

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of August 21, 2018**

**Regular Meeting #16**

The regular meeting of the Fort Scott City Commission was held August 21<sup>st</sup>, 2018 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

**ROLL CALL:**

Commissioners Bartelsmeyer, Nichols, and Parker were present with Mayor Mitchell presiding. Commissioner Adamson was absent.

**INVOCATION:** Pastor Paul Rooks, Grace Baptist Tabernacle, said a prayer asking God for guidance for the City and all government and City officials.

**AUDIENCE IN ATTENDANCE:** Janet Braun, Travis Shelton, Rhonda Dunn, Paul Ballou, Jean Tucker, Janet Davis, Paul Rooks, Patience Richwine, Miriam Mix, Dave Bruner, Michael Mix, Emma Mix, Jordyn McGhee, Angela Mix, Jerry Witt, Larry Gazaway, 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 August 7<sup>th</sup>, 2018.
- B. Approval of Appropriation Ordinance 1221-A totaling \$273,230.48.

Commissioner Bartelsmeyer asked about the minutes in reference to the Conditional Use Permit and if they should read the Witt family instead of Jerry and Judy Witt.

Commissioner Parker said that was her intent.

City Attorney informed them that the Conditional Use Permit is just a draft for them to review. He mentioned discussing Item #4 at this time.

Approval of Conditional Use Permit – 9 N. Main – Witt Family Rentals, LLC – Rhonda Dunn, Community Development Director, informed the Commission that the Conditional Use Permit is a draft based on the minutes from the previous meeting. She researched the International Zoning Code and explained to the Commissioners how the permit works. The Conditional Use Permit is not activated until the building permit is issued. If the conditions are not complied with, the permit can be revoked. Rhonda went over the general terms of the permit which are as follows:

- a. This permit is issued to Jerry & Judy Witt, as the Managers of the Witt Family Rentals, LLC with the specific stipulation that the exterior plans

approved by the City Commission at its meeting on August 7, 2018 be complied with. These plans have been approved by the City Commission and the Design Review Board.

- b. The Conditional Use Permit will allow Jerry and Judy Witt to live in the above referenced building as their residence. The property is to be used exclusively for the residence of Jerry and Judy Witt and cannot be used for any other uses nor can it be rented to anyone.
- c. This permit will extend to and during the lifetime of the survivor of Jerry Witt or Judy Witt and cannot be transferred to anyone else. Upon the death of the last survivor of Jerry Witt and Judy Witt, the permit will be revoked. Any additional permits for that location must be applied for through the City of Fort Scott, Kansas.

City Manager stated that Jerry Witt wants his family included in this permit and the ability for his heirs to live there.

City Attorney remarked that the permit needs to be limited as far as children and grandchildren.

Commissioner Nichols shared his views regarding if the City wanted a filled commercial building versus a residential building. If the downtown starts to boom that building could be used as commercial retail purposes. We need to allow the commercial district to develop to its fullest.

Commissioner Bartelsmeyer suggested hearing from Jerry Witt on his thoughts on the draft of the Conditional Use Permit.

Jerry Witt said that he doubted if his children would want to come back before the Design Review Board and City Commission to get the permit in their names after he or his wife's death.

City Manager stated that we just can't predict what the market will do in the coming years in the downtown area.

Jerry Witt stated that he would like to see the Conditional Use Permit with his sons listed on it as well so they would not have to come and ask for a Conditional Use Permit upon their deaths.

City Attorney said that the Conditional Use Permit can be drafted to include Jerry, Judy and their five sons if the Commission desires.

Bartelsmeyer made a motion to revise the Conditional Use Permit on Section A, to include Jerry & Judy Witt and their five sons and that this permit will apply to the first generation only. Parker seconded. All voted aye.

**APPROVED TO REVISE THE CONDITIONAL USE PERMIT ON SECTION A, TO INCLUDE JERRY & JUDY WITT AND THEIR FIVE SONS AND THAT THIS PERMIT WILL APPLY TO THE FIRST GENERATION ONLY.**

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

**APPROVED CONSENT AGENDA.  
APPEARANCE/COMMENTS/PUBLIC HEARING:**

**A. APPEARANCE:**

Miriam Mix and Patience Richwine - FSHS Mentoring Program – These two young ladies presented a program to the Commissioners on the Fort Scott High School mentoring program which was put into place last year. Hunter Adamson was also involved in this project but was unable to attend due to school functions. Their program matches up Freshmen students with Junior students and Sophomore students with Senior students. They are encouraged to spend time with the younger classmates and hang out with them and help answer questions they may have. This is a voluntary program.

Commissioners thanked them for their great idea.

Kevin Wagner, 2018 Wreath Ride – Mr. Wagner was unable to attend.

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

**C. PUBLIC HEARINGS:**

Mitchell moved to open the Public Hearing at 6:46 p.m. Parker seconded. All voted aye.

**OPENED PUBLIC HEARING AT 6:46 P.M.**

6:15 p.m. Update on alleged unsafe and dangerous structure located at 1914 E. Wall Street (On July 17<sup>th</sup> was continued for 30 days) - Rhonda Dunn, Community Development Director, informed the Commission that this property is an old 1940's motor court. It is located at Wall and Brown Streets. She met with the owner and showed him all the improvements that needed to be made. He has boarded up one window in all he has done in 30 days. She shared pictures of the roof, the siding, the fascia at the top and bottom of the house, all which are in disrepair. She recommended moving forward with the condemnation of this structure in the next 30 days.

