

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of April 20th, 2021

Regular Meeting #8

The regular meeting of the Fort Scott City Commission was held April 20th, 2021 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, and R. Nichols were present with Mayor J. Jones presiding. L. Watts connected by Zoom.

INVOCATION: Travis Shelton, Chief of Police, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Russell Lingerfelt, Devin Tally, Michael Mix, Michael Hoyt, Susan Bancroft, Rachel Pruitt, Jon Carpenter, Jenna Campbell, Traci Reed, Bobby Reed, Bill Martin, Scott Johnson, Jason Solomon, Dave Bruner, Peter Earles, Janice Allen, and Allyson Turvey.

PROCLAMATIONS/RECOGNITIONS:

CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of April 6th, 2021.
- B. Approval of Appropriation Ordinance 1286-A totaling \$378,739.16.
- C. Request to Pay – Lauber Municipal Law Firm - \$9,467.50.
- D. Certificate of Appropriateness – Bartelsmeyer Jewelry – 22 N. Main Street
- E. March Financials

R. Nichols asked for clarification in the April 6th, 2021 minutes where Susan was asked if she was sure it was a 100% general purpose tax and not a special purpose tax. City Clerk will correct the minutes to clarify this.

P. Allen said that Susan said at that same meeting she had a paper from the State and he asked to see it and he has not seen it yet. He asked her if she had it. Susan went and got him the paper. Pete said he would talk to Susan later after the meeting.

R. Nichols moved to approve the Consent Agenda with the correction made to the April 6th minutes. J. Jones seconded. K. Allen, R. Nichols, L. Watts, and J. Jones voted aye. P. Allen voted no. Motion carried 4-1.

APPROVED CONSENT AGENDA WITH THE CLARIFICATION TO THE MINUTES.

Public Comment:

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

City Manager Report and Comments: Jeremy Frazier, City Manager, informed the Commission that a more indepth report will go out to the Commission after Diane returns. This is from all the departments. We are currently in the capital plan process of the budget where the directors submit their capital plans to the City Manager for the upcoming fiscal year. He met with the City engineering firm on projects to be focused on. These include rate studies for water, sewer, and stormwater. Cooper Street completion, engineering projects to be designed in the future, a city lot at 1st and National that could become a parking lot. Pool inspection, alley improvements, sanitary system, they are doing a lot of items. Met with City engineering and Evergy on Cooper Street. They hope to get this up and going again next week. He congratulated Doug Guns who was recently promoted to Parks Director. Mr. Guns will assume his new role on Monday, April 26th, where he will oversee the Golf Course and all City parks along with any other job duties assigned. He performed an interview with KSN TV/KODE on housing growth strategies for the City of Fort Scott. He attended the Tourism Advisory Board meeting this week where there was a motion to move the location of the Tourism Manager back to the Chamber which failed for lack of a second to the motion. They are currently interviewing candidates for that position and look to make an offer soon. He conducted the radio morning show with County Commissioner Lynne Oharah on shared services. He attended the Street Advisory Board meeting. He met with a prospective housing firm. Next week there is a downtown cleanup and painting blitz hosted by the Downtown group of the Chamber. We are currently planning Fort Scott Forward which will be held on the fourth Tuesday of each month at the River Room Event Center at 7:45 a.m. City topics will be discussed. He met with the Good Neighbor Action Team about assisting with the Codes Department on rehab of properties. The beverage cart is now operational at the golf course. He attended the LaRoche facility operations meeting with USD 234, and LaRoche members concerned future possibilities of the facility. The City will be holding a work session this upcoming Tuesday on the LaRoche Baseball Complex. He met with Bert Lewis, Fort Scott High School teacher and coach, to discuss the upcoming Prom on May 8th. He thanked Ted Hessong for the tour of the USD 234 facilities. He attended a meeting with Lowell Milken Center on their upgrade of their facility and grounds. The work will begin soon. The Sheriff has reached out to request sponsorship of their golf tournament,

Pete asked about mowing of right of ways. Jeremy said no. There are only certain things that the parks personnel can mow.

Director Reports: None

Old Business: None

Appearances:

Bert Lewis – Block off West Oak between North National and Judson – Parking lot behind Brewhaus Brewery for valet parking - Prom Walk-in – May 8th, 2021 – 2:00 p.m. to 12:00 a.m. – Bert Lewis asked on behalf of the Class of 2022 that Oak Street be closed from Judson to National from 2 p.m. to midnight. She also asked that the parking lot be closed behind the Brewhaus Brewery and Moe’s Bakery be closed to be used for valet parking. She asked to borrow two golf carts from the City. Prom will be held on May 8th at the River Room Event Center.

