

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of April 4, 2023**

**Regular Meeting**

The regular meeting of the Fort Scott City Commission was held April 4, 2023 at 6:00 p.m. in the City Commission Meeting Room at City Hall, 123 S. Main Street, Fort Scott, Kansas.

**ROLL CALL:**

Commissioners T. Van Hoecke, K. Harrington, E. Woellhof were present with Mayor M. Wells. J. Jones joined the meeting at 7:09PM.

**FLAG SALUTE AND INVOCATION:** T. VanHoecke, said a prayer asking God for guidance for the City, our Government and City officials.

**AUDIENCE IN ATTENDANCE:** Brad Matkin/City Manager, Bob Farmer/City Attorney, Jeff Hancock/BakerTilly, Lisa Lewis/City Clerk, Police Chief Jason Pickert, Scott Flater/WWTP Director, Jason Dickman/Earles Engineering, Rachel French/Downtown Chamber, Tayton Majors/Bourbon County REDI, Kayla Hall, Pete Allen.

**AMENDMENTS TO AGENDA:**

M. Wells amended the agenda and removed New Business Item D (Consideration of Options to Fill Commissioner Vacancy in May) and replace with (Vote on Evaluation Criteria for City Manager for the end of this year).

K. Harrington moved to approve the amended agenda. E. Woellhof seconded. All voted aye.

**APPROVED THE AMENDED APRIL 4, 2023, AGENDA.**

**CONSENT AGENDA:**

- A.** Approval of minutes of the regular meeting of March 21, 2023
- B.** Approval of Appropriation Ordinance 1333-A totaling **\$308,705.41**

T. VanHoecke moved to approve the Consent Agenda. K. Harrington seconded. All voted aye.

**APPROVED THE CONSENT AGENDA.**

**PUBLIC COMMENTS:** None

**OLD BUSINESS:**

A. Perpetual Easement – David and Shanda Stewart –

K. Harrington moved to approve the Perpetual Easement made by and between the City of Fort Scott, Kansas of the first part and David J. Stewart and Shanda D. Stewart. E. Woellhof seconded. All voted aye.

**APPROVED THE PERPETUAL EASEMENT MADE BY AND BETWEEN THE CITY OF FORT SCOTT, KANSAS AND DAVID J. STEWART AND SHANDA D. STEWART.**

B. Consideration of Fort Scott Pavilion tabled from March 21, 2023, for bids from Sprouls for smaller structures:

K. Harrington moved to table further discussion on the Fort Scott Pavilion bids from Sprouls Construction until the April 18, 2023, City Commission meeting and requested renderings of three (3) color options (black, red and galvalone) set in a visual setting of surroundings both current and planned.

T. VanHoecke seconded. All voted aye.

**APPROVED TO TABLE FURTHER DISCUSSION ON THE FORT SCOTT PAVILION BIDS FROM SPROULS CONSTRUCTION UNTIL THE APRIL 18, 2023, CITY COMMISSION MEETING AND REQUESTED RENDERINGS OF THREE (3) COLOR OPTIONS (BLACK, RED AND GALVALONE) SET IN A VISUAL SETTING OF SURROUNDINGS BOTH CURRENT AND PLANNED.**

C. Consideration of Letters of Interest for Open Seat on Design Review Board:

T. VanHoecke moved to accept the Design Review Board's recommendation to appoint Jerry Witt as a member of the Board. E. Woellhof seconded. All voted aye.

**APPROVED TO ACCEPT THE DESIGN REVIEW BOARD'S RECOMMENDATION TO APPOINT JERRY WITT AS A MEMBER OF THE BOARD.**

D. Consideration of Certificate of Appropriateness Submitted by Ed Townley and Recommended by the Design Review Board:

T. VanHoecke moved to approve the recommendation of the Design Review Board for the Certificate of Appropriateness submitted by Ed Townley. K. Harrington seconded. All voted aye.

**APPROVED THE RECOMMENDATION OF THE DESIGN REVIEW BOARD FOR THE CERTIFICATE OF APPROPRIATENESS SUBMITTED BY ED TOWNLEY.**

E. Consideration of Payment to AMS:

T. VanHoecke moved to approve 100% of the payment owed to AMS. E. Woellhof seconded. T. VanHoecke and E. Woellhof voted aye. K. Harrington and M. Wells voted nay. The vote ended in a tie.

Discussion ensued.

M. Wells moved to pay AMS \$486,939.01. K. Harrington seconded. E. Woellhof, K. Harrington and M. Wells voted aye. T. VanHoecke voted nay.

