

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of November 7, 2017

Regular Meeting #20

The regular meeting of the Fort Scott City Commission was held November 7th, 2017 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 Adams arrived at 6:02 p.m.

INVOCATION: Pastor Jared Witt, First Presbyterian Church, said a prayer asking God for guidance for the city and all government officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Larry Gazaway, Janet Braun, Rachel Pruitt, Deb Needleman, Cheryl Adamson, Denise Duncan, Billy Keith, Chad Brown, Diana Mitchell, Jared Witt, Clayton Miller, Robin Lemons, Michael Mix, Carolyn Sinn, Clarence LaRoche, Eva Anderson, Barbara Woodward, Rhonda Dunn, and Jason Silvers, representing the Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS:

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of October 17th, 2017.
- B. Approval of Appropriation Ordinance 1202-A totaling \$535,495.42.
- C. Certificate of Appropriateness – 9, 11 & 13 N Main – Old Fort Blvd side of building – changes to roof, guttering and skirting

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

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

- A. APPEARANCE:** None
- B. CITIZEN COMMENTS** (Concerning Items Not on Agenda – 3 minute limit per citizen) - None
- C. PUBLIC HEARINGS:**

Mitchell moved to open the public hearings at 6:19 p.m. Adams seconded. All voted aye.

OPENED PUBLIC HEARINGS AT 6:19 P.M.

6:15 p.m. Resolution 33-2017 directing the repair or removal of an unsafe and dangerous structure and accessory structure located at 747 S. Wilson Street – Rhonda Dunn, Codes Director, informed the Commission that this structure is in bad need of repair. Unfortunately the woman whose name the house is listed under passed away due to alleged neglect. Her husband is awaiting possible prosecution in jail. This house is a public hazard. There are holes in the roof and significant structural issues. These people were hoarders that lived there. She recommended giving the property owner 30 days to either repair or remove this structure.

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

APPROVED RESOLUTION NO. 33-2017 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE AND ACCESSORY STRUCTURE LOCATED AT 747 S. WILSON STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY DECEMBER 15th, 2017 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 34-2017 directing the repair or removal of an unsafe and dangerous structure located at 1837 E. 1st Street - Rhonda Dunn, Codes Director, informed the Commission that the Codes Department has been working on this house since 1998. It is unoccupied. The roof is bad and one side of the house is open to the elements. She recommended giving the property owner 30 days to either repair or remove this structure.

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

APPROVED RESOLUTION NO. 34-2017 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 1837 E. 1st STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY DECEMBER 15th, 2017 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 35-2017 directing the repair or removal of an unsafe and dangerous structure located at 616 S. Horton Street - Rhonda Dunn, Codes Director, informed the Commission that this structure is owned by the property owner of 608 S. Horton Street. There has been no contact by the owner and she is unable to locate him. The porch is in bad disrepair as well as the windows and the siding. The roof is in very bad condition and the property has been abandoned. She recommended giving the property owner 30 days to either repair or remove this structure.

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

APPROVED RESOLUTION NO. 35-2017 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 616 S. HORTON STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY DECEMBER 15th, 2017 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 36-2017 directing the repair or removal of an unsafe and dangerous structure and accessory structure located at 701 S. Barbee Street - Rhonda Dunn, Codes Director, informed the Commission that the owners live in Pittsburg, Kansas and she has had no response from them. This structure is located at the corner of 7th and Barbee. There is a big hole in the back of the house as well as in the roof. The porch is also in bad disrepair as well as the carport. She 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. 36-2017 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE AND ACCESSORY STRUCTURE LOCATED AT 701 S. BARBEE STREET. STRUCTURE MUST BE BROUGHT UP TO 2012 INTERNATIONAL BUILDING CODE BY DECEMBER 15th, 2017 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 37-2017 directing the repair or removal of an unsafe and dangerous structure located at 1311 S. National Avenue
-Discussion of 1311 S. National Avenue

City Manager informed the Commission that there is something exciting before them. The Youth Activities Team (Y.A.T.) wants to purchase this structure and flip this house. They will use this as a fundraiser for the multi-sensory playground at Ellis Park. The Commission will need to remove the house from the dangerous and unsafe status, approve for the City to purchase the house at 1311 S. National as the Y.A.T. is a part of the City, and then to waive the bidding process for the renovation of the structure as volunteers will be doing the work. The City's insurance carrier has been notified about the purchase of the structure and have no issues with this. The cost for the structure is \$4,101.96.

