

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of March 1st, 2022

Regular Meeting #5

The regular meeting of the Fort Scott City Commission was held March 1st, 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, J. Jones, T. Van Hoecke and Matthew Wells were present with Mayor K. Allen presiding.

INVOCATION: Mark McCoy, City of Fort Scott Project Manager, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Jason Pickert, Bill Downey, Brad Matkin, Rachel Thompson, Mark McCoy, Jason Dickman, Doug Guns, Debbie Hurd, J. R. Parker, Ryan Collier, Jean Tucker, Jody Hoener, Rachel Carpenter, Trenton Johnson, Debbie Baxley, Shelly Rowe, Chris Rowe, Anthony Rowe, Don Lancaster, Tom Lancaster, Sandra Gibbs, Dave Bruner, Steve Anthony, Diana Mitchell, Scott Theis, Max Fanning, Bill Downey, Angela Simon, Annie Simon, Kendrick Simon, Steve Harry, Barbara Albright, Bailey Lyons, Jimmy Kemmerer, and Bob Reed.

PROCLAMATIONS/RECOGNITIONS: Marsha Lancaster Day Proclamation – Kevin Allen, Mayor, read a Proclamation which proclaimed March 1st, 2022, as Marsha Lancaster Day in the City of Fort Scott. Today is Marsha’s birthday and she was a huge supporter of all Fort Scott events and supported many sporting teams with meals. She was a Fort Scott Legend and is greatly missed.

ADDITIONS TO AGENDA: Mayor Kevin Allen asked that the Item L - Request to Pay – Construction and Abatement Services, Inc be added under Consent Agenda.

CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of February 15th, 2022, special meetings of February 16th, 2022, February 18th, 2022, and February 22nd, 2022.
- B. Approval of Appropriation Ordinance 1307-A totaling \$232,065.68.
- C. Request to Pay – Agricultural Engineering Associates - \$8,092.91 – Lake Lot Surveys
- D. Request to Pay – Agricultural Engineering Associates - \$800.00 – Resurvey Lake Lots 8 & 9
- E. Request to Pay – Nuss & Farmer, P.A. – January legal fees - \$1,627.50

- F. Request to Pay – Olsson Associates – Airport Runway Rehabilitation - \$26,800.00
 - G. Request to Pay – Rogers & Sons Concrete, LLC – Union Lofts Alley - \$83,674.00 (Final Payment)
 - H. Cereal Malt Beverage Application – 212 E. 1st Street – M’axe Throw House
 - I. Request to Pay #2 – Utility Maintenance Contractors – Water Treatment Plant Clarifier Project - \$4,725.25
 - J. Request to Pay #3 – L G Barcus & Sons, Inc. – Fort Scott Dam Improvements - \$429,429.92
 - K. Request to Pay – HDR Engineering, Inc. – Fort Scott Phase II Dam Improvements Engineering - \$23,964.82
 - L. Request to Pay – Construction and Abatement Services, Inc - \$1,300.00 – Asbestos samples of 8 & 16 N. National
- M. Wells asked about Items C and D regarding the payment of the survey of the Lake lots and how many lots were surveyed.

City Manager said that he will check into it.

M. Wells moved to approve the Consent Agenda with the removal of Items C and D and the addition of Item L. J. Jones seconded. All voted aye.

APPROVED CONSENT AGENDA WITH THE REMOVAL OF ITEMS C AND D AND THE ADDITION OF ITEM L – CONSTRUCTION AND ABATEMENT SERVICES, INC. IN THE AMOUNT OF \$1,300.00.

Public Comment:

(Sign up required. Comments on any topic not on the agenda and limited to 5 minutes per person, at Commission discretion)

Debbie Hurd – Ms. Hurd stated that she has property on West 2nd Street and that she received a letter from the City stating that her property was half in the City and half in the County and received a violation letter. She has always been told that her property is in the County. She received a letter from the City stating the structure needed to be repaired or removed in a certain period of time. She asked for more time.

Bill Downey, Codes Manager, said according to the GIS map that it reflects there is a boundary line down the middle of the property,

City Attorney said that he was involved with this also and it according to the map, it shows there is a boundary line in the middle of the property.