K. Allen moved to approve the closing of Oak Street from Judson to National and the parking lot behind the Brewhaus Brewery on May 8th, 2021 from 2:00 p.m. to midnight for FSHS Prom. L. Watts seconded. All voted aye.

APPROVED THE CLOSING OF OAK STREET FROM JUDSON TO NATIONAL AND THE PARKING LOT BEHIND THE BREWHAUS BREWERY ON MAY 8TH, 2021 FROM 2:00 P.M. TO MIDNIGHT FOR FSHS PROM

Bailey Lyons – Street Closure Request – Downtown Crosswalk Painting – Certificate of Appropriateness - Bailey Lyons and Rachel French – Downtown Cleanup and Painting Project – Bailey said that they are on the downtown committee for the Chamber. They have over 250 volunteers and 30 local artists to volunteer to work on this cleanup project and painting project. They received a grant and had many donations made from local businesses for this project. She shared a powerpoint project with the Commission. A professional video will also be created. They updated the Commission on all the painting projects that would be completed. They hope to do this project this coming Friday but rain is in the forecast and the date may need to be changed.

K. Allen moved to approve to close the needed streets on Main Street and the approval of the Certificate of Appropriateness for the crosswalk painting. P. Allen seconded. All voted aye.

APPROVED TO CLOSE THE NEEDED STREETS ON MAIN STREET AND THE APPROVAL OF THE CERTIFICATE OF APPROPRIATENESS FOR THE CROSSWALK PAINTING.

Public Hearings: 6:15 p.m. Vacation of the platted 70’ of Durkee Street located between Lots 1-28, Block 2, and Lots 2-28, Block 4, Durkee & Stout Addition – Approval of Ordinance No. 3579

R. Nichols moved to open the Public Hearing at 6:26 p.m. J. Jones seconded. All voted aye.

City Manager said that Ally received a petition to vacate the platted 70’ of Durkee Street signed by Jon Eden, who is the only property owner in this area. This street is located off of South Margrave before the National Cemetery. It doesn’t appear to have been used for many years.

K. Allen asked if this street ran north and was never opened?

Ally said it was never opened or closed.

K. Allen said that there is a big water issue on this property. He said that any kind of rain we get there is a lot of rain that comes into Margrave Street from that property.

Ally said she wasn't aware of a water issue. She said that Michael Mix has looked at this area and has no problems with the vacation.

Bill Lemke said that he knows the area but not what kind of a drainage problem is there.

Pete mentioned the water issues from Ellis Park and the water that comes down from there.

City Attorney said that this is not an emergency issue and can be tabled at this time and then brought back again at a determined date.

J. Jones made a motion to table the vacation of this street until May 18th, 2021 at 6:15 p.m. P. Allen seconded. All voted aye.

APPROVED TO TABLE THE VACATION OF THIS STREET UNTIL MAY 18TH, 2021 AT 6:15 P.M.

R. Nichols moved to close the Public Hearing at 6:40 p.m. J. Jones seconded. All voted aye.

CLOSED PUBLIC HEARING AT 6:40 P.M.

New Business:

1. Consideration of bid – 72” Diesel Cooled Zero Turn Mower – Parks Dept. – City Manager said that bids were sent out on March 30th for the purchase of a 72” diesel cooled zero turn mower for the Parks Department. The lowest bid did not meet the bid specifications. Approval is requested for the local bid from Bluegrass Equipment of Fort Scott for the higher horsepower mower at a cost of \$17,479.85. Approval of the bid from Bluegrass Equipment is requested as this is local.

Discussion was held regarding the bids, the horsepower size, and the fact that two of the vendors didn't meet the bid specifications.

Bill Lemke said that the bigger engine is needed to assist with the mowing of the hills. It is replacing a 20 year mower and is a Grasshopper bid.

Discussion was held on the bid difference. Susan said if it is within 7% it is within our purchase policy. Susan said that according to the purchase policy, they could go with the local bidder with the lower horsepower, but the other company did not bid of equal horsepower.

J.D. Collins spoke on the mower comparison difference.

Discussion was held if the bid could be challenged. City Attorney said that anything can be challenged. You want the best buy for your dollar. Bob said that you can approve the bid for this mower with the higher horsepower and then wait 30 days to see if the bid is challenged. Bob said you could also reject all the bids and rebid it.

