

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of August 7, 2018

Regular Meeting #15

The regular meeting of the Fort Scott City Commission was held August 7th, 2018 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

ROLL CALL:

Commissioners Adamson, Nichols, and Parker were present with President of the Commission Bartelsmeyer presiding. Mayor Mitchell was absent.

INVOCATION: Jerry Witt, Community Christian Church, said a prayer asking God for guidance for the City and all government and City officials.

AUDIENCE IN ATTENDANCE: Janet Braun, Kaylea Manwiller, Mike Embry, Trey Widder, Shaun West, Madeline Prachyl, Chris Anderson, Ryan Thomas, Julie Anderson, Brian Thurston, Kenny Rood, Jared Leek, Brita Rygmyr, Robert Shaw, Blynn Hill, Barbara Woodward, Justin Fisher, Amy Fisher, Josie Fisher, Jean Fisher, Janet Guilfoyle, Jerry Witt, Michael Mix, Alex Schafer, Daren Hutchison, Shelby Hutchison, Chris Garrett, Dustin Fowler, Pat Lyons, Deb Needleman, Darrell Parker, Travis Shelton, Kenny Howard, Rhonda Dunn, Paul Ballou, Rachel Pruitt, and Clayton Miller, and representing the press, Jason Silvers, Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS:

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of July 17th, 2018.
- B. Approval of Appropriation Ordinance 1220-A totaling \$510,652.55.
- C. Approval of Public Dance License – River Room Events, LLC, 3 W. Oak
- D. Certificate of Appropriateness – Improvements at 9 N. Main Street
- E. Resolution 32-2018 and Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure and Accessory Structure located at 111 S. Little – Public Hearing Date – 9/18/2018 at 6:15 p.m.

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

APPROVED CONSENT AGENDA.

SERVICE AWARD RECOGNITIONS:

5 years: (Certificate only)

Chris Anderson, Firefighter, Fort Scott Fire Department
Justin Fisher, Corporal, Fort Scott Police Department
Dustin Fowler, Maintenance II, Woodland Hills Golf Course
Christopher Garrett, Corporal, Fort Scott Police Department
Janet Guilfoyle, Accounting Clerk, City Hall
Blynn Hill, IV, Sergeant, Fort Scott Police Department
Jason McReynolds, Maintenance II, Water Distribution Department
Kenneth Rood, Water Treatment Plant Maintenance
Alex Schafer, Firefighter, Fort Scott Fire Department
Ronald "Trey" Widder, Police Officer, Fort Scott Police Department

10 years: (Certificate and Gift)

Brian Thurston, Detective, Fort Scott Police Department
Chris Tourtillott, Maintenance II, Parks Department

15 years: (Certificate and Gift)

Mike Embry, Supervisor, Wastewater Treatment Plant

20 years: (Certificate and Gift)

Diane Clay, City Clerk/Municipal Court Clerk
Chad Brown, Public Works Director

25 years: (Certificate and Gift)

Daren Hutchison, Captain, Fort Scott Fire Department
Shaun West, Captain, Fort Scott Police Department

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE: None

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

C. PUBLIC HEARINGS:

Adamson moved to open the Public Hearing at 6:08 p.m. Bartelsmeyer seconded. All voted aye.

OPENED PUBLIC HEARING AT 6:08 P.M.

6:00 p.m. – 2019 Budget Hearing - Adoption of 2019 Budget – Jon Garrison, Director of Finance, informed the Commission that a work session was held three weeks ago on the budget. He informed the Commissioners that this budget has no mill levy increase. This budget does reflect a 5% utility rate increase in 2019 and 5% the next year for the River Intake project. He asked for any comments or questions.

There were no questions from the Commissioners or the audience.

Nichols moved to approve the 2019 Budget. Adamson seconded. All voted aye.

APPROVED 2019 BUDGET.

Parker moved to close the Public Hearing at 6:10 p.m. Adamson seconded. All voted aye.

CLOSED PUBLIC HEARING AT 6:10 P.M.

CONSIDERATION:

1. Consideration of a Conditional Use Permit at 9 N. Main to allow residential living on the 1st floor – Dave Martin, City Manager, informed the Commission that this is a critical decision for the downtown. The Planning Commission met on this and determined they want to look at each situation and not change the ordinance. As a Commission, you can do the following: 1) Vote yes; 2) Vote no; 3) Put off for another two weeks if you're not ready to make a decision.

Rhonda Dunn, Community Development Director, informed the Commission that the Planning Commission did meet on this issue on July 12th, 2018. Currently in the downtown district, residential living is only allowed on the 2nd floor of the building. Jerry Witt came before the Board to request a Conditional Use Permit to allow residential living on the first floor of the building he owns in the downtown historic district. The Design Review Board met and recommended his designs be approved for the City Commission.