Bill said that Ms. Hurd is helping her sister with this property, but she is going through tough times right now. He said that he is willing to give her more time. He asked if a compliance check for June 1st, 2022, would work for her and she was agreeable to that.

Ryan Collier – Mr. Collier appeared before the Commission on the fence at 12th & Main Street that he constructed. He said that he and the City Manager had a conversation last week. He feels that a City Commissioner is targeting and harassing him about the fence that he constructed. He was told by the Codes Department it was okay to proceed by four (4) different City individuals. Now his customer has received letters that it is illegal to have the fence there.

M. Wells asked if there were 17 letters sent out to property owners that were in violation?

City Attorney said that he mailed out three letters to homeowners.

Discussion was held that there were over 100 houses in violation of fences.

J. Jones moved to grandfather all the fences prior to the change in the fencing regulations and to send out letters to the over 100 structures in violation notifying them they were on City right-of-way in case of any issues. 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 GRANDFATHER ALL THE FENCES PRIOR TO THE CHANGE IN THE FENCING REGULATIONS AND TO SEND OUT LETTERS TO THE OVER 100 STRUCTURES IN VIOLATION NOTIFYING THEM THEY WERE ON CITY RIGHT-OF-WAY IN CASE OF ANY ISSUES.

Trenton Johnson – Mr. Johnson stated that he was a real estate agent from Mound City, Kansas. He has an offer on a piece of property at Lake Fort Scott that has an encroachment on it. The encroachment property belongs to the City of Fort Scott according to the GIS map. He asked if the City would be willing to sell this property or if there were any options. He said that the water meter, electric meter, and sewer holding tank were all located on the City encroachment. He believes the acreage is 3.84 acres.

City Attorney said that the City did not place the water meter, nor the electric meter, nor the holding tank there.

Discussion was held on the amount of property at the Lake that has encroachments on it.

City Attorney said that any property would have to go out for competitive bid and there is nothing the City can do about it currently.

Angela Simon - Ms. Simon spoke on licensing of businesses in our community and how it is needed. She spoke on how many businesses are being run illegally and the City needs to recoup the tax revenue from them. She stated she pays \$7,600.00 a year for resale insurance for her store as well as other State fees. She said that there is illegal childcare happening in Bourbon County and we are allowing it to happen. She also mentioned salons that are not licensed and other types of businesses.

Commissioners discussed how the City could enforce this. More discussion was held later in the meeting under the license section.

Sandra Gibbs – Ms. Gibbs informed the Commission that she owns the property at 623 Short Street. She received a letter to repair the structure by 3/15/2022 or it would go out for demolition. She said that she will start work in April to repair the structure.

City Manager said that the City will work with property owner and the Codes Manager on this structure.

Old Business:

1. Consideration of Bids – Manhole 148 Project - Jason Dickman, Earles Engineering, Inc. informed the Commission that the engineer went back to Nowak Construction, the low bidder, and asked about the City doing the pavement portion of this project and what their bid would be. Nowak's bid was \$240,268.00.

Discussion was held regarding who would be doing the inspections on this project.

P. Allen would like Earle's to do the inspections.

Jason said he would get a proposal drawn up for inspections on this project.

M. Wells moved to approve the amended bid in the amount of \$240,268.00 for Nowak Construction Company, Inc. of Goddard, Kansas with the City doing the pavement portion of this project. P. Allen seconded. All voted aye.

APPROVE THE AMENDED BID IN THE AMOUNT OF \$240,268.00 FOR NOWAK CONSTRUCTION COMPANY, INC. OF GODDARD, KANSAS WITH THE CITY DOING THE PAVEMENT PORTION OF THE MANHOLE #148 PROJECT.

2. Consideration of proposed Ordinance to create business license and increase City fees – Bill Downey, Codes Manager, informed the Commission that he has a proposed ordinance for their consideration and discussion to create a business license in the City of Fort Scott.

Much discussion was held on this and what fine would be imposed.

