

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of June 6, 2017**

**Regular Meeting #11**

The regular meeting of the Fort Scott City Commission was held June 6<sup>th</sup>, 2017 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

**ROLL CALL:**

Commissioners Adams and Nichols were present with Acting Mayor Bartelsmeyer presiding. Commissioner Mason and Mayor Mitchell were absent.

**INVOCATION:** Pastor James Collins, First Southern Baptist Church, said a prayer asking God for guidance for the city and all government and city officials.

**AUDIENCE IN ATTENDANCE:** Travis Shelton, Dustin McClure, David Luke, James Charlesworth, Jedidiah Seely, Margaret Kerr, Michael C. Johnson, Janet Braun, Larry Gazaway, Jim Hegge, Anita Hegge, James Collins, Sheriden Collins, John Collins, Timothy Collins, Abbigail Collins, Jessica Schenkel, Isabella Bowman, Jana Walker, Terrance Sercer, Clayton Miller, Paul Ballou, 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:**

- A. Approval of minutes of the regular meeting of May 16<sup>th</sup>, 2017.
- B. Approval of Appropriation Ordinance 1194-A totaling \$411,037.83.
- C. Certificate of Appropriateness – Improvements at 113 S. Main Street – Liberty Theatre, Inc.

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

**APPROVED CONSENT AGENDA.**

**APPEARANCE/COMMENTS/PUBLIC HEARING:**

**A. APPEARANCE:**

Stubby Day– Jessica Schenkel – Lowell Milken Center – Ms. Schenkel updated the Commission on an upcoming event she would like to hold at the Unsung Heroes Park. It will be held on July 29<sup>th</sup>, 2017 and called Stubby Day. Stubby is a dog who became the official mascot for the 102<sup>nd</sup> Infantry, 26<sup>th</sup> Yankee Division in World War I. Stubby was part of 17 World War I battles and saved numerous Allied soldiers lives

through his actions in the war and is part of an Unsung Hero exhibit at the Lowell Milken Center. This event will be held from 9:00 a.m. to 11:00 a.m. Lees Paws and Claws is also planning to be present and set up adoption procedures for dogs. Kenny Felt will be present for dog owners to have photos taken with their animals. There will be prizes and treats given to the animals and their owners.

City Manager asked the Commission for permission to allow this event at the Unsung Heroes Park on July 29<sup>th</sup> and for he and Chief Shelton to work with Jessica and the Lowell Milken staff on this event. He also asked to allow the City to donate \$250.00 towards this event.

Nichols moved to approve the Stubby Day event at the Unsung Heroes Park on July 29<sup>th</sup>, 2017 from 9:00 a.m. to 11:00 a.m. and to authorize the donation of \$250.00 towards the event. Bartelsmeyer seconded. All voted aye.

**APPROVED THE STUBBY DAY EVENT AT THE UNSUNG HEROES PARK ON JULY 29<sup>TH</sup>, 2017 FROM 9:00 A.M. TO 11:00 A.M. AND TO AUTHORIZE THE DONATION OF \$250.00 TOWARDS THE EVENT.**

Terry Sercer – 2016 Audit Presentation - Mr. Sercer appeared before the Commission to present the 2016 Audit. He reminded the Commission that this is an unqualified opinion, but the highest level of opinion received. This financial statement presents fairly the aggregate cash and unencumbered cash balance for the City of Fort Scott as of December 31, 2016. He said that the City did not have any violations with compliance with Kansas Statutes. He stated that the General Fund has a good solid balance. There were no violations of the cash basis law. There are no federal or grant violations.

Bartelsmeyer moved to approve the 2016 Audit. Adams seconded. All voted aye.

**APPROVED 2016 AUDIT.**

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

**C. PUBLIC HEARINGS:**

Adams moved to open the Public Hearing at 6:18 p.m. Nichols seconded. All voted aye.

**OPENED PUBLIC HEARING AT 6:18 P.M.**

6:15 p.m. Public Hearing- Vacation of 62' of Osburn Street located between Lots 17, 19, 21, and 23, Block 16, Tower Hills Subdivision of Blocks 5 & 8, Blackett's Addition, and Lots 18, 20, 22, and 24, Block 15, Tower Hills Subdivision of Blocks 5 & 8, Blackett's Addition, more commonly known as 62' of Osburn Street – Approval of Ordinance 3509 -

Dave Martin, City Manager, informed the Commission that a petition was received by the four neighbors adjoining this street requesting this be vacated. Those neighbors are John R. Keer, Shane & Jana Walker, Elisa R. Arnold and Jack & Stephanie Lockwood. The City will retain any rights to any utilities at this location.

