

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of January 4<sup>th</sup>, 2022**

**Regular Meeting #1**

The regular meeting of the Fort Scott City Commission was held January 4<sup>th</sup>, 2022 at 6:00 p.m. in the City Commission Meeting Room at City Hall, 123 S. Main Street, Fort Scott, Kansas.

**ROLL CALL:**

Commissioners P. Allen, K. Allen, R. Nichols and T. Van Hoecke were present with Mayor J. Jones presiding.

**INVOCATION:** Bill Downey, Sergeant, Fort Scott Police Department, said a prayer asking God for guidance for the City, our Government and City officials.

**AUDIENCE IN ATTENDANCE:** Travis Shelton, Jackson Tough, Brad Matkin, Rachel Thompson, Mark McCoy, Kelley Zellner, Bill Downey, Peter Earles, Janice Allen, Robert Coon, Sarah Maike, Max Fanning, Don Tucker, Jean Tucker, and representing the press, Tammy Helm, Fort Scott Tribune.

**PROCLAMATIONS/RECOGNITIONS:**

**ADDITIONS TO AGENDA:**

**CONSENT AGENDA:**

- A. Approval of minutes of the regular meeting of December 21<sup>st</sup>, 2021, and special meetings of December 22<sup>nd</sup>, 2021 and December 28<sup>th</sup>, 2021.
- B. Approval of Appropriation Ordinance 1303-A totaling \$282,505.65.
- C. Request to Pay – L. G. Barcus & Sons, Inc. - \$410,114.05 – Fort Scott Dam Improvements Project
- D. Request to Pay – Olsson Associates - \$23,584.00 – Rehabilitation Runway and Taxiway Engineering (Nov) (Design)
- E. Request to Pay – Olsson Associates - \$24,656.00 – Rehabilitation Runway and Taxiway Engineering (Dec) (Design)
- F. Request to Pay – Utility Maintenance Contractors, LLC - \$81,699.75 – Water Treatment Plant Clarifier Painting Project
- G. Resolution No. 1-2022 designating the official City newspaper.
- H. Resolution No. 2-2022 designating the official City depositories for public funds.

I. Resolution No. 3-2022 designating exemption from Generally Accepted Accounting Principles under KSA 75-1120(a).

P. Allen said that he has an issue on the Expense Report with the Saker Demolition payment for 323 S. Hill. He does not believe that demolition is complete and would like to pull that payment.

P. Allen moved to approve the Consent Agenda with the removal of the payment to Saker Demolition for the 323 S. Hill location. J. Jones seconded. All voted aye.

**APPROVED CONSENT AGENDA WITH THE REMOVAL OF THE PAYMENT IN THE EXPENSE REPORT TO SAKER DEMOLITION FOR THE STRUCTURE AT 323 S. HILL STREET.**

(Swearing in of new City Manager Kelley Zellner. Swearing in of new City Commissioners: Matthew Wells, Joshua Jones, and Tim Van Hoecke, and recognition of Randy Nichols, outgoing City Commissioner) – Diane Clay, City Clerk, gave the oath of office to the above individuals.

**REORGANIZATION OF CITY COMMISSION AND ELECTION OF MAYOR, COMMISSION PRESIDENT, B.C.E.D.C.I. REPRESENTATIVE, AND FORT SCOTT HOUSING AUTHORITY DELEGATE.**

a. Election of Mayor

P. Allen moved to nominate Kevin Allen as Mayor of the City of Fort Scott. J. Jones seconded. P. Allen, M. Wells, and J. Jones voted aye. T. Van Hoecke voted no. Motion carried 3-1.

**APPOINTED KEVIN ALLEN AS MAYOR OF THE CITY OF FORT SCOTT.**

b. Election of Commission President

K. Allen moved to nominate Josh Jones as President of the City Commission. P. Allen seconded. All voted aye.

**APPOINTED JOSH JONES AS PRESIDENT OF THE FORT SCOTT CITY COMMISSION.**

c. Election of Bourbon County Regional Economic Development Council Inc. Representative

P. Allen moved to nominate Josh Jones to the Bourbon County Regional Economic Development Council, Inc. Board. M. Wells seconded. All voted aye.