Jerry Witt said that he has a love for downtown. He said years ago he lived at the Carriage House downtown while his house was being constructed. He spent between \$6-10,000 on the canopy on the building already. His costs for renovating this building will be between \$150,000 to \$200,000. He had a renter in this building and bought the building next to it so his renter would have a place to go.

Commissioner Bartelsmeyer asked when people walked by and looked in what they would see.

Mr. Witt said they would see an office area. The living quarters are all behind the office area.

Jared Leek said he was appearing on behalf of some of the other downtown business owners who are in opposition to this Conditional Use Permit. He referenced Norm Conard, Barb Trimber, Pat Lyons, and Brita Rygmyr. He stated that he owns six properties downtown. He had researched and shared several articles regarding what happens when residential living is allowed in a downtown area. He shared the numbers of visitors in regards to the National Historic Site, the Lowell Milken Center, and the Liberty Theatre and the fact

that foot traffic has increased astronomically in the downtown area. He believes the downtown buildings should be used for retail only and named several types of businesses that want to locate downtown. He did say that he is happy to see the upstairs of the downtown buildings filled with residential living.

Discussion was held between the Commissioners about placing requirements on the Conditional Use Permit.

City Attorney said that special requirements can be placed on the Conditional Use Permit such as stating the residence cannot be rented, Jerry or Judy Witt must reside there, the permit will expire when the Witt's leave the residence, and office space must be at the front of the store. He said that the permit can be drafted and brought before them for final approval.

Commissioner Parker stated that when this building is refurbished and made historic looking again, it will be great. She doesn't want to see any building end up like the Stout building.

Jared Leek asked the Commission to take into consideration the people that own businesses in the downtown area.

Rachel Pruitt, Economic Development Director, remarked that there are residents living on the first floor of the Western Building apartments.

Brita Rygmyr, owner of Papa Don's Pizza, said that her business does not profit from people living in the downtown area. They walk their dogs in the downtown area and don't always pick up the waste. Parking is an issue in the downtown area especially with the elderly people coming to her business.

Cheryl Adamson made a motion to table this issue for two weeks to allow more discussion regarding this Conditional Use Permit. The motion died for lack of a second.

Parker moved to approve the Conditional Use Permit for Jerry & Judy Witt at 9 N. Main to allow residential living on the first floor and to see the permit in writing at the next meeting with the following stipulations: 1) The building cannot be rented. 2) The Witt's have to live there. 3) The C.U.P. will expire when the Witt's leave the residence. 4) The front of the building will be office space. Nichols seconded. All voted aye. Motion carried.

APPROVED THE CONDITIONAL USE PERMIT FOR JERRY & JUDY WITT AT 9 N. MAIN TO ALLOW RESIDENTIAL LIVING ON THE FIRST FLOOR AND TO SEE THE PERMIT IN WRITING AT THE NEXT MEETING WITH THE FOLLOWING STIPULATIONS: 1) THE BUILDING CANNOT BE RENTED. 2) THE WITT'S HAVE TO LIVE THERE. 3) THE C.U.P. WILL EXPIRE WHEN THE WITT'S LEAVE

THE RESIDENCE. 4) THE FRONT OF THE BUILDING WILL BE OFFICE SPACE.

2. Discussion of 1523 E. Wall Street demolition - Rhonda Dunn, Community Development Director, informed the Commission that the owner of this building has completed all the required repairs to this structure. She asked that the Commission rescind the demolition bids.

Bartelsmeyer moved to rescind the demolition bids for 1523 E. Wall Street. Nichols seconded. All voted aye.

APPROVED TO RESCIND DEMOLITION BIDS FOR 1523 E. WALL STREET.

3. Discussion of 1601 E. Wall Street demolition - Rhonda Dunn, Community Development Director, informed the Commission that this is the old Sugarfoot and Peaches restaurant which had a fire. The owner has had some health issues recently. He has an arrangement with a local contractor to demolish this structure.

Discussion was held on the amount of time this structure has been in this condition.

Nichols moved to give him until August 21st, 2018 to have the structure removed. If not, the City will demolish it with the bids received. Bartelsmeyer seconded. All voted aye.

APPROVED TO GIVE OWNER UNTIL 8/21/2018 TO HAVE STRUCTURE AT 1601 E. WALL STREET REMOVED; IF NOT REMOVED BY THAT DATE, THE CITY WILL REMOVE WITH DEMOLITION BID THAT WAS RECEIVED.

4. Discussion of 310 N. Cleveland demolition - Rhonda Dunn, Community Development Director, informed the Commission that she has been working with the Good Neighbor Action Team and the Next Steps program for this property owner. They are going to apply for a USDA grant to improve their property. He is trying to get a job also. Rhonda asked for approval to reject the bids as the City has no idea what is inside the house. She said that there is no electricity or water to the house and they are sleeping outside and keeping food in coolers.

Commissioner Adamson stated she wished they would consider public housing.

City Attorney said that a person has a right to live where they want to. He said that this could end up going to District Court to get a court order to have them removed by the Sheriff's Department.