There was no opposition from the public.

Nichols moved to approve Ordinance No. 3509 vacating the 62' of Osbun Street. Adams seconded. All voted aye.

**APPROVED ORDINANCE NO 3509 VACATING 62' OF OSBUN STREET LOCATED BETWEEN LOTS 17, 19, 21, AND 23, BLOCK 16, TOWER HILLS SUBDIVISION OF BLOCKS 5 & 8, BLACKETT'S ADDITION, AND LOTS 18, 20, 22, AND 24, BLOCK 15, TOWER HILLS SUBDIVISION OF BLOCKS 5 & 8, BLACKETT'S ADDITION, MORE COMMONLY KNOWN AS 62' OF OSBUN STREET.**

Bartelsmeyer moved to close the Public Hearing at 6:20 p.m. Adams seconded. All voted aye.

**CLOSED PUBLIC HEARING AT 6:20 P.M.**

Bartelsmeyer moved to open the Public Hearing at 6:20 p.m. Nichols seconded. All voted aye.

**OPENED PUBLIC HEARING AT 6:20 P.M.**

6:15 p.m. – Resolution 24-2017 Directing the Repair or Removal of an Unsafe and Dangerous Structure located at 424 S. Burke Street – Dave Martin, City Manager, informed the Commission that this structure is in bad need of repair. He said that he has approached H.P.A, and the Fort Scott National Historic Site to save this structure due to its historical meaning. They are not interested. He asked for 30 days for the owner to either repair or remove this structure.

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

**APPROVED RESOLUTION NO. 24-2017 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 424 S. BURKE STREET. STRUCTURE MUST BE BROUGHT UP TO 2006 INTERNATIONAL BUILDING CODE BY JULY 14<sup>th</sup>, 2017 OR DEMOLITION PROCEEDINGS WILL BEGIN.**

Bartelsmeyer moved to close the Public Hearing at 6:22 p.m. Adams seconded. All voted aye.

**CLOSED PUBLIC HEARING AT 6:22 P.M.**

**CONSIDERATION:**

1. Consideration of Tourism Advisory Board Ordinance No. 3510 – Larry Gazaway, Tourism Director, informed the Commission that he is seeking approval to create a Tourism Advisory Board and the appointment of members to this board. The proposed members would include:

Lodging: Bill Michaud, Frank Adamson, Pat Lyons  
Food Service: Brita Rygmyr  
Chamber: Carl Repp  
At-Large Member: Patty LaRoche  
County Attraction – Ex-Officio: Brian Ritter  
Tourism Manager: Larry Gazaway  
Fort Scott National Historic Site Ex-Officio: Holly Baker

The Ordinance states the Board would have a minimum of five and a maximum of nine members who are representatives of the lodging and hospitality market, restaurants, tourist attractions, one at-large member, one ex-officio member from a tourist attraction in the County, one member representing the Chamber of Commerce, and the Director of Tourism. Their terms shall be appointed by the City Commission and shall be for three years with no person to serve more than two consecutive terms. The expiration dates will be staggered by years and the members shall serve without pay. The purpose of this Board is to recommend and suggest changes to the City Manager and Governing Body regarding tourism, events, grants and advertising concerning the marketing of Fort Scott by the tourism office.

Nichols moved to approve the creation of a Tourism Advisory Board and approve the Ordinance and to approve the appointments listed above. Adams seconded. All voted aye.