**APPOINTED JOSH JONES AS THE CITY'S REPRESENTATIVE TO THE BOURBON COUNTY REGIONAL ECONOMIC DEVELOPMENT COUNCIL, INC.**

d. Election of Fort Scott Land Bank Representative

J. Jones moved to nominate Tim Van Hoecke as the Fort Scott Land Bank Representative. P. Allen seconded. All voted aye.

**APPOINTED TIM VAN HOECKE AS THE CITY'S REPRESENTATIVE TO THE FORT SCOTT LAND BANK.**

e. Election of Fort Scott Housing Authority Delegate

P. Allen moved to nominate Matthew Wells as the Fort Scott Housing Authority Delegate. T. Van Hoecke seconded. All voted aye.

**APPOINTED MATTHEW WELLS AS THE CITY'S REPRESENTATIVE TO THE FORT SCOTT HOUSING AUTHORITY BOARD.**

**Public Comment:**

(Sign up required. Comments on any topic not on the agenda and limited to 5 minutes per person, at Commission discretion) - None

**Old Business:**

- a. Consideration of Land Bank Ordinance No. 3599 – Amendment of formation of board – Mark McCoy, Interim City Manager, informed the Commission that this ordinance amends the formation of the board members. Mark read the change in the ordinance: There is hereby established a Land Bank Board of Trustees. The Board shall be composed of seven (7) members. One Board member will be a representative of the City of Fort Scott City Commission, one member will be appointed by the Bourbon County Board of Commissioners. One member will be appointed by the Bourbon County Regional Economic Development Inc. Board of Directors. The remaining four (4) positions will be appointed by the Fort Scott City Commission and will include the following professions: One individual who represents banking with a term of three (3) years; one individual who represents developers with a term of two (2) years; one individual who represents real estate with a term of two (2) years; and one member at large of the community with a term of one (1) year. These specific professions are recommended but not mandatory.

J. Jones moved to approve Ordinance No. 3599 for the Land Bank formation of board members. Tim Van Hoecke seconded. All voted aye.

**APPROVED ORDINANCE NO. 3599 AMENDING ARTICLE 14, SECTION 14.3 – LAND BANK BOARD OF TRUSTEES: APPOINTMENT, TERMS: DISSOLUTION – OF THE FORT SCOTT MUNICIPAL CODE FOR THE PURPOSE OF CREATING THE FORT SCOTT LAND BANK, AND DETERMINING THE MEMBERSHIP, DUTIES AND FUNCTIONS OF THE BOARD OF TRUSTEES OF THE FORT SCOTT LAND BANK.**

- b. Memorandum of Understanding with Bourbon County R.E.D.I – Tourism position – Rob Harrington, Bourbon County R.E.D.I. Director said he didn't have a copy of the proposed interjurisdictional change with him.

J. Jones moved to table at this time in the meeting to see if copies can be made for the Commission and addressed later in the meeting. Tim Van Hoecke seconded. All voted aye.

**TABLED THE M.O.U. AT THIS TIME DURING THE MEETING.**

Rob appeared later in the meeting with copies for the Commission. Rob read the changes in the Interjurisdictional Agreement to the Commission:

Bourbon County Regional Economic Development agrees to also provide oversight of the City of Fort Scott Tourism Department throughout the life of this Interjurisdictional Agreement. This will include developing all digital and print advertisements, public relations, electronic media, group tours, grant writing, product development, and creating partnerships throughout the region and State. Bourbon County R.E.D.I. Director and Board of Directors will be ultimately responsible for making sure these duties, as well as other tasks, are completed by the current Tourism Director and will report directly to the City Commission on job performance as the Tourism Director will remain a paid employee of the City of Fort Scott.

The City of Fort Scott agrees to continue to provide payroll and benefits to the Tourism Director and provide Bounty County R.E.D.I. with remaining funds from the Transient Guest Tax which have not previously been encumbered to perform the duties listed above. At any time, the Fort Scott City Commission and/or Bourbon County R.E.D.I. Board of Directors can terminate the Tourism piece of the Interjurisdictional Agreement as long as the terminating party gives the other party at least thirty (30) days' notice of the change.