Rhonda Dunn, Codes Director, informed the Commission that there have been Codes issues with this house since 1998. Different housing has been secured for the man that lives there. She hopes this sets a trend in the City that other organizations will look at flipping houses like this.

Diana Mitchell of the Y.A.T. said that they are looking at this structure renovation as a life flop for the person who was living there. He is

looking for part time work and excited to move into his new house. All proceeds from this fundraiser will go to the multi-sensory playground at Ellis Park. She also said that all supplies will be purchased locally which helps give back to the community.

Commissioner Adams said that he would like to see something in writing from the City's insurance carrier that they have no issues with volunteers working on this structure. City Manager said he would secure written approval from the insurance company.

Bartelsmeyer moved to remove this structure from the dangerous and unsafe status, approve to purchase this structure on behalf of the Y.A.T. in the amount of \$4,101.96, and to waive the bid process on improvements made to this structure. Mitchell seconded. All voted aye.

APPROVED TO REMOVE THIS STRUCTURE FROM THE DANGEROUS AND UNSAFE STATUS, APPROVE TO PURCHASE THIS STRUCTURE ON BEHALF OF THE Y.A.T. IN THE AMOUNT OF \$4,101.96, AND TO WAIVE THE BID PROCESS ON IMPROVEMENTS MADE TO THIS STRUCTURE AT 1311 S. NATIONAL AVENUE.

Parker moved to close the Public Hearings at 6:37 p.m. Bartelsmeyer seconded. All voted aye.

CLOSED PUBLIC HEARINGS AT 6:37 P.M.

CONSIDERATION:

1. Consideration of Ordinance 3518 adopting a Common Consumption Area – Rachel Pruitt, Economic Development Director, informed the Commission that the City wishes to adopt a Common Consumption Area for the location at 102 S. National Avenue, the Beaux Arts Center. This will allow customers to move from one floor of the building to another floor.

City Attorney said that he agrees with this ordinance. It allows patrons of two establishments to walk through the building.

Bartelsmeyer moved to approve Ordinance No. 3518 establishing a Common Consumption Area for the location at 102 S. National Avenue. Mitchell seconded. All voted aye.

APPROVED ORDINANCE NO. 3518 ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN ITS BOUNDARIES.

2. Consideration of First Amendment to Development Agreement – Super Market Developers, Inc. - Rachel Pruitt, Economic Development

Director, informed the Commission that originally Price Chopper thought they would need the second tract of land for Dunkin Donuts. They have since decided all they need is an easement for this property and they don't need to actually own it. She asked for approval for the First Amendment to Development Agreement changing the legal description of the property.

Nichols moved to approve the First Amendment to the Development Agreement changing the legal description of the property at 2322 S. Main. Parker seconded. All voted aye.

APPROVED THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT CHANGING THE LEGAL DESCRIPTION OF THE PROPERTY AT 2322 S. MAIN – PRICE CHOPPER

3. Four Way Stops – 2nd and National and 3rd and National – Chad Brown, Street Director, informed the Commission that he has researched their request to look at the traffic signals at 3rd and National and to install stop signs at 2nd and National from the previous meeting. He stated that three of the traffic signals at 3rd and National are in dire need of replacing which is estimated to cost between \$10,000 to \$15,000. There is one traffic signal there in good condition. He proposed to place stop signs at 3rd and National and install new curb and gutter at the Northeast corner to place the new stop sign. This will be minimal in cost. He will leave the traffic signals up flashing red until the stop signs are in place. He will also install stop signs at 2nd and National if the Commission wishes this.

Adams moved to approve to place stop signs at 2nd and National and to remove the traffic signals at 3rd and National and replace with stop signs. Mitchell seconded. All voted aye.

APPROVED TO PLACE STOP SIGNS AT 2ND AND NATIONAL AND TO REMOVE THE TRAFFIC SIGNALS AT 3RD AND NATIONAL AND REPLACE WITH STOP SIGNS.