**APPROVED ORDINANCE NO 3510 ESTABLISHING A TOURISM ADVISORY BOARD, PROVIDING FOR THE APPOINTMENT AND TERMS OF THE MEMBERS THEREOF, AND DEFINING THEIR DUTIES AND REPEALING ANY OTHER ORDINANCE RELATING TO A TOURISM ADVISORY BOARD. APPROVED APPOINTMENT OF THE FOLLOWING BOARD MEMBERS:**

**LODGING: BILL MICHAUD, FRANK ADAMSON, PAT LYONS  
FOOD SERVICE: BRITA RYGMYR  
CHAMBER: CARL REPP  
AT-LARGE MEMBER: PATTY LAROCHE  
COUNTY ATTRACTION – EX-OFFICIO: BRIAN RITTER  
TOURISM MANAGER: LARRY GAZAWAY  
FORT SCOTT NATIONAL HISTORIC SITE EX-OFFICIO: HOLLY BAKER**

2. Kansas Airport Improvement Program Application Form – Replacement of AWOS System – Kenny Howard, Airport Director, appeared before the Commission to inform them about the Kansas Airport Improvement Program grant which, if awarded, would replace the 18 year old AWOS System. The current system is at the end of its service life. The project is estimated to cost \$121,178.00 and the grant is a 90%/10% with the City portion amounting to \$12,117.00. This is a budgeted item. This grant has already been submitted due to the time frame. He asked for permission to accept the grant if awarded for the AWOS system

Bartlesmeyer moved to approve the submission of the Kansas Airport Improvement Program Application to replace the AWOS system at the Fort Scott Municipal Airport and accept the grant if awarded. Adams seconded. All voted aye.

**APPROVED THE SUBMISSION OF THE KANSAS AIRPORT IMPROVEMENT PROGRAM APPLICATION TO REPLACE THE AWOS SYSTEM AT THE FORT SCOTT MUNICIPAL AIRPORT WITH THE CITY PORTION AMOUNTING TO \$12,117.00, AND ACCEPT THE GRANT IF AWARDED.**

3. Consideration of Property/Liability Insurance Renewal; Approval of Bylaws and Inter-local Cooperation Agreement (Resolution No. 23-2017) for the Kansas County Association Multiline Pool (KCAMP) and Approval of two elected officials of the City Commission to serve on the KCAMP Board – James Charlesworth informed the Commission that the City contracted with Charlesworth & Associates, LLC of Overland Park, Kansas to represent the City and market their property and liability insurance program. Charlesworth created insurance specifications and sent to interested insurance companies. They received three responses: Berkshire Hathaway, Kansas County Association Multiline Pool (KCAMP), and Midwest Public Risk (MPR). The current yearly premium with Berkshire Hathaway is \$257,283 and their renewal quote is \$264,328. KCAMP's quote is \$194,158 and MPR's quote is \$219,245. He recommended the City enter into a contract with KCAMP to provide insurance coverage for a premium cost of \$194,158. The City will pay \$97,079.00 by July 1<sup>st</sup>, 2017 for the second half of 2017 and then pay \$194,158 on January 1<sup>st</sup>, 2018 for coverage for the year of 2018.

Mr. Charlesworth informed the Commission will also need to approve the bylaws and Interlocal Cooperation Agreement for KCAMP and authorize the Mayor to sign all documents after these have been reviewed by the City Attorney. Also, two elected officials of the Commission will need to be appointed to serve on the KCAMP as official representatives of the City of Fort Scott in the near future.

Adams moved to approve the City enter into a contract with KCAMP to provide insurance coverage for the City of Fort Scott at an annual

cost of \$194,158; and approve the bylaws and Interlocal Cooperation Agreement for KCAMP if approved by the City Attorney.

**APPROVED THE CITY ENTER INTO A CONTRACT WITH KCAMP TO PROVIDE INSURANCE COVERAGE FOR THE CITY OF FORT SCOTT AT AN ANNUAL COST OF \$194,158; APPROVE THE BYLAWS AND INTERLOCAL COOPERATION AGREEMENT FOR KCAMP IF APPROVED BY THE CITY ATTORNEY.**

**APPROVED RESOLUTION NO.23-2107 STATING THE CITY OF FORT SCOTT HAS AUTHORITY UNDER THE KANSAS MUNICIPAL GROUP FUNDED POOL ACT, K.S.A. 12-2616, ET SEQ, AS AMENDED TO PARTICIPATE IN AND FORM A MUNICIPAL SELF-INSURANCE POOL FOR THE INSURANCE COVERAGE FOR CERTAIN LIABILITIES. (KANSAS COUNTY ASSOCIATION MULTILINE POOL) KCAMP.**

4. Consideration of P.E.C. Engineering Contract for construction of golf cart shed at Woodland Hills Golf Course at a cost not to exceed \$22,420 – Jon Garrison, Director of Finance informed the Commission that he is seeking approval of the engineering contract between Professional Engineering Consultants and the City to prepare plans for the construction of a new golf cart shed at Woodland Hills Golf Course. The maximum amount of the contract is \$22,420 and is a budgeted item.