**APPROVED TO PAY AMS \$486,939.01.**

**APPEARANCES:**

1. Shawn O'Brien: S. O'Brien addressed the Commission to request temporary street closures for Fort Scott Good Ol' Days, beginning June 2, 2023, at 12:00PM until June 3, 2023, 11:00PM. He also requested the use of City Hall to be used as volunteer headquarters and the use of Memorial Hall on both days.

K. Harrington moved to approve the donation request of \$5,000.00 and the closure of Main Street from Skubitz Plaza to Third St., Scott St. from Wall St. to Second St., Wall St. from National Ave. to Scott St., First St. from National Ave. to Scott St., Second St. from National Ave. to Scott St., Heritage Park at the corner of First St. and Main St., parking lot behind Heritage Park, parking lot at the corner of Third St. and Main St., parking lot at Second St., and Scott St., parking lot at Wall St. and Scott St., parking lot at Wall St., and alley between Main St. and Scott St., parking lot between Memorial Hall and Fort Scott Public Library, parking lot between National Ave. and the Block House, parking lot between Old Fort Blvd. and H & H Realty Agency, Old Fort Blvd. (south side from National Ave. to the alley, Skubitz Plaza, the use of City Hall and Memorial Hall beginning June 2, 2023 at 12:00PM until June 3, 2023, 11:00PM. Barricades and cones will be provided by the City. E. Woellhof seconded. All voted aye.

**APPROVED THE DONATION REQUEST OF \$5,000.00 AND THE CLOSURE OF MAIN STREET FROM SKUBITZ PLAZA TO THIRD ST., SCOTT ST. FROM WALL ST. TO SECOND ST., WALL ST. FROM NATIONAL AVE. TO SCOTT ST., FIRST ST. FROM NATIONAL AVE. TO SCOTT ST., SECOND ST. FROM NATIONAL AVE. TO SCOTT ST., HERITAGE PARK AT THE CORNER OF FIRST ST. AND MAIN ST.,**

**PARKING LOT BEHIND HERITAGE PARK, PARKING LOT AT THE CORNER OF THIRD ST. AND MAIN ST., PARKING LOT AT SECOND ST., AND SCOTT ST., PARKING LOT AT WALL ST. AND SCOTT ST., PARKING LOT AT WALL ST., AND ALLEY BETWEEN MAIN ST. AND SCOTT ST., PARKING LOT BETWEEN MEMORIAL HALL AND FORT SCOTT PUBLIC LIBRARY, PARKING LOT BETWEEN NATIONAL AVE. AND THE BLOCK HOUSE, PARKING LOT BETWEEN OLD FORT BLVD. AND H & H REALTY AGENCY, OLD FORT BLVD. (SOUTH SIDE FROM NATIONAL AVE. TO THE ALLEY, SKUBITZ PLAZA, THE USE OF CITY HALL AND MEMORIAL HALL BEGINNING JUNE 2, 2023 AT 12:00PM UNTIL JUNE 3, 2023, 11:00PM. BARRICADES AND CONES WILL BE PROVIDED BY THE CITY.**

J. Jones joined the meeting at 7:09PM.

2. Danny Craig: D. Craig addressed the Commission to request a donation of \$750.00 for a frisbee golf tournament to be held at Gunn Park on April 8, 2023.

E. Woellhof moved to approve the request for a donation of \$750.00 for a frisbee golf tournament to be held at Gunn Park on April 8, 2023 with the funds to come from Tourism.

**APPROVED THE REQUEST FOR A DONATION OF \$750.00 FOR A FRISBEE GOLF TOURNAMENT TO BE HELD AT GUNN PARK ON APRIL 8, 2023, WITH THE FUNDS TO COME FROM TOURISM.**

3. Rachel French and Tayton Majors: R. French addressed the Commission to request that the City be the contingency plan for the 1<sup>st</sup> Colored Infantry Regiment Mural Project by the Downtown Chamber Board. T. Majors with Bourbon County REDI will assist the Downtown Chamber Board in applying for a \$6,000.00 match grant under the Chamber's 501c3 from the Office of Rural Prosperity Rural Murals and Public Art. She stated that 25% of the match must be capital funding. She is confident the project will be funded by the grant and fundraising. They must guarantee \$5000.00 for the mural artist. She is requesting that the City cover the cost of \$8,500.00 for the project if they do not receive the grant or make up the difference to meet the deadline date of September 30, 2023.

J. Jones moved to approve the Downtown Chamber's request for the City of Fort Scott to be the financial contingency plan for the 1<sup>st</sup> Colored Infantry Regiment Mural Project with the maximum amount being \$8,500.00 to come from Tourism. K. Harrington seconded. All voted aye.