Bartelsmeyer moved to approve to rescind the demolition bids and proceed forward with the court order to have them removed from the house. Adamson seconded. All voted aye.

APPROVED TO RESCIND THE DEMOLITION BIDS AND PROCEED FORWARD WITH THE COURT ORDER TO HAVE THEM REMOVED FROM THE HOUSE AT 310 N. CLEVELAND STREET.

5. Consideration of three year agreement with Craw-Kan to install fiber internet at LaRoche Baseball Complex – Jon Garrison, Director of Finance, informed the Commission that he is appearing on behalf of Larry Gazaway who is in Des Moines, Iowa at a conference. He is seeking approval of a three year agreement with Craw-Kan to install fiber optic internet into the following areas at the LaRoche Baseball Complex: grandstand, bleachers, stands on both sides, grassy fan areas and concession areas. In exchange for this, the City will provide outfield signage, main gate upper arch signage, backstop signage, smaller 6” X 12” Wifi powered CKT signs placed in fan accessible areas, log in page, and authorization to publicize the partnership. They will provide wireless network support from 8 a.m. to 5 p.m. Monday through Friday.

Parker moved to approve the three year agreement with Craw-Kan to install fiber internet at LaRoche Baseball Complex. Bartelsmeyer seconded. All voted aye.

APPROVED THE THREE YEAR AGREEMENT WITH CRAW-KAN TO INSTALL FIBER INTERNET AT LAROCHE BASEBALL COMPLEX.

6. Consideration of Airport Mower Bid – Kenny Howard, Airport/Lakes Director, informed the Commission that bids were taken for the purchase of a zero turn mower for the Airport and the Lakes. There were three bids received: Blue Valley Trailers, Fort Scott for a Grasshopper 900D mower in the amount of \$21,612.55; Heritage Tractor of Pittsburg, Kansas for a John Deere mower for \$19,500; and Legacy Farm & Lawn of Nevada, Missouri for a John Deere in the amount of \$16,470 and \$28,995. The bid from Blue Valley Trailers for the Grasshopper mower is the only bid that met the bid specifications. He asked for approval for the mower from Blue Valley Trailer in the amount of \$21,612.55.

Adamson moved to approve the bid from Blue Valley Trailer in the amount of \$21,612.55 for the mower. Parker seconded. All voted aye.

APPROVED BID FROM BLUE VALLEY TRAILER IN THE AMOUNT OF \$21,612.55 FOR THE GRASSHOPPER MOWER FOR THE AIRPORT/LAKES.

COMMISSION/STAFF:

A. Director Updates: Rhonda Dunn – Ms. Dunn stated that the Design Review Board met last week and put together some fencing guidelines for the downtown historic district. This will be on the August 21st, 2018 Commission agenda for your consideration.

B. City Commission:

Adamson – Nothing to report.

Bartelsmeyer – Remarked that it was a tough decision tonight but felt like it was the right thing to do.

Nichols – Remarked that tonight was a tough meeting. He welcomed Commissioner Bartelsmeyer’s granddaughter to the meeting.

Parker – Remarked that she was proud of the service awards for the City employees and that we have good, competent employees that work for us.

Mitchell – Not present.

C. City Attorney: Asked for a 20 minute Executive Session to discuss potential acquisition of real estate to include the City Commission, City Attorney, City Manager, Director of Economic Development, Director of Finance, and Community Development Director. There is no action anticipated.

D. Director of Finance: Nothing to report.

E. City Manager:

1. Vacation – Dave reminded the Commission that he is on vacation next week. Diane will have a contact number for him in case of an emergency.
2. Sam Mason – Dave said that in the first part of September it will be a year since Commissioner Sam Mason passed away. He went and saw Lora Mason recently and she is doing well.

EXECUTIVE SESSION:

Nichols moved to move into Executive Session for 20 minutes to discuss potential acquisition of real estate to include the City Commission, City Attorney, City Manager, Director of Economic Development, Director of Finance, and Community Development Director. There is no action anticipated. Bartelsmeyer seconded. All voted aye.

WENT INTO EXECUTIVE SESSION AT 7:22 P.M.

Bartlesmeyer moved to enter into another 10 minute Executive Session to discuss potential acquisition of real estate. Parker seconded. All voted aye.

WENT INTO EXECUTIVE SESSION AT 7:42 P.M.

Bartelsmeyer moved to adjourn from the Executive Session at 7:50 p.m. Parker seconded. All voted aye.

ADJOURNED FROM EXECUTIVE SESSION AT 7:50 P.M.

ADJOURNMENT:

Bartelsmeyer moved to adjourn the meeting at 7:51 p.m. Parker seconded. All voted aye.

ADJOURNED MEETING AT 7:51 P.M.

The next regularly scheduled meeting is to be held on August 21st, 2018 at 6:00 p.m.

RECORDED BY:

**DIANE K. CLAY
CITY CLERK**