

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of April 5th, 2022

Regular Meeting #7

The regular meeting of the Fort Scott City Commission was held April 5th, 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 J. Jones, T. Van Hoecke, S. Walker, and Matthew Wells were present with Mayor K. Allen presiding.

INVOCATION: Pastor Brian Rhoades, Grace Baptist Tabernacle, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Chuck Begulia, Brian Coomes, Ann Rawlins, Peter Earles, Patty Earles, Mark McCoy, Bailey Lyons, Brian Rhoades, Craig Campbell, Brad Matkin, Nancy Maze, Shaun O'Brian, and Seth Simpson.

PROCLAMATIONS/RECOGNITIONS: None

ADDITIONS TO AGENDA: None

CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of March 15th, 2022, special meetings of March 16th, 2022 and March 28th, 2022.
- B. Approval of Appropriation Ordinance 1309-A totaling \$539,731.85.
- C. Request to Pay – Agricultural Engineering Associates - \$8,092.91 – Lake Lot Surveys
- D. Request to Pay – K & G Striping, Inc. - \$4,249.92
- E. Request to Pay – Nuss & Farmer, P.A. – February Invoice - \$1,470.00
- F. Request to Pay #1 – Mid-Continental Restoration Co., Inc. (Hammon's) – Urgent Need Grant - \$57,329.08
- G. Request to Pay #1 – Mid-Continental Restoration Co., Inc. (Sharky's) – Urgent Need Grant - \$32,967.12
- H. Request to Pay #2 – Mid-Continental Restoration Co., Inc. (Hammon's) – Urgent Need Grant - \$91,651.71

- I. Request to Pay #2 – Mid-Continental Restoration Co., Inc. (Sharky’s) – Urgent Need Grant - \$72,143.77
- J. Request to Pay – Southeast Kansas Regional Planning Commission – Administration Services – Urgent Need Grant - \$5,000.00
- K. Request to Pay – Southeast Kansas Regional Planning Commission – Administration Services – Urgent Need Grant - \$5,000.00
- M. Wells moved to approve the Consent Agenda. J. Jones seconded. All voted aye.

APPROVED CONSENT AGENDA.

Public Comment:

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

Ann Rawlins – Ms. Rawlins said that she is with the Fort Scott Genealogical Society which is housed at Memorial Hall. She said that there have been problems with the building. They have purchased three large air filters. They have thoroughly cleaned their rooms with bleach water and had an environmental inspector come and inspect, and they passed their test. They are still having issues with water coming in the alcove area in their location. There is no water coming down the walls or the windows. When they see any water, they immediately clean it up. They have blocked off the room on the south side with plastic.

City Manager said that they will look at a way to prevent water from getting to the alcove area.

Appearances:

Shaun O’Brien – Requests for closure of streets for Good Ol’ Days event:

- Old Fort Blvd. from Wall Street to National Avenue
- Main Street from Skubitz Plaza to Third Street – Close Friday at 1 p.m.
- Wall Street from National to Scott
- First Street from National to Scott Street
- Second Street from National to Scott Street
- Use of Memorial Hall:
 - Baby Contest on Saturday morning
 - Blane Howard Concert – Saturday night (Possible Friday night concert also)
- Heritage Park at corner of First and Main
- Parking lot behind Heritage Park
- Parking lot at corner of Third and Main
- Parking lot at Second and Scott
- Parking lot at Wall and Scott
- Parking lot at Wall and alley between Main and Scott
- Parking lot between Memorial Hall and the Library

Parking lot between National and Block House (Carnival will begin setting up here on Tuesday, June 2nd)

Parking lot between Old Fort Blvd. and H & H Realty Agency (Carnival will begin setting up here on Friday morning)

Old Fort Blvd – South side from National to alley (Carnival will begin setting up here on Friday morning)

Skubitz Plaza – (No special set up for event this year, but need Old Fort Blvd closed when tents go up Wednesday on east bound from Main. All closed Thursday and Friday.

Mr. O'Brien informed the Commission that this is the 41st Good Ol' Days Celebration and his committee is very excited about it. He asked for approval for the above streets and areas to be closed for the celebration. He also announced that Blaine Howard will be appearing in Memorial Hall on Saturday June 4th, 2022, and asked if the Commission would allow alcohol for that event. The alcohol will be served by a local vendor.