M. Wells said that he thinks that \$10.00/month amounting to \$120.00 a year is a good amount to charge. Other Commissioners discussed not having a charge at this time and only imposing a fee if they did not comply.

Mark McCoy, Project Manager, said that they can provide more information from other cities and look at how they enforce it.

Commissioners decided to hold a work session on this topic in the near future.

3. Consideration of Bourbon County Fair Board Allocation Request – Bob Reed, Bourbon County Fair Board member, informed the Commission he was appearing to see if the Commission had made a decision if the City would commit any funds towards the Bourbon County Fair Board.

M. Wells moved to allocate \$5,000.00 from the economic development fund for the Bourbon County Fair Board. T. Van Hoecke seconded. All voted aye.

APPROVED TO ALLOCATE \$5,000.00 FROM THE ECONOMIC DEVELOPMENT FUND FOR THE BOURBON COUNTY FAIR BOARD.

4. Consideration of Demolition Agreement Change – City Manager informed the Commission that before them was the proposed changes for the demolition contract. The changes are highlighted in yellow.

Discussion was held regarding safety issues of these structures and time frames.

City Manager will change the wording on this and email it out to them.

K. Allen moved to table this demolition agreement change at this time. J. Jones seconded. All voted aye.

APPROVED TO TABLE THE DEMOLITION AGREEMENT CHANGE AT THIS TIME.

5. Consideration of Ordinance No. 3603 adopting Main Trafficways – City Manager said that before them is the list of the main trafficway streets that were proposed by the Street Advisory Board at the February 15th, 2022, meeting. This has been put in ordinance form.

P. Allen said that he has a problem with this ordinance. He believes that the streets should be designated as arterial, collector, and residential areas. He is not in favor of this ordinance. He said that K.D.O.T. already has our designations.

City Clerk informed them that this was putting all the designated main trafficways into one ordinance instead of several.

Jason Dickman said that he can work with K.D.O.T. on their designations and bring this back before them.

M. Wells moved to table at this time. J. Jones seconded. All voted aye.

TABLED THIS ITEM AT THIS TIME.

Appearances:

Jody Hoener & Rachel Carpenter – Bourbon County Health Action Team – Rachel Carpenter shared a power-point presentation with the Commission on Health in all Policies which gave an overview of how to understand how various factors impact health; about HIAP concept and principles; understanding the connection between non-health policies and how to consider health when making decisions; and identifying the next steps for advancing HIAP in decision making.

Commissioners thanked them for their presentation to the community at the East Side Fire Station last Saturday morning. There were about 25 in attendance, and it was a great meeting.

New Business:

1. Consideration to apply for K.D.O.T. Cost Share Grant – Horton Street – Jason Dickman, Earles Engineering, Inc. informed the Commission that the application for the K.D.O.T. Cost Share Grant can be submitted again to K.D.O.T. There is a 25% matching grant from the City. Bourbon County R.E.D.I. is accepting letters of support on behalf of the City.

M. Wells moved to apply for the K.D.O.T. Cost Share Grant for Horton Street with a 25% match provided by the City. J. Jones seconded. All voted aye.

APPROVED TO APPLY FOR THE K.D.O.T. COST SHARE GRANT FOR HORTON STREET WITH A 25% MATCH PROVIDED BY THE CITY.

2. Consideration of increase in fees at Woodland Hills Golf Course and Aquatic Center – Doug Guns, Sports Facilities and Lake Director, informed the Commission that the Golf Course Advisory Board met on February 14th, 2022, and recommended the following increases in golf fees:

<u>Current Prices:</u>		<u>Proposed Increase:</u>
Weekday – 18 holes	\$14.00	\$16.00
9 holes	\$12.00	\$14.00
Friday-Saturday-Sunday		
18 holes	\$16.00	\$18.00
9 holes	\$14.00	\$16.00
Cart Rental		
18 holes	\$14.00	\$16.00

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9 holes	\$ 9.00	\$10.00
Trail Fee 18 holes	\$10.00	\$12.00
9 holes	\$ 5.00	\$ 7.00
Annual Pass Single	\$465.00	\$525.00
Youth	\$105.00	\$120.00
Family – First Four (4)	\$625.00	\$700.00
Additional family member	\$25.00	\$ 25.00
Cart Shed	\$365.00	\$365.00
Trail Fee	\$157.00	\$157.00
Season Cart	\$445.00	\$500.00
Tournament fees	\$ 24.00	\$ 30.00

Discussion was held regarding the cart shed and trail fees and separating them out.