The Bourbon County R.E.D.I. Director will provide monthly updates to the City Manager and City Commission at their monthly City Commission meetings and all financial documents will be supplied to the City Clerk, City Manager, and City Commission so that the funds being used can be tracked sufficiently and all State reporting can be kept up to date.

Discussion was held regarding the Tourism Advisory Board.

City Clerk told them that board was created by City Ordinance.

J. Jones recommended evaluating the Tourism Advisory Board in 90 days and discuss it further at that time.

J. Jones moved to approve to Interjurisdictional Agreement with Bourbon County R.E.D.I. for Tourism with the above paragraphs added to it and to review the Tourism Advisory Board formation in 90 days. M. Wells seconded. All voted aye.

**APPROVED THE INTERJURISDICTIONAL AGREEMENT WITH BOURBON COUNTY R.E.D.I. FOR TOURISM WITH THE ABOVE PARAGRAPHS ADDED TO IT AND TO REVIEW THE TOURISM ADVISORY BOARD FORMATION IN 90 DAYS.**

- c. Mayor Jones – Amend vote on ARPA bonus payment – Josh stated that he wished to amend his motion from the December 21<sup>st</sup>, 2021, meeting on the A.R.P.A. payout to emergency personnel. He wanted to amend his motion to include all exempt and non-exempt employees and to include E.M.S. If an employee started in 2021, this amount would be pro-rated. If employed for 365 days prior, the full payout would be included for all exempt and non-exempt employees and including E.M.S.

J. Jones moved to amend his motion to include all exempt and non-exempt employees and including E.M.S. If an employee started in 2021, this amount would be pro-rated. If employed for 365 days prior, the full payout would be included. M. Wells seconded. All voted aye.

**APPROVED TO INCLUDE ALL EXEMPT AND NON-EXEMPT EMPLOYEES AND INCLUDING E.M.S. IF AN EMPLOYEE STARTED IN 2021, THIS AMOUNT WOULD BE PRO-RATED. IF EMPLOYED FOR 365 DAYS PRIOR, THE FULL PAYOUT WOULD BE INCLUDED. THIS ALSO INCLUDES EMS EMPLOYEES.**

**Appearances:** None

**New Business:**

- a. Consideration of appointment of Airport Advisory Board member – M. McCoy said that there were three letters of interest received. The Airport Advisory Board met on 12/22/2021 and recommended the appointment of Shawn Goans to the board.

T. Van Hoecke moved to appoint Shawn Goans to the Airport Advisory Board to replace Mary Pemberton. P. Allen seconded. P. Allen, T. Van Hoecke, M. Wells, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

**APPROVED TO APPOINT SHAWN GOANS TO THE AIRPORT ADVISORY BOARD TO REPLACE MARY PEMBERTON.**

- b. Discussion of change to City zoning regulations regarding fencing and assessing a standard fee for license – Bill Downey, Codes Director, informed the Commission that he has changes he would like to see made to the fencing regulations. He shared the fencing rules from the zoning regulations. His proposed recommendation is the following: “Construction methods and materials: Fences in all districts shall be constructed of normally used fencing materials such as chain link, wood slats, masonry, iron, vinyl, or other materials typically supplied by vendors of fencing materials. No fence shall be constructed using non-traditional materials such as sheet metal. The finished side of the fence shall face the street.”

Mr. Downey said that he has had the City’s website corrected to reflect that a building permit is needed for a fence.

Discussion was held regarding property lines.

Peter Earles, Earles Engineering, said that the setbacks from the street have nothing to do with the curbing. It is different for commercial versus residential. The setback is determined by the property line in the zoning regulations. It has nothing to do with the curb. The setbacks are set by your zoning regulations. That defines what your setback is. A person can always hire a surveyor to check their property lines.

M. Wells read Section 12.08.010 of the City's municipal code. He stated what the right of way was. He also referenced three Supreme Court cases regarding right of way. He said that we cannot allow our right of way to be infringed upon.

Discussion was held to table this for two weeks.