T. Van Hoecke moved to approve the street closures and areas for the Good Ol' Days Celebration on June 3rd and June 4th, 2022, and to allow alcohol in Memorial Hall on Saturday, June 4th, 2022, for the Blaine Howard concert. M. Wells seconded. All voted aye.

APPROVED THE STREET CLOSURES AND AREAS FOR THE GOOD OL' DAYS CELEBRATION ON JUNE 3RD AND JUNE 4TH, 2022 AND TO ALLOW ALCOHOL IN MEMORIAL HALL ON SATURDAY, JUNE 4TH, 2022 FOR THE BLAINE HOWARD CONCERT.

Millie Lipscomb – Elks Fireworks Donation Request – City Manager informed the Commission that Millie is not present tonight, but this is the annual request for the Elks Fireworks donation in the amount of \$5,000.00. This amount has been contributed for many years for the City fireworks.

T. Van Hoecke move to approve the allocation of \$5,000.00 for the Elks Fireworks donation for the City fireworks display. J. Jones seconded. All voted aye.

APPROVED THE ALLOCATION OF \$5,000.00 FOR THE ELKS FIREWORKS DONATION FOR THE CITY FIREWORKS DISPLAY.

Bailey Lyons & Craig Campbell – Downtown Cleanup Project – Bailey Lyons informed the Commission that she is representing the Downtown Chamber Division. Craig Campbell is representing the Good Neighbor Action Team.

Bailey said that they are looking to do another downtown cleanup on Friday, April 22nd, 2022, from 3:00 p.m. to 6:00 p.m. There are waivers for the volunteers to sign online and each volunteer will be given a free t-shirt and they will also be fed. They look to do similar projects as last year, such as cleaning streets and alley and power washing the downtown planters.

Craig said that they will also be painting crosswalks and parking spaces as well as curbs that didn't get completed last year.

Bailey thanked Niece Products for their generous contribution for this event and for the City crews who also assist them. She said that last year there were 1,200 volunteer hours.

Bailey shared with the Commission three murals that are proposed to be painted this year. They are as follows:

- Large Scale Sunflowers: Danielle Miles is the lead artist and the mural, if approved, will be painted on the north facing wall at Angie Dawn's Boutique building located at 108 Scott Avenue, Fort Scott, Kansas.
- Kansas Bison with a Landscape: If approved, this mural will be on the south facing wall of the Structure by Margo building located at 19 S. National Avenue, Fort Scott, Kansas.
- Literary Theme: The lead artist is Bre Eden: This mural will not be permanent. The mural will be painted on a frame and placed at a location close to the Fort Scott Public Library which is located at 201 S. National Avenue, Fort Scott, Kansas.

Bailey said the goal in the future is to create a website with all the murals in the downtown area and have a walking tour with a map to view each mural. She stated that the Design Review Board recommended the approval of the murals at their meeting on Monday, April 4th, 2022.

Discussion was held if the Kansas State Historical Society would need to give approval since it is in the historic district.

City Manager will check into this.

J. Jones moved to approve the three murals contingent on SHIPPO approval. M. Wells seconded. All voted aye.

APPROVED TO RECOMMEND THE THREE MURALS TO THE CITY COMMISSION. THIS INCLUDES ONE ON THE NORTH FACING WALL ON THE ANGIE DAWN'S BOUTIQUE BUILDING LOCATED AT 108 SCOTT AVENUE; ONE ON THE SOUTH FACING WALL OF THE STRUCTURE BY MARGO BUILDING AT 19 S. NATIONAL AVENUE; AND A FRAMED MURAL ON THE AT A LOCATION NEAR THE FORT SCOTT PUBLIC LIBRARY BUILDING LOCATED AT 201 S. NATIONAL, CONTINGENT UPON KANSAS STATE HISTORICAL SOCIETY APPROVAL.

Old Business: None

New Business:

1. Consideration of Franchise Agreement Ordinance No. 3605 for Verizon Wireless – City Manager said that this franchise agreement was prepared by the City Attorney for Verizon Wireless. The City is looking at other additional

franchise agreements also. This is a 5% franchise fee agreement. This is a ten (10) year agreement. Approval was recommended.