Chad also gave an update on Highway 69 and the improvements. Three weeks ago a walk through with K.D.O.T. and the City and the contractor took place. There were about twenty minimal items noted and half of those have been fixed. There are some surface spots on the new roadway that will need to be milled due to the roughness of the surface.

4. Approval of Quit Claim Deed – 716 S. Crawford – Rhonda Dunn, Codes Director, informed the Commission that the property at 716 S. Crawford has a prospective buyer but it was discovered that a garage was built on 3' of the alley. She asked the Commission to approve a Quit Claim Deed that was prepared by the City Attorney deeding this section of the alley to the property owner.

Adams moved to approve the Quit Claim Deed for 3' of the alley behind 716 S. Crawford. Bartelsmeyer seconded. All voted aye.

APPROVED QUIT CLAIM DEED TO ROBERT D AND BETTY J LEMONS FOR THE EAST 3' OF THE ALLEY LYING ADJACENT TO THE WEST LINE OF LOT 2, BLOCK 1, CATHOLIC CHURCH ADDITION TO THE CITY OF FORT SCOTT, AND THE EAST 3' OF THE ALLEY LYING ADJACENT TO THE WEST LINE OF THE SOUTH 5' OF LOT 6, BLOCK 201, IN THE CITY OF FORT SCOTT, KANSAS.

5. Consideration of Gunn Park Closure – Christmas in the Park – Rhonda Dunn, Codes Director, informed the Commission that there is a committee reviving the Christmas in the Park event at Gunn Park. She asked for approval to close Gunn Park to the public from November 30th through December 3rd. All of the shelters will be adopted by different companies in the city and decorated and lit up. People will be bused into the park and no other traffic will be allowed. There will be a community chili feed on Saturday night, December 2nd.

She also informed them of a contest to light up National Avenue. There will be a monetary prize donated by Niece Products and this will be judged on December 9th.

Parker moved to authorize Gunn Park to be closed to the public from November 30th, 2017 through December 3rd, 2017 for the Christmas in the Park event. Bartelsmeyer seconded. All voted aye.

AUTHORIZED GUNN PARK TO BE CLOSED TO THE PUBLIC FROM NOVEMBER 30TH, 2017 THROUGH DECEMBER 3RD, 2017 FOR THE CHRISTMAS IN THE PARK EVENT.

6. Discussion of Stout Building – Rhonda Dunn, Codes Director, shared photos of the Stout building at 11 E. 1st Street. She shared an engineering report from AG Engineering who conducted a walk through and visual structural inspection of the property. The roof has two big open holes and there is structural damage from a fire that occurred there years ago. Back in 2015, bids were taken for the demolition of this structure and they came in at \$58,000. She received an estimate of \$32,000 to board up the windows and put a temporary roof on the structure. This will need to be looked at some time in the near future on how to proceed with this structure. The property has been split which was not done legally and will probably affect the sale of the property.

City Manager said that this will be looked at again in January of 2018.

7. Consideration of Ordinance 3519 for Annexation of LaRoche Ball Complex – Dave Martin, City Manager, informed the Commission that this City ball park complex needs annexed into the City limits.

Parker moved to approve the Ordinance annexing the LaRoche Ball Park complex into the City limits. Nichols seconded. All voted aye.

APPROVED ORDINANCE NO. 3519 INCLUDING AND INCORPORATING CERTAIN LAND WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF FORT SCOTT, BOURBON COUNTY, KANSAS – LAROCHE BASEBALL COMPLEX

8. Consideration to appoint Jeanie Parker as the KCAMP Voting Delegate for the City of Fort Scott – Dave Martin, City Manager, informed the Commission that the City needs to appoint a representative to serve as a voting delegate at the KCAMP annual meeting to be held on November 14th, 2017. Jeanie Parker has agreed to be the City's representative. Approval is needed for this.

Bartelsmeyer moved to appoint Jeanie Parker as the City's representative for KCAMP. Adams seconded. All voted aye.

APPROVED JEANIE PARKER AS THE CITY'S REPRESENTATIVE FOR KCAMP.