Doug said that this is a 12.5% increase. He said that the golf course lost \$63,000 last year.

J. Jones moved to approve the increase in golf course fees and to keep the trail and cart shed fees the same as last year. T. Van Hoecke seconded. All voted aye.

APPROVED INCREASE IN WOODLAND HILLS GOLF COURSE FEES BUT TO KEEP THE TRAIL FEES AND CART SHED FEES THE SAME AS LAST YEAR.

Dave Bruner, Fire Chief, appeared before the Commission to increase the Aquatic Center fees for 2022. The request is to increase the family pool pass of four (4) individuals from \$150.00 to \$200.00 and to increase the babysitter/additional family member from \$25.00 to \$30.00. Daily rates and pool passes have been the same since the aquatic center opened in 2012.

Discussion was held regarding needy families and assistance they would need to get pool passes.

City Manager said that last year the pool lost \$40,000 in revenue. Chemicals are expected to rise in costs this year.

Chief Bruner will visit with Jody Hoener and see if she can also assist with the needy families.

J. Jones moved to approve the recommended increases for the Aquatic Center. M. Wells seconded. All voted aye.

APPROVED TO INCREASE THE FAMILY POOL PASS OF FOUR (4) INDIVIDUALS FROM \$150.00 TO \$200.00 AND TO INCREASE THE BABYSITTER/ADDITIONAL FAMILY MEMBER FROM \$25.00 TO \$30.00 AT THE AQUATIC CENTER FOR 2022.

3. Sale of Lake Lots 8 and 9 – Consideration of Bids – Scott Theis, Stutesman Action Realty, informed the Commission that his real estate firm handled the sale of Lot 8 at Lake Fort Scott. There were two offers received by the designated time frame of March 1st, 2022, at 5:30 p.m. The first offer was for \$140,000.00 with earnest money in the amount of \$1,400.00 placed. Their desired closing date was March 11th, 2022. It was a cash sale and had no contingencies. This offer waived all surveys of the property.

The second offer was for \$120,000.00 but had an Escalatory Addendum up to \$1,500.00 than the net sales price at a purchase price not to exceed \$160,000.00 with \$1,000.00 earnest money placed; therefore, this purchase price is for \$141,500.00. Their desired closing date is March 31st, 2022. Their offer will expire on March 2nd, 2022, at 12:00 a.m. This is also a cash offer. This offer did not waive the survey of the property.

Stacy Wood, realtor, said that she just heard from her buyer and that they will not require a survey of the property and will waive that.

J. Jones moved to approve the offer of \$141,500.00 with the addendum that waiving the survey of the property is approved. M. Wells seconded. All voted aye.

APPROVED THE OFFER OF \$141,500.00 WITH THE ADDENDUM THAT WAIVING THE SURVEY OF THE PROPERTY IS APPROVED. THIS IS FOR LOT 8 AT LAKE FORT SCOTT.

Bailey Lyons, Lyons Realty, stated that she was the real estate firm that handed the sale of Lot 9 at Lake Fort Scott. There were two offers received. Her first offer was for \$125,000.00 with earnest money of \$1,300.00. This is a cash offer. The property is accepted with encroachments. There is no escalatory clause. The desired closing date is March 11th, 2022, and the expiration date of the offer is March 5th, 2022, at 5:00 p.m. The seller will pay the title insurance also. This total offer amounts to \$117,812.00.

The second offer was in the amount of \$120,000.00 with earnest money put down in the amount of \$10,000.00. This is a cash offer. The title insurance is split between the buyer and seller. There is an escalatory agreement in the amount of \$1,000.00 up to \$142,000.00. Their desired closing date is April 1st, 2022, and their bid will expire on March 1st, 2022, at 9:00 p.m. which was later moved to March 2nd, 2022 at midnight due to the length of the meeting. The total offer amounts to \$119,137.00 for Lot #9.