Adams stated that he believes the cost of engineering is excessive to basically put up a barn. He would like to see other engineering firms and their costs.

City Manager said that City staff will work on this and bring this back before them at the June 20<sup>th</sup>, 2017 Commission meeting.

**COMMISSION/STAFF:**

**A. Director Updates:** None

**B. City Commission:**

Adams – Stated that the Good Ol’ Days parade was very big and the outdoor adventure a great success.

Bartelsmeyer – Stated that she was in Wichita this last weekend and missed Good Ol’ Days. She did go to the Riverfest in Wichita and suggested renaming Good Ol’ Days to a festival to make it more modern.

Mason – Not present

Nichols - Thanked all who put in a lot of hard work for Good Ol’ Days.

Mitchell – Not present

- C. City Attorney:** Reported that he is working with Gilmore & Bell on the restructuring of debt for Fort Scott Community College. The College has been leasing the Armory building from the City for several years and they would like to own the building. He asked the Commission for approval to sell the Armory building to Fort Scott Community College so they can continue their refinancing.

City Manager said that this will amount to about \$130,000 which he would like to see put in the Industrial Development fund.

Nichols moved to approve to sell the Armory building to Fort Scott Community College. Adams seconded. All voted aye.

**APPROVED TO SELL THE ARMORY BUILDING TO FORT SCOTT COMMUNITY COLLEGE.**

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

**E. City Manager:**

1. Change of July 4<sup>th</sup>, 2017 City Commission meeting date – City Manager asked that the July 4<sup>th</sup> meeting date either be cancelled or changed to July 11<sup>th</sup> due to the holiday.

Adams moved to cancel the July 4<sup>th</sup>, 2017 City Commission meeting due to the holiday. Bartelsmeyer seconded. All voted aye.

**APPROVED TO CANCEL THE JULY 4<sup>th</sup>, 2017 CITY COMMISSION MEETING TO DUE TO THE HOLIDAY.**

2. Kansas Fiber Network Franchise Agreement – City Manager asked that the Assignment and Assumption Agreement be approved for the Kansas Fiber Network Franchise Agreement the City has. CoBank and Kansas Fiber amended the financing arrangement in March of 2017. This agreement amends the financing agreement. The City Attorney has approved this documentation.

Bartelsmeyer moved to approve the Assignment and Assumption Agreement for Kansas Fiber Network Franchise. Nichols seconded. All voted aye.

**APPROVED ASSIGNMENT AND ASSUMPTION AGREEMENT FOR KANSAS FIBER NETWORK FRANCHISE WITH THE CITY OF FORT SCOTT.**

3. Water Main Break – City Manager informed the Commission that a contractor had gotten into a water main. He commended the water crew who worked all

night long to get water restored. There was a boil order advisory that was issued and then withdrawn the next day. He thanked all the crews who worked on this break.

4. Meeting – There is an upcoming workshop about Complete Streets Policy Development in Lawrence, Kansas and he invited any Commissioners to let him know if they would like to attend. Chad Brown, Travis Shelton, and Paul Ballou are planning to attend.
5. Recycling – 4 States Sanitation has been doing recycling as a public service to the community. The County donated old trailers which they had repaired. This recycling service has not been cost effective for 4 States. They will begin charging \$5.00 a month to recycle items. If you are a 4 States Sanitation customer, it will be free to recycle. They are having issues receiving people's trash and having to go through it. This \$5.00 charge per month is very reasonable for this service.

**ADJOURNMENT:**

Nichols moved to adjourn the meeting at 7:15 p.m. Adams seconded. All voted aye.

**ADJOURNED MEETING AT 7:15 P.M.**

The next regularly scheduled meeting is to be held on June 20<sup>th</sup>, 2017 at 6:00 p.m.

**RECORDED BY:**

---

**DIANE K. CLAY  
CITY CLERK**