9. Expansion of the original scope for the River Intake and Dam improvements – Michael Mix, Public Utilities Director, shared photos with the Commission of the River Intake Structure and issues with the dam. He asked for approval to enter into an additional scope of engineering services with the engineering firm, H.D.R. for services including clearwell improvements in the amount of \$13,360; SCADA System Expansion in the amount of \$16,186, preliminary design revisions in the amount of \$6,496; and dam repair investigation in the amount of \$60,988 totaling \$97,030. The clearwell tank has a leak in it which is costing \$7,000 per year and needs repaired. The SCADA system needs hardware replaced also. He reminded the Commission this is just the engineering phase of these projects.

Nichols moved to approve the expansion for the engineering contract for H.D.R. for the River Intake and dam improvements in the amount of \$97,030. Parker seconded. All voted aye.

APPROVED THE EXPANSION FOR THE ENGINEERING CONTRACT FOR H.D.R. FOR THE RIVER INTAKE AND DAM IMPROVEMENTS IN THE AMOUNT OF \$97,030.

COMMISSION/STAFF:

- A. Director Updates:** Larry Gazaway - Larry informed the Commission he has been on his job for six months now and hit the ground running. He is proud to announce that the Fort Scott Convention and Visitor

Bureau has received a Level One rating and is one of three in the State of Kansas with the other two cities being in Goodland and Belle Plain. They will install rack cards for advertising for the whole state of Kansas. There will also be entrance signs coming into the City stating this designation. He said the new website is close to being up and running. He has placed brochure racks into the motels/hotels in Fort Scott. He has also established a “one place to pay” for tourist groups that come in. They will pay one cost up front and then that amount will be distributed to the various entities involved in the event. He said that he was elected President of Tour, Kansas. He also updated the Commission on upcoming dates and events that he will be involved in.

Rachel Pruitt – Rachel updated the Commission regarding a new housing development to be located at 6th and Lowman. It is being constructed by RII Concrete of Fort Scott and will include four tiny houses of 750 square feet each. These houses will be rental houses. He is working closely with the Codes Department.

B. City Commission:

Adams – Nothing to report.

Bartelsmeyer – Nothing to report.

Parker – She expressed thanks to Michael Mix, Larry Gazaway, Chad Brown, and Rhonda Dunn who helps move Fort Scott forward.

Nichols – Remarked that he agreed with Commissioner Parker. It is exciting to live in Fort Scott.

Mitchell – Nothing to report.

C. City Attorney: Nothing to report.

D. Director of Finance: Jon Garrison remarked that he will have a 2017 Budget amendment for the 2nd meeting in December for their approval.

He also stated that he is looking at policies in the Utility Billing office. There are about 3,500 water accounts and have been billed in five different cycles. He would like to consolidate all the billing cycles into one cycle and is researching this.

E. City Manager:

1. Change of time of December 5th, 2017 City Commission meeting to 4:00 p.m. due to Downtown Christmas Parade – City Manager asked the time to be changed on the December 5th meeting.

Parker moved to approve the change in time from 6:00 p.m. to 4:00 p.m. for the December 5th, 2017 meeting. Mitchell seconded. All voted aye.

APPROVED THE CHANGE IN TIME FROM 6:00 P.M. TO 4:00 P.M. FOR THE DECEMBER 5TH, 2017 CITY COMMISSION MEETING.

2. Bridal Veil Park – City Manager reminded the Commission that this topic will be at the next City Commission meeting for their consideration and review.

Rhonda Dunn also informed the Commission that they will have some rezoning issues coming before them at the first meeting in December.

She is looking for the Land Bank discussion to be at the last meeting in December.

Billy Keith, citizen, addressed the Commission on some houses that need to be looked at. He also asked that lights be installed at Nelson Park.

Commissioner Bartelsmeyer asked that the Design Review Board look at the fencing guidelines for the downtown area in the near future. She remarked that Jim Shoemaker's fence looks great.

ADJOURNMENT:

Bartelsmeyer moved to adjourn the meeting at 7:24 p.m. Parker seconded. All voted aye.

ADJOURNED MEETING AT 7:24 P.M.

The next regularly scheduled meeting is to be held on November 21st, 2017 at 6:00 p.m.

RECORDED BY:

**DIANE K. CLAY
CITY CLERK**