J. Jones moved to approve the offer of \$119,137.00. M. Wells seconded. All voted aye.

APPROVED THE OFFER OF \$119,137.00 FOR LOT 9 AT LAKE FORT SCOTT.

4. Approval to accept Grant Agreement No. 22-PF-016 - \$700,000 – Sanitary Sewer Grant – Approval for the Mayor to sign all pertinent documentation City Manager said that this paperwork accepts the sanitary sewer CDBG grant and authorizes to Mayor to sign all documentation needed.

M. Wells moved to approve to accept CDBG Grant Agreement No. 22-PF-016 in the amount of \$700,000 for the Sanitary Sewer Grant and for the Mayor to sign all pertinent documentation. J. Jones seconded. All voted aye.

APPROVED TO ACCEPT GRANT AGREEMENT NO. 22-PF-016 IN THE AMOUNT OF \$700,000 FOR THE CDBG SANITARY SEWER GRANT AND FOR THE MAYOR TO SIGN ALL PERTINENT DOCUMENTATION.

5. Consideration of CASA Allocation - Diana Mitchell, CASA Volunteer, informed the Commission that she has been a CASA Volunteer for the last five years. CASA is in their 32nd year of providing a voice for children who are involved in the court systems through no fault of their own and have been victims of abuse or neglect. She stated that there are 59 children who have a CASA volunteer by their side. Most of these are children have parents with substance abuse issues. She asked the Commission to consider their donation of \$5,000.00 towards CASA again this year and thanked them for their support in the past.

J. Jones moved to approve the allocation of \$5,000.00 for CASA from the Special Alcohol and Drug fund for 2022. T. Van Hoecke seconded. All voted aye.

APPROVED THE ALLOCATION OF \$5,000 FOR CASA FROM THE SPECIAL ALCOHOL AND DRUG FUND FOR 2022.

6. Consideration of purchase of two (2) police cars from Kansas Highway Patrol – City Manager stated that the Police Department would like to purchase two 2020 Dodge Durango's this year to replace two marked patrol units. The estimated cost is \$29,350.00 each from Kansas Highway Patrol for a total of \$46,650.00. One of the vehicles is available quickly and the other could be purchased shortly thereafter. There are approximately 50,000 miles on them and have some equipment already installed on them. The City would like to be able to purchase these upon their availability.

J. Jones moved to approve the purchase of two police cars from Kansas Highway Patrol in the total amount of \$46,650.00. M. Wells seconded. All voted aye.

APPROVED THE PURCHASE OF TWO POLICE CARS FROM KANSAS HIGHWAY PATROL IN THE AMOUNT OF \$46,650.00 – 2020 DODGE DURANGO'S.

7. Discussion of adoption of proposed Special Street Maintenance Program – City Manager informed the Commission that in their packet is the Proposed policy for the Special Street maintenance Program created by Commissioner Pete Allen.

Pete stated that his policy states that the governing body recognizes the critical need to improve the rideability of our street and that the streets have been allowed to deteriorate, with little or no scheduled maintenance program. It was also noted that there is 83 miles of streets within our jurisdiction with less than 10 miles of those being State highways. The total street budget for 2022 is \$2,000,000 which includes approximately \$700,000 for capital improvements and \$1,300,000.00 for routine and special maintenance projects. Pete gave his program which is set out year by year. He asked that this policy be adopted.

Discussion was held regarding brick streets, and the placing of an asphalt mixture over the brick streets. Discussion was held regarding working on alleys also. It was discussed regarding various types of grading equipment also that could be purchased or used.

Discussion was held regarding the City Manager and City Staff and their Crack Sealing Plan for 2022 versus the list compiled by Commissioner Pete Allen.