P. Allen moved to table this issue for two weeks. M. Wells seconded. All voted aye.

**TABLED THE FENCE REGULATIONS ISSUE FOR TWO WEEKS.**

- c. Discussion of ordinance to create City business license and associated fee – Mark McCoy, Interim City Manager, said that he would like to start discussions of initiating the creation of a business license for all businesses in the City of Fort Scott. There are reasons for this license, and it is not just the revenue generated. Information gathered could be the owner's name, the name of the business, insurance and if they have insurance, name of the manager in case of an emergency, call out numbers, what is stored inside such as flammable items, name of their alarm company, are you legally allowed to be in business, have your taxes been paid, and other items. He asked for approval to work with the Codes Department on this item.

M. Wells said that in addition to a City business license, we need to look at licensing contractors. He referenced building contractors, and utility contractors. He referenced adding classes of contractors such as Class A, B, and C and requiring copies of their insurance and bonding requirements. A fee would also be charged for this. This would keep contractors responsible for any street cuts or any work done in the City of Fort Scott. He also mentioned licensing all heating and air conditioning contractors.

Discussion was held for Mark McCoy to work with the City Attorney on this issue.

- d. Discussion of funding of Land Bank from sale of First Source building – Mark McCoy, Interim City Manager said that with the sale of the First Source building, it has been recommended to place \$50,000 of those funds into the Land Bank fund to assist with the removal of dangerous and unsafe structures.

J. Jones asked if anyone had looked at the parcels in the upcoming tax sale to see if any were on the dangerous and unsafe structure list.

Mark said that the City will check into this.

Discussion was held to table until the Codes Department can check into the tax sale list and compare structures and determine an amount.

T. Van Hoecke moved to table at this time until the Codes Department can check into the tax sale list and compare structures. J. Jones seconded. All voted aye.

**TABLED AT THIS TIME UNTIL THE CODES DEPARTMENT CAN CHECK INTO THE TAX SALE LIST AND COMPARE STRUCTURES**

**Reports and Comments:**

**A. Commissioner Reports and Comments:**

A. Interim City Manager Comments:

Mark wanted to address three items as well as remind the Commission of the upcoming work sessions.

SRO Officer Update – Mark said that he will be setting up a meeting with Kelley, Jim Harris, Bourbon County Commissioner, and the Superintendent of USD #234. They will come back to the Commission with a plan on how to proceed forward.

Josh asked if he could be included in these discussions as he has been involved in them in the past.

C & D Landfill – Due to the holidays he has been unable to meet with all parties. He has discussed this with Jim Harris and our City Attorney on a proposed contract with the County on an agreement for the use of C & D. This would include the 13.8 acres in exchange for an amount each year in perpetuity for the City to dispose of C & D at the landfill. This could make our demolitions more affordable to the City.

Thank you – Mark said that it had been a privilege and an honor to serve the citizens of Fort Scott and work with the City Commissioners. He said it had been an opportunity of a lifetime. He said that we have a great City staff and is proud of them.

Proposed work session – Street – 1/5/2022 4:30 to 6:30 p.m.

Proposed work session – Brick Street – 1/13/2022 – 5:00 to 7:00 p.m.

B. City Manager Comments: Kelley said that he has met with the City public works supervisors today. He looks forward to working for the City of Fort Scott.

C. Commissioners Reports and Comments:

Discussion to terminate Mark McCoy employment contract – His employment contract was handed out to all Commissioners. Mark said that if they would want to keep him on as a part-time employee, he would be willing to.

J. Jones moved to terminate the Interim City Manager contract after 14 days and see what the new City Manager decides. T. Van Hoecke seconded. All voted aye.

**APPROVED TO TERMINATE THE INTERIM CITY MANAGER CONTRACT AFTER 14 DAYS AND SEE WHAT THE NEW CITY MANAGER DECIDES.**

P. Allen – Pete said that it is a new year, and he believes a new attitude of the Commission as shown in the 5-0 votes this evening. He said that it is our job to set policies and he is excited about the upcoming work sessions on streets and brick streets. He said that he is excited about Kelley coming on as City Manager and working on upcoming projects.