J. Jones moved to approve Ordinance No. 3605 – the Verizon Franchise Agreement. T. Van Hoecke seconded. All voted aye.

APPROVED ORDINANCE NO. 3605 GRANTING TO MCIMETRO ACCESS TRANSMISSION SERVICES, LLC, A DELAWARE LIMITED LIABILITY COMPANY DBA VERIZON ACCESS TRANSMISSION SERVICES, A CONTRACT FRANCHISE TO CONSTRUCT, OPERATE, AND MAINTAIN A TELECOMMUNICATIONS SYSTEM IN THE CITY OF FORT SCOTT, KANSAS, AND PRESCRIBING THE TERMS OF SAID CONTRACT FRANCHISE – 10 YEAR FRANCHISE – 5% FRANCHISE FEE AGREEMENT.

2. Consideration of Amendment No. 1 for Agreement for Consulting Services for Fort Scott Municipal Airport – Brian Coomes, Olsson Engineering, informed the Commission that this agreement will not need to be approved due to the next item on the agenda which is consideration of the bids for the Airport Taxiway Rehabilitation project.
3. Consideration of Bid – Airport Taxiway Rehabilitation Project – Brian Coomes, Olsson Engineering, informed the Commission that bids were opened last Tuesday, March 29th, 2022, on the Airport Taxiway Rehabilitation Project. He said that the bids came in very high and are much greater than the engineer's estimate. There were two bids received: Emery Sapp & Sons, Inc. of Columbia, Missouri in the amount of \$3,497,738.05, and APAC-Central, Inc. of Springfield, Missouri in the amount of \$3,941,245.05. The engineer's estimate was \$2,280,654.00. He contacted F.A.A. about the bids to see if there were any additional F.A.A. funds available. He was notified today that there is not any additional funding available. This was a 90%/10% grant with the City providing the 10% matching funds. He asked the Commission how they would like to move forward. They have three options:
 - Decline the bid and re-bid the project in the fall and see if the pricing is more favorable. This would be for the 2023 season for asphalt.
 - Award the bid and have the City come up with the additional \$1.2 million for the project.
 - Decline the bid and use the \$150,000 that the City receives every year from the F.A.A. for the design portion engineering of the project and then bid it again within the next four (4) years.

Brian said that City crews will need to crack seal the cracks in the runway until this can be bid out again as they will need addressed.

Josh asked how much the City was out of pocket so far.

Brian said \$118,200 for engineering as of today. The design portion of the project would be paid for by F.A.A. for 90% of the grant with a 10% City matching funds.

J. Jones moved to reject the Airport Taxiway Rehabilitation bids and to accept the design portion of the F.A.A. Airport Taxiway Project only. M. Wells seconded. All voted aye.

APPROVED TO REJECT THE AIRPORT TAXIWAY REHABILITATION BIDS AND TO ACCEPT THE DESIGN PORTION OF THE F.A.A. AIRPORT TAXIWAY PROJECT ONLY.

4. Consideration of Bids – Cape Seal Project 2022 – Kelley Zellner, City Manager, informed the Commission that bids were received for the cape seal project without the Cooper Street project. There were two bids received: Circle C Paving & Construction of Goddard, Kansas in the amount of \$221,772.05, and Vance Brothers of Kansas City, Missouri in the amount of \$244,648.25. The time frame will probably be late summer. This bid includes 63,545 square yards for this project.

J. Jones moved to approve to accept the low bid from Circle C Paving & Construction of Goddard, Kansas in the amount of \$221,772.05 for the 2022 Cape Seal Project. M. Wells seconded. All voted aye.

APPROVED TO ACCEPT THE LOW BID FROM CIRCLE C PAVING & CONSTRUCTION OF GODDARD, KANSAS IN THE AMOUNT OF \$221,772.05 FOR THE 2022 CAPE SEAL PROJECT.

City Manager asked them to consider the Cooper Street project now. There was one bid received and the City crew submitted a cost for them to do the project. Heckert Construction Co., Inc. submitted a bid in the amount of \$119,268.79 for a 2" hot mix overlay; and \$338,736.79 for a 6" hot mix overlay. The City crew estimate to concrete Cooper Street is \$302,452.00. This is a \$150,000 difference.

J. Jones moved to approve for the City of Fort Scott Street crew to overlay Cooper Street with concrete. S. Walker seconded. All voted aye.

APPROVED FOR THE CITY OF FORT SCOTT STREET CREW TO OVERLAY COOPER STREET WITH CONCRETE IN THE ESTIMATED AMOUNT OF \$302,452.00.

M. Wells moved for the City to send out sealed bids for concrete for Cooper Street and to have them ready for the April 19th, 2022 meeting. J. Jones seconded. All voted aye.