City Manager said that he had the Streets crew develop a rating system for all of our streets. The levels are from one (1) to seven (7). These would have a chip and seal applied to them. The City would do the worse streets first. It is a street rotation program, and he plans on doing it every five (5) years. His plan reflects 229,286 square yards. Crude oil just jumped to \$100.00 a barrel. They are looking at a \$2.00 per yard cost which would make it around \$500,000.00. This would also cover Cooper Street with a double layer. The Street Department would have two crews operating.

M. Wells said that there is equipment available to repair brick streets.

K. Allen said that we have seven (7) different types of brick throughout the City of Fort Scott.

Discussion was held regarding the cost of brick machines.

T. Van Hoecke encouraged the citizens to come to the next Street Advisory Board meeting or the City Commission meetings to let their voices be heard about the brick streets.

P. Allen said that he would like us to utilize the County's equipment to chip seal as we don't have the equipment.

City Manager suggested combining his list and Pete's list together.

Discussion was held regarding how many square yards would be needed if the lists are compiled.

City Manager said that companies will not come out and measure streets and that we need to have the desired amounts for them to bid from.

Jason Dickman said that the streets need to be in a format to be bid off and it needs to be done quickly as contractors get very busy. You need to determine what streets and the footage.

It was determined that the City Engineer, City Staff, Pete Allen, City Commissioner, Jerry Morgan, and the City Manager will meet and go over both lists and merge them together to create a chip and seal listing and then send out for requests for proposals.

M. Wells moved to go out for Request for Proposals once the list is compiled between the City Engineer, Pete, Allen, City Commissioner, City Manager and Jerry Morgan, Street Supervisor with proposals accepted in two weeks. J. Jones seconded. All voted aye.

APPROVED TO GO OUT FOR REQUEST FOR PROPOSALS ONCE THE LIST IS COMPILED BETWEEN THE CITY ENGINEER, PETE ALLEN, CITY COMMISSIONER, CITY MANAGER, AND JERRY MORGAN, STREET SUPERVISOR WITH PROPOSALS ACCEPTED IN TWO WEEKS.

Reports and Comments:

A. Commissioner Reports and Comments:

A. City Manager Comments:

City Manager stated that he has started looking at financing for the River Intake Project as there are cost overruns and another \$500,000 may need to be spent. He is looking at temporary notes.

City Manager asked about the Public Works crew looking for an additional dump truck with a dump bed. He asked the Commission to send out RFP's for this.

Commissioners also told the City Manager to look for used dump trucks as well as receiving the RFP's for a new truck.

B. Commissioners Reports and Comments:

M. Wells – Asked about the Spring Clean Program and if it will be done this year.

City Manager will check into this.

Asked about the encroachments at Lake Fort Scott and how we will address it.

Josh asked if we would send letters out to every resident?

Matthew thanked Bailey and Scott for their hard work in the sale of the lake lots.

P. Allen – Nothing to report.

J. Jones – Asked about a City/County luncheon and if we could get a date set for it and possibly incorporate the school district.

Asked for the golf course contracts with the schools and college to be reviewed and updated.

Sale of additional lake property – He said that the Lake Advisory Board wanted to wait three to five years to sell additional property. He read a comment made by a board member: “The City has shown it is not capable of making good decisions for the Lake. They make what they feel is good decisions for the City”. He said he agrees with that as we are elected by the citizens of the City. We have not spent a lot of money out there, but our first priority is the City of Fort Scott.

T. Van Hoecke – Attended the Lake Advisory Board and they had concerns about the sale of additional lake property and wanted to wait three to five years. He said that he wants to do what is in the best interest of the citizens who elected him.

Ride-A-Long – Tim said that he participated in the Ride-A-Long program with the Police Department and urged other Commissioners to do so as well.

Thanked the Street Department for working on the streets in the last snowstorm.

Comprehensive Plan – Asked the other Commissioners to review their Comprehensive Plan as there is a lot of information in it.

K. Allen – Remarked that it was nice to get the lake lots sold.

Adjournment:

M. Wells moved to adjourn the meeting at 11:04 p.m. J. Jones seconded. All voted aye.

ADJOURNED MEETING AT 11:04 P.M.

Respectfully submitted,

Diane K. Clay, MMC
City Clerk