAS IN THE AMOUNT OF \$176,500 FOR THE CHEMICAL FEED AND SLUDGE REMOVAL PROJECT AT THE WATER TREATMENT PLANT.**

5. Approval of proposal from ACE Pipe Cleaning to clean and inspect attached list of sewer lines - Michael Mix, Public Utilities Director, informed the Commission that at the beginning of 2017 the City utilized ACE to make sanitary sewer repairs. ACE made five badly needed repairs totaling \$20,820. The not to exceed amount was \$33,026. The City utilized the "Toolbox" from the City of Joplin, Missouri piggy backing on their bi annual contract for sewer repair work and thus saved time and money by not paying an engineer to bid services and going through the bid process. The next step to make further repairs to the sanitary sewer system is to camera lines and create a risk assessment report. This is estimated at \$30,000.

Mason moved to approve to accept the proposal from ACE Pipe Cleaning to make further repairs to the sanitary system and create a risk assessment report. Nichols seconded. All voted aye.

**APPROVED TO ACCEPT THE PROPOSAL FROM ACE PIPE CLEANING TO MAKE FURTHER REPAIRS TO THE SANITARY SEWER SYSTEM AND CREATE A RISK ASSESSMENT REPORT.**

6. Ordinance No. 3500 updating the 2006 International Building Code to the 2012 International Building Code - Dave Bruner, Deputy Fire Chief, informed the Commission that the last update was in 2007 which adopted the 2006 International set of Codes. Recently, an ISO inspector conducted an inspection and the City was downgraded due

to the fact of the older International Codes that were being used. He is recommending adopting the 2012 International Codes and the 2011 National Electric Code. The City tries to stay current to what the Kansas State Fire Marshal's office has adopted and they just adopted the 2012 codes.

Nichols moved to adopt Ordinance No. 3500 through Ordinance No. 3508. Mason seconded. All voted aye.

**APPROVED ORDINANCE NO. 3500 AMENDING CHAPTER 15.04 OF THE FORT SCOTT MUNICIPAL CODE TO ADOPT THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODE FOR THE CITY OF FORT SCOTT, KANSAS AND REPEALING ORDINANCE NO. 3340.**

**APPROVED ORDINANCE NO. 3501 AMENDING CHAPTER 15.12 OF THE FORT SCOTT MUNICIPAL CODE TO UPDATE THE INTERNATIONAL PLUMBING CODE TO THE 2012 EDITION FOR THE CITY OF FORT SCOTT, KANSAS AND REPEALING ORDINANCE NO. 3404.**

**APPROVED ORDINANCE NO. 3502 AMENDING CHAPTER 15.07 OF THE FORT SCOTT MUNICIPAL CODE TO ADOPT THE 2012 INTERNATIONAL FUEL GAS CODE FOR THE CITY OF FORT SCOTT AND REPEALING ORDINANCE NO.3335.**

**APPROVED ORDINANCE NO. 3503 AMENDING CHAPTER 15.03 OF THE FORT SCOTT MUNICIPAL CODE TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE TO THE 2012 EDITION FOR THE CITY OF FORT SCOTT, KANSAS AND REPEALING ORDINANCE NO. 3344.**

**APPROVED ORDINANCE NO. 3504 AMENDING CHAPTER 15.05 OF THE FORT SCOTT MUNICIPAL CODE TO ADOPT THE 2012 INTERNATIONAL MECHANICAL CODE FOR THE CITY OF FORT SCOTT, KANSAS AND REPEALING ORDINANCE NO. 3337.**

**APPROVED ORDINANCE NO. 3505 AMENDING CHAPTER 15.20 OF THE FORT SCOTT MUNICIPAL CODE TO UPDATE THE INTERNATIONAL FIRE CODE TO THE 2012 EDITION FOR THE CITY OF FORT SCOTT AND REPEALING ORDINANCE NO. 3339.**

**APPROVED ORDINANCE NO 3506 ADOPTING THE 2012 INTERNATIONAL EXISTING BUILDING CODE FOR THE CITY OF FORT SCOTT AND REPEALING ORDINANCE NO. 3361.**

**APPROVED ORDINANCE NO. 3507 AMENDING CHAPTER 15.06 OF THE FORT SCOTT MUNICIPAL CODE TO ADOPT THE INTERNATIONAL PROPRETY MAINTENANCE CODE TO THE 2012**

**EDITION FOR THE CITY OF FORT SCOTT AND REPEALING ORDINANCE NO. 3338.**

**APPROVED ORDINANCE NO. 3508 AMENDING CHAPTER 15.16 OF THE FORT SCOTT MUNICIPAL CODE TO ADOPT THE 2011 NATIONAL ELECTRIC CODE FOR THE CITY OF FORT SCOTT AND REPEALING ORDINANCE NO. 3336.**

**COMMISSION/STAFF:**

- A. Director Updates:** Dave Bruner – Mr. Bruner said that he was recently approached by Mercy EMS and the hospital and asked if the City would be willing to house the crew and provide those services at our Fire/Police Station. They believe this will assist with recruiting and retention for paramedics. The employees will still be paid by Mercy but just housed at the Fire Department.

City Manager asked for approval for the City Attorney to work on an agreement with Mercy. He said that Mercy will help pay to have rooms renovated at the station.

Adams moved to approve for the City Attorney to work with Mercy to draft an agreement for Mercy EMS to be housed at the Fire Department. Bartelsmeyer seconded. All voted aye.

**APPROVED FOR THE CITY ATTORNEY TO WORK WITH MERCY TO DRAFT AN AGREEMENT FOR MERCY EMS TO BE HOUSED AT THE FIRE DEPARTMENT.**

**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:** Nothing to report.

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

**E. City Manager:**

1. Quit Claim Deeds – City Manager asked the Commission for approval to provide a Quit Claim Deed for the North 25' of Lot 6



to Hoener Properties, LLC for an outdoor patio for their business, and to provide a Quit Claim Deed for the South 25' to James Clyde & L. Darlene Shoemaker for parking for their business. The City will keep the 20' alleyway. He stipulated that Hoener Properties, LLC will complete the patio area within two (2) years of construction of the renovation on the Hoener property, or if not completed, the land will come back to the City. Mr. Shoemaker will take full responsibility of the shared wall with the City.

Adams moved to approve the Quit Claim Deeds with Hoener Properties, LLC and James C. & L. Darlene Shoemaker. Mason seconded. All voted aye.

**APPROVED QUIT CLAIM DEEDS WITH HOENER PROPERTIES, LLC AND JAMES CLYDE & L. DARLENE SHOEMAKER.**

**ADJOURNMENT:**

Mason moved to adjourn the meeting at 6:39 p.m. Adams seconded. All voted aye.

**ADJOURNED MEETING AT 6:39 P.M.**

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

**RECORDED BY:**

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**DIANE K. CLAY  
CITY CLERK**