**APPROVED THE DOWNTOWN CHAMBER'S REQUEST FOR THE CITY OF FORT SCOTT TO BE THE FINANCIAL CONTINGENCY PLAN FOR**

**THE 1<sup>ST</sup> COLORED INFANTRY REGIMENT MURAL PROJECT WITH THE MAXIMUM AMOUNT BEING \$8,500.00 TO COME FROM TOURISM.**

**PUBLIC HEARING:** None

**NEW BUSINESS:**

A. Consideration of 2023 Cape Seal Bids: Three (3) bids were received and opened on March 31, 2023 at 5:00PM at City Hall. B. Matkin stated that the submitted bids were recorded as follows: Circle C Paving \$345,838.06, Vance Brothers \$420,158.56, and Harbour Construction \$324,037.38.

J. Jones moved to accept the low bid of \$324,037.38 from Harbour Construction for the 2023 Cape Seal Project. K. Harrington seconded. All voted aye.

**APPROVED TO ACCEPT THE LOW BID OF \$324,037.38 FROM HARBOUR CONSTRUCTION FOR THE 2023 CAPE SEAL PROJECT.**

B. Reintroduction of See-Click-Fix Pro Application: – B. Matkin stated that the City will begin using this website application provided by CivicPlus. He explained how it will work and the benefits to the citizens as well as City staff. The proposed contract presented stated that the first year will be \$9,968.80 with annual recurring services (year 2) at \$10,467.24. B. Matkin stated that he received an email that the price will be closer to \$8,400.00 and the second year will be approximately \$8,600.00. No action was necessary by the City Commission to implement the application.

C. Consideration of Contractors' Licenses: M. Wells presented a proposal for the Commission to consider adopting a license fee, insurance, bond, experience, and permit requirements for contractors similar to current requirements for electricians and plumbers. Discussion ensued. M. Wells requested that the Commissioners look at the proposal and come back with suggestions.

J. Jones moved to table the Consideration of Contractors' Licenses to the next meeting on April 18, 2023. T. VanHoecke seconded. T. VanHoecke, E. Woellhof, J. Jones voted aye. K. Harrington and M. Wells voted nay.

**APPROVED TO TABLE THE CONSIDERATION OF CONTRACTORS' LICENSES TO THE NEXT MEETING ON APRIL 18, 2023.**

D. Vote on the Evaluation Criteria for the City Manager: T. VanHoecke moved to approve the evaluation form for the City Manager position that was discussed in the work session. E. Woellhof seconded. All voted aye.

**APPROVED THE EVALUATION FORM FOR THE CITY MANAGER POSITION THAT WAS DISCUSSED IN THE WORK SESSION.**

**REPORTS AND COMMENTS:**

**City Manager:** B. Matkin

1. Diehl, Banwart and Bolton contract for annual audit to be reviewed.
2. Commissioners will receive an email regarding each advisory board meeting. Please respond if you will attend so appropriate announcements can be made regarding the number of Commissioners present.
3. Cooper Street concrete pouring will begin on April 5, 2023.
4. Community Connection Panelist event on April 5, 2023. All Commissioners were invited to attend.
5. Three (3) day high school baseball tournament at LaRoche Stadium.
6. Woodland Hills Golf Course was selected to host three (3) events for the SEK Seniors Golf Association on April 5, 2023.

**Engineering:** J. Dickman

1. Working on sewer plant issues and proposals to be ready by the next meeting.
2. Will be out to test concrete on Cooper Street pouring on April 5, 2023. Previous tests on the soils and rock were in the parameters.
3. Pre-construction meeting for CDBG Sanitary Sewer Project was held and target start date remains May 1, 2023. Once the agreement document is signed by the City Manager and Bennett Construction, they will receive a Notice to Proceed.
4. B. Matkin stated that the Memorial Hall steps repair project has started.

**COMMISSIONERS' COMMENTS:**

**T. VanHoecke:**

1. Golf course concerns, B. Matkin is addressing the issues. The 5-person group begins April 1<sup>st</sup>. He reminded golfers to be respectful of staff, golf etiquette and course rules.
2. Thank you to Police Chief Pickert and the police department for a serious situation that was neutralized.
3. Requested update on Splash Pad. J. Jones stated the pad should be starting April 5, 2023 with the water being done immediately after that is completed. He stated if it's not done by Good Ol' Days it will be tidy and cleaned up with a completion goal of Memorial Day.
4. Despite the heated discussions of the night, he wanted people new to the area to not be discouraged to become involved and volunteer.

**E. Woellhof:** Thank you to the Commissioners and City Manager for their service and their passion for doing what is right for the community.