APPROVED FOR THE CITY TO SEND OUT SEALED BIDS FOR CONCRETE FOR COOPER STREET AND HAVE THEM FOR THE APRIL 19TH, 2022 MEETING.

5. Consideration of Ordinance No. 3606 – Increase in camping fees – Gunn Park – City Manager said that this Ordinance increases the camping fees at Gunn Park from \$10.00 per night to \$20.00 per night and establishes an ordinance for this charge. It also establishes a 14-day maximum limit to stay at Gunn Park.

J. Jones moved to approve Ordinance No. 3606 – the increase in camping fees at Gunn Park and to grandfather in the people who have already made reservations this year. T. Van Hoecke seconded. All voted aye.

APPROVED ORDINANCE NO. 3606 ADDING CHAPTER 12.25 OF THE FORT SCOTT MUNICIPAL CODE ESTABLISHING CAMPING REGULATIONS AT GUNN PARK AND ESTABLISHING FEES FOR GUNN PARK LOCATED AT 1010 PARK AVENUE, FORT SCOTT, KANSAS – RV CAMPING - \$20.00 PER NIGHT – 14 DAY MAXIMUM STAY - \$5.00 TENT CAMPING. PEOPLE WHO HAVE ALREADY RESERVED A CAMPING SPOT WILL BE GRANDFATHERED IN.

6. Consideration of Ordinance No. 3607 – Increase in shelter rental fees – Gunn Park –

J. Jones moved to approved Ordinance No. 3607 increasing the shelter rental fees at Gunn Park and to grandfather in the reservations already made for this year. M. Wells seconded. All voted aye.

APPROVED ORDINANCE NO. 3607 AMENDING CHAPTER 12.40.010 AND 12.40.030 REGULATING THE UTILIZATION OF SHELTER HOUSE RENTALS AT GUNN PARK FOR THE CITY OF FORT SCOTT, BOURBON COUNTY, KANSAS. FEES: SHELTER #1 AND #4 - \$20.00/PER DAY; SHELTER HOUSES #2, #3, AND #6 - \$25.00/PER DAY; AND SHELTER HOUSES #5 AND #7 - \$30.00/PER DAY. RESERVATIONS ALREADY MADE WILL BE GRANDFATHERED IN.

Lake Advisory Board Comments: Nancy Maze, Chairperson, Lake Advisory Board Committee, informed the Commission that their board met on Saturday, March 26th, 2022. It was a joint meeting with the Smart Growth committee for the Lake. They wanted to update the City Commission on their meeting. They had an update on safety at the Lake by Tom Graham, Lake Patrol Officer. They also discussed buoy placement and Tom is to contact the Coast Guard and determine the correct placement. Deb McCoy was elected Vice-Chairperson of the Board. They would like additional law enforcement on the three big holiday weekends to assist Tom with enforcement. St. Martin’s Academy was discussed as their soccer team uses Lake property to practice on when their field is too muddy. The committee determined that the City Attorney should prepare a waiver for St. Martin’s Academy to sign that will not hold the City liable if the students are hurt on City property at the Lake. She also stated that a resident brought up that at one time there were over 800 acres of condemned property at Lake Fort Scott in District Court records. He asked how the City could sell property that has been condemned and then sell for profit? Nancy stated in the City Commission March 1st minutes, it stated that the Lake Advisory Board did not recommend selling any additional property for 3-5 years, but it was actually 2 years.

Kevin Allen apologized to her for not being present at the meeting.

Reports and Comments:

A. Commissioner Reports and Comments:

A. City Manager Comments:

Bird Scooter – Memorandum of Understanding Extension – City Manager informed the Commission that he signed the Extension Amendment to the Memorandum of Understanding for Bird Scooters. This term will now expire through April 2023. Bailey and Nate Lyons are still the hosts for this program.

T. Van Hoecke said that he would like to see the scooters kept off the City sidewalks and make sure that the age limit is being enforced which is 18 years and older.

Dude Solutions Contract – City Manager said that the City had See Click Fix software and he has cancelled that contract. He found a new software called Dude Solutions which is now called Brightly Software, Inc. This new software company will save the City over \$20,000.00. The annual cost is \$9,571.25 per year and then drops each year after that. He has signed the agreement also for the City.

City of Fort Scott Updated Meter Pricing – City Manager said that the meter set pricing has not been updated for some time. This is pricing for a basic new water service and considered the average installation covering the most conditions that may exist. He asked for approval for the meter set pricing for new service.