Discussion was held how the local bidder knew he could bid two mowers.

J.D. Collins said that the bid specifications were generic. He knew what the City needed.

K. Allen said he didn't want to turn the bids down. It is mowing season now.

J. Josh moved to approve the bid of \$17,479.85 from Bluegrass Equipment of Fort Scott for purchase of the 72" Diesel Cooled Zero Turn Mower for the Parks Department. K. Allen seconded. All voted aye.

APPROVED THE BID OF \$17,479.85 FROM BLUEGRASS EQUIPMENT OF FORT SCOTT FOR PURCHASE OF THE 72" DIESEL COOLED ZERO TURN MOWER FOR THE PARKS DEPARTMENT. K. ALLEN SECONDED. ALL VOTED AYE.

2. Development Agreement – 1708 E. Wall Street – City Manager said that this is for approval of a development agreement for a special assessment waiver for the property at 1708 E. Wall Street. This is owned by Robert Coon and has a lot of City assessments on it including a demolition of a structure. He is planning to rehab this property and demonstrate a \$15,000 valuation of work will be done in a 12 month period to rehab the property. Assessments of \$7,204 will be forgiven by the City. If improvements are not completed in a 12 month period, the assessments will be put back on the property. Bob has approved this agreement.

Ally said that Robert Coon submitted a waiver application for the property at 1708 E. Wall Street which is a vacant lot. He is proposing a duplex for this property. He has applied for a loan for this project. He asked to waive the \$7,204.00 of special assessments against this property. If not completed in a twelve month period, the assessment fees will be applied back to the property.

K. Allen moved to approve the agreement of waiver and the development agreement for the property at 1708 E. Wall Street. P. Allen seconded. All voted aye.

APPROVED THE AGREEMENT OF WAIVER AND THE DEVELOPMENT AGREEMENT FOR THE PROPERTY AT 1708 E. WALL STREET. THIS PROPERTY IS TO BE DEVELOPED IN A TWELVE MONTH PERIOD. IF NOT, THE ASSESSMENTS OF \$7,204.00 OF SPECIAL ASSESSMENTS WILL BE APPLIED BACK TO THE PROPERTY.

3. Approval of KAIP K.D.O.T. Grant – Upgrade of fuel system – Airport – City Manager said that he is asking approval for the Commission to approve the Kansas Airport Improvement Program Grant award in the amount of \$17,000 with a City match of \$3,000. This grant will update the current fuel pedestal system at the Airport.

Rachel said that this will replace the fuel pedestal which will allow for self fuel at the airport. It will be upgraded. It is an 85/85% grant. The grant was applied for back on September 28th, 2020.

R. Nichols moved to approve the K.A.I.P. Grant. J. Jones seconded. P. Allen R. Nichols, L. Watts, and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED THE ACCEPTANCE OF THE K.A.I.P. GRANT IN THE AMOUNT OF \$17,000 WITH AN 85/85% CITY MATCH AT THE AIRPORT.

Rachel said she had another item to bring before them. This is the CDBG Change Order for Mayco Ace Hardware. Rachel said that a special meeting would need to be called. She explained what happened. At the last meeting, the City Commission gave approval for the change order contingent upon approval by the State of Kansas. Rachel said that the State needs a letter signed by the Mayor. This is just a change in the process.

City Attorney said that this is just a technical change and the previous meeting's motion will handle approval for the Mayor to sign this letter to send the change order.

4. Fee Increase – Buck Run Community Center – Corey Larsen Gymnasium – City Manager said that the City is asking to raise the Corey Larsen gymnasium current rental rate which is \$30.00 for 3 hours to a new rate of \$40.00 for 3 hours. This was missed at the last meeting with the increases at Buck Run.

L. Watts moved to increase the Corey Larsen Gymnasium rental fee from \$30.00 to \$40.00. R. Nichols seconded. All voted aye.

APPROVED TO INCREASE THE COREY LARSEN GYMNASIUM RENTAL FEE FROM \$30.00 TO \$40.00.

5. Discussion of Utility Customer Exception – City Manager asked the Commission to consider to allow a customer to set up a payment plan with the City for their water bill. The account has \$2,017 owed on it and remains delinquent. They had issues getting the landlord to fix the leak and the leak continued several months. The payment plan would be \$150.00 per month in addition to their current monthly bill until the delinquency is filled.