T. Van Hoecke – Tim welcomes Kelley as the new City Manager. He thanked Mark McCoy for all that he has done for the City. He asked that the pedestrian crossing crosswalks be looked at in the intersection of 2<sup>nd</sup> and National as they are very faded. It is difficult for people to be able to cross. He wished all a Happy New Year.

M. Wells – Matthew said that he wished to echo Tim Van Hoecke's comments regarding 2<sup>nd</sup> and National. He has visited with people who almost got hit crossing there. He is excited also about Kelley starting and all the benefits and experience he will bring the City.

J. Jones - Josh asked that we make sure the updated agreement with the State of Kansas for Wall Street is received.

He would like to make sure that we apply for any KLINK grants available to the State.

He asked about the fishing docks at Lake Fort Scott as he has heard complaints about kids not being able to fish off of them.

Mark will talk to Doug Gun about this.

Josh asked about Memorial Hall and if Mark has met with the City's engineer on this building.

Josh asked that bonding be looked into for the upcoming street and storm sewer projects.

City Attorney stated that we have a financial advisor who needs to be consulted with first.



City Manager stated that he would like to apply for any available grants first before bonding is secured.

Josh thanked Mark McCoy for all of his hard work he has done for the City in the last six months. He also thanked Lindsey Watts and Randy Nichols for the opportunity to serve as Mayor the last year.

K. Allen – Kevin said that he had a few items to bring up.

Memorial Hall – he would like to see the steps looked at. He recognized Mike Hanson as he passed away recently and was very involved in Memorial Hall and upgrading this facility.

Sharky's update – Kevin asked for an update on the Sharky's project.

Mark said that all the bonds have been filed and this project is ready to proceed forward.

Kevin thanked Mark McCoy for his assistance in moving the City forward. He welcomed Kelley as the new City Manager.

Kevin thanked Josh Jones for serving as Mayor in 2021 and thanked the Commission for electing him as Mayor for this new year.

D. Human Resource Director Comments:

Military bridge removal process – Brad informed the commission that he talked to the Public Works staff, and they are willing to remove the bridge. They estimate it will take 10 days and 4 people to complete the project. The City will then get to retain the scrap metal to sell it.

P. Allen asked if the City would still be able to fill cracks if they were working on this project.

Brad said it is only half the crew that will be working on the bridge.

Discussion was held to determine if this bridge was on the Kansas State Historical Register. Josh said it was not. Further discussion was held to make sure it was not.

J. Jones moved to approve to let the City remove the Belltown bridge provided the bridge is not on the Kansas State Historical Register. T. Van Hoecke seconded. J. Jones, T. Van Hoecke, and K. Allen voted aye. P. Allen and M. Wells voted no. Motion carried 3-2.

**APPROVED TO LET THE CITY REMOVE THE BELLTOWN BRIDGE PROVIDED THE BRIDGE IS NOT ON THE KANSAS STATE HISTORICAL REGISTER.**

KMIT – Brad stated that the City of Fort Scott received the Gold Star Award through K.M.I.T., the City's work comp carrier.

2022 Holiday Schedule – Brad gave the Commission a listing of City holidays for 2022.

Employee Referral Program – Brad said that the Employee Referral Program is up and running. He stated that if an employee refers someone to apply, they are hired, and they complete their 90 day probationary period, the employee that referred them will receive a \$100.00 gift card. You have to be a full-time employee to receive.

**City Attorney Report and Comments:** Nothing to report.

**Executive Session:**

J. Jones moved to recess into Executive Session for the financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships exception in K.S.A. 75-4319(b)(4) until 8:42 p.m. This will include City Commissioners, Mark McCoy, Kelley Zellner, Bob Farmer, Rob Harrington, and Brad Matkin. K. Allen seconded. All voted aye.

J. Jones moved to come out of Executive Session at 8:42 p.m. T. Van Hoecke seconded. All voted aye.

**Adjournment:**

K. Allen moved to adjourn the meeting at 8:42 p.m. M. Wells seconded. All voted aye.

**ADJOURNED MEETING AT 8:42 P.M.**

Respectfully submitted,

Diane K. Clay, MMC  
City Clerk