M. Wells moved to approve the Updated Meter Pricing for new service. J. Jones seconded. All voted aye.

APPROVED THE UPDATED METER PRICING FOR NEW WATER SERVICE.

Demolition Contract – City Manager said that the final demolition contract is before them for approval. The time frame from the signing of the contract to completion date is 20 days unless granted an extension by the City Manager.

T. Van Hoecke moved to approve the Demolition Contract. M. Wells seconded. All voted aye.

APPROVED DEMOLITION CONTRACT FOR DANGEROUS/UNSAFE STRUCTURES FOR CONTRACTORS.

CIPP – 2022 – 2025 – City Manager shared with the Commission the 2022-2025 Capital Improvement Plan for the City of Fort Scott. He asked them review this and share any questions with him on this plan.

Memorial Hall – City Manager said that the steps is on the CIP for 2023.

Commissioners voiced that we can't wait that long.

T. Van Hoecke moved to go out for bid on the Memorial Hall steps. He later withdrew his motion.

Peter Earles said that they are currently working on the steps at Memorial Auditorium in Pittsburg, Kansas. He can talk to that contractor and get an estimated cost and report at the next meeting.

APPROVED THE DEMOLITION CONTRACT.

B. City Attorney Comments: None

C. Commissioners Reports and Comments:

J. Jones – Josh asked about the handicapped parking in front of Structures by Margo's on National.

City Manager said that they are going to mill it and move the location of it and put it right next to the loading zone by E-3.

2nd Street – Josh asked about removing the stop sign at 2nd and Heylman and if any problems would be anticipated from that.

Travis Shelton, Chief of Police, said that they can do some patrols.

City Manager said that they could look at traffic counts in that area. He asked if we could bring this back in one month.

Josh asked when the Lake Frontage fee was last increased.

City Manager will check into this.

M. Wells – Matthew handed out the Street Maintenance Plan. He asked them to review this and get any proposed changes back to him. He would like to see this on the April 19th agenda.

Matthew asked if there was still a Tourism Advisory Board and who the City liaison was on this board. There is not one and Matthew said that he would be willing to be that person.

City Manager said that we will get a meeting scheduled soon.

Matthew asked about 12th Street parking and when the No Parking signs will be installed. He would like them installed as soon as possible.

Chief Shelton said that he and another officer polled the neighborhood. All we in agreement and there were three that did not want it, and one person who wouldn't say which way.

Discussion was held about time and dates for No Parking.

M. Wells moved to install No Parking signs on 12th Street from Margrave to Shepherd with the sign stating Monday-Friday – 7:00 a.m. – 4:30 p.m. on School days only. J. Jones seconded. All voted aye.

APPROVED TO INSTALL NO PARKING SIGNS ON 12TH STREET FROM MARGRAVE TO SHEPHERD WITH THE SIGN STATING MONDAY-FRIDAY – 7:00 A.M. – 4:30 P.M. ON SCHOOL DAYS ONLY.

S. Walker – Shane reminded the Commission that the NICA bicycle race is occurring in April and is a huge event.

Shane asked about Tourism and the marketing these upcoming events.

T. Van Hoecke – Congratulated the K. U. Jayhawks on their National Championship!

Tim said that he would like to get an update at the next meeting on Tourism and Economic Development from Rob Herrington and see his plan for the Tourism funds.

Rob said that he and Jackson will be here at the first meeting in May.

Tim said that Kelley already addressed the steps at Memorial Hall.

Tim congratulated the F.S.C.C. Cheerleaders as they qualified for the National Cheerleading Competition in Daytona, Florida.

K. Allen – Kevin welcomed Shane Walker to the City Commission.

Kevin said that he was contacted by Chris Ellis, of the Ellis Foundation, about the moving of a No Parking sign for semis to in front of his building. He is having issues with tractor trailers parking in front of their building.

Kevin said that he noticed the Lake Fort Scott boat dock bid was not on this agenda.

City Manager said that it is scheduled for the April 19th, 2022 meeting.

Kevin thanked the City Clerk for the color book she created for the Home Show.

Adjournment:

S. Walker moved to adjourn the meeting at 8:11 p.m. T. Van Hoecke seconded. All voted aye.

ADJOURNED MEETING AT 8:11 P.M.

Respectfully submitted,

Diane K. Clay, MMC, City Clerk