Bartelsmeyer moved to approve Resolution No. 33-2018 authorizing this structure be repaired or removed in 30 days. Parker seconded. All voted aye.

**APPROVED RESOLUTION NO. 33-2018 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 1914 E. WALL STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY SEPTEMBER 28<sup>TH</sup>, 2018 OR DEMOLITION PROCEEDINGS WILL BEGIN.**

Bartelsmeyer moved to close the Public Hearing at 6:48 p.m. Nichols seconded. All voted aye.

**CLOSED PUBLIC HEARING AT 6:48 P.M.**

**CONSIDERATION:**

1. Discussion of 13 N. Holbrook demolition – Rhonda Dunn, Community Development Director, informed the Commission that this property burned about two years ago. The property owner was going to pay Saker Demolition to clean up this debris. Now he has decided otherwise. She informed the Commission that she will award this already received bid to Saker Demolition and have them pick up the debris and bill the property owner.
2. Consideration of fencing ordinances in downtown historic district – Rhonda Dunn, Community Development Director, informed the Commission that the Design Review Board reviewed the fencing guidelines for the historic downtown district and came up with these guidelines. They will apply to the Commercial Zoning Regulations with Ordinance No. 3537 and Design Review Board guidelines with Ordinance No. 3538. Approval was recommended.

Nichols moved to approve Ordinances No. 3537 and 3538 in regards to fencing in the downtown historic district. Parker seconded. All voted aye.

**APPROVED ORDINANCE NO. 3537 AMENDING ARTICLE 24 OF THE FORT SCOTT MUNICIPAL CODE ZONING REGULATIONS TO ADD SECTION 24-7, FENCING REGULATIONS, FOR THE HISTORIC CONSERVATION OVERLAY DISTRICT (HC-O) FOR THE CITY OF FORT SCOTT TO THE FORT SCOTT MUNICIPAL CODE.**

**APPROVED ORDINANCE NO. 3538 AMENDING CHAPTER 17.08 OF THE FORT SCOTT MUNICIPAL CODE TO ADD SECTION 17.08.110, FENCING REGULATIONS, FOR THE HISTORIC DISTRICT FOR THE CITY OF FORT SCOTT TO THE FORT SCOTT MUNICIPAL CODE.**

Rhonda also gave an update on the sale of the chairs in Memorial Hall. Bids will be accepted tomorrow for these floor seats.

She also gave an update on 310 N. Cleveland. The Next Steps program as well as the Good Neighbor Action Team are both assisting this homeowner. These groups have asked for more time to work with the property owner to make repairs.

3. Selection of Voting and Alternate Delegates for League of Kansas Municipalities Annual Voting Meeting – 3 voting – 3 alternate – Diane Clay, City Clerk, informed the Commissioners of the staff that would be attending the League Annual Meeting. She said that voting and

alternate delegates for the Annual League of Kansas Municipalities meeting need to be selected:

Voting

Dave Martin  
Diane Clay  
Rhonda Dunn

Alternate

Rachel Pruitt  
Rhonda Dunn  
Deb Needleman

Mitchell moved to approve the voting and alternate delegates. Parker seconded. All voted aye.

**APPROVED VOTING AND ALTERNATE DELEGATES FOR THE ANNUAL LEAGUE OF KANSAS MUNICIPALITIES MEETING TO BE HELD OCTOBER 6-8, 2018.**

4. Item #4 was already discussed.

**COMMISSION/STAFF:**

**A. Director Updates:** Larry Gazaway, Director of Tourism, shared with the Commission that the Convention and Visitors Bureau will be hosting a Veterans Day Weekend on November 9-11, 2018 in the City of Fort Scott. A reception will be held on Friday evening, a parade of Veterans will be held on Saturday, with the Grand Ball held on Saturday night at Memorial Hall. Community Christian Church is hosting a church service which will be followed by a ceremony at the National Cemetery and then a lunch at the VFW Post #1165. He has invited 55 marching bands to come for the parade and he has invited 217 American Legions and VFW organizations to attend. Peerless has donated \$1,500 for the Friday evening reception. He also shared a display of the troop banner which is 30X60 and can be purchased for \$200.00. There are 43 brackets in the downtown area to hang the banners. He would love to see National and East National lined with additional banners. These will be available for order very soon.

**B. City Commission:**

Adamson – Not present.

Bartelsmeyer – Nothing to report.

Nichols – Nothing to report.

Parker – Asked for an update on 1601 E. Wall, the old Sugarfoot and Peaches restaurant.

Rhonda Dunn said that she talked to the property owner today. He has arranged with Kevin Allen to demolish the structure. Kevin has one other job ahead of this one and then will start to demolish this structure.

Commissioner Parker also thanked the two young ladies who presented their mentoring program tonight.

Commissioner Parker also asked if there were dog disposal bags in the downtown area for when residents walk their dogs.

Rhonda said that they are located in a tube on the side of the City's trash cans.

Mitchell – Nothing to report.

**C. City Attorney:** Remarked that he is proud of the City Commission and how they approached this tough issue in good fashion tonight.

**D. Director of Finance:** Not present.

**E. City Manager:** Stated that he appreciated the City Commission on looking at all options on this tough issue tonight.

**ADJOURNMENT:**

Bartelsmeyer moved to adjourn the meeting at 7:07 p.m. Parker seconded. All voted aye.

**ADJOURNED MEETING AT 7:07 P.M.**

The next regularly scheduled meeting is to be held on September 4<sup>th</sup>, 2018 at 6:00 p.m.

**RECORDED BY:**

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**DIANE K. CLAY  
CITY CLERK**