**K. Harrington:**

1. The Lake Advisory Board asked if anyone else will be helping with Lake Patrol this summer. Police Chief J. Pickert responded that the SRO officer will cover patrol at the Lake and help the detective's office. He stated as of right now, there is nothing extra scheduled. He said that the City takes care of the beach area and water issues, and the sheriff's office responds to residents at the lake.
2. The Lake Advisory Board would like the Commission to review the existing fishing boat ordinance.

**J. Jones:**

1. He stated he appreciates every Commissioner even though there are times they disagree.
2. Golf course issues discussed.
3. Community Core Program invite from Bill Michaud to all Commissioners. He would like to ask the City to contribute to the program in the future.
4. Kudos to Aaron Judy for his successful event, Blue Collar Awards that raised \$4,000.00 to be used toward scholarships for those interested in training in the trades.

**M. Wells:**

1. Requested from B. Matkin a person at City Hall who could organize and post all area events and activities on social media that are not being promoted by the City. B. Matkin stated that the announcements should be going to Jackson Tough/Public Relations and Tourism who can make sure they are promoted on the appropriate website. M. Wells would like to create more social media awareness moving forward.
2. City/County Luncheon possibility in the near future.
3. Planning of future work sessions for the Commission. B. Matkin suggested individual Commissioners meeting with City staff to work on work session topics and then bring to Commission.
4. Stated that at the request of someone, he is going to circle back to the Contractor License issue and make a motion to accept it and move forward.

M. Wells moved to accept the Contractor License proposal as submitted to the Commission. K. Harrington seconded. K. Harrington, E. Woellhof and M. Wells voted aye. J. Jones and T. VanHoecke voted nay.

**APPROVED TO ACCEPT THE CONTRACTOR LICENSE PROPOSAL AS SUBMITTED TO THE COMMISSION.**

**City Attorney Comments:** None

B. Matkin stated that this was Jeff Hancock's last City Commission meeting with Fort Scott. He thanked him for all that he did in getting a head start and has been very valuable to the City of Fort Scott. He hopes that he will come back to visit.

J. Hancock stated that he cares about the City and wants all to succeed.

The Commissioners thank J. Hancock for all that he did for them.

**Executive Session:**

M. Wells moved that the City Commission recess into Executive Session pursuant to the preliminary discussion of the acquisition of real property exception in K.S.A. 75-4319(b)(6) with the five (5) City Commissioners, the City Manager and the City Attorney. The open meeting will resume in the Commission Room at 8:32PM. T. VanHoecke seconded. All voted aye.



**APPROVED THAT THE CITY COMMISSION RECESS INTO EXECUTIVE SESSION PURSUANT TO THE PRELIMINARY DISCUSSION OF THE ACQUISITION OF REAL PROPERTY EXCEPTION IN K.S.A. 75-4319(B)(6) WITH THE FIVE (5) CITY COMMISSIONERS, THE CITY MANAGER, AND THE CITY ATTORNEY. THE OPEN MEETING WILL RESUME IN THE COMMISSION ROOM AT 8:32PM.**

T. VanHoecke moved for the City Commission to come out of Executive Session. M. Wells seconded. All voted aye.

**APPROVED FOR THE CITY COMMISSION TO COME OUT OF EXECUTIVE SESSION.**

T. VanHoecke moved that the City Commission recess into Executive Session pursuant to the preliminary discussion of the acquisition of real property exception in K.S.A. 75-4319(b)(6) with the five (5) City Commissioners, the City Manager, and the City Attorney. The open meeting will resume in the Commission Room at 8:45PM. M. Wells seconded. All voted aye.

**APPROVED THAT THE CITY COMMISSION RECESS INTO EXECUTIVE SESSION PURSUANT TO THE PRELIMINARY DISCUSSION OF THE ACQUISITION OF REAL PROPERTY EXCEPTION IN K.S.A. 75-4319(B)(6) WITH THE FIVE (5) CITY COMMISSIONERS, THE CITY MANAGER, AND THE CITY ATTORNEY. THE OPEN MEETING WILL RESUME IN THE COMMISSION ROOM AT 8:45PM.**

T. VanHoecke moved for the City Commission to come out of Executive Session. K. Harrington seconded. All voted aye.

**APPROVED FOR THE CITY COMMISSION TO COME OUT OF EXECUTIVE SESSION.**

**Adjournment:**

T. VanHoecke moved to adjourn at 8:45PM. J. Jones seconded. All voted aye.

**ADJOURNED MEETING AT 8:45P.M.**

Respectfully submitted for approval,  
Lisa A. Lewis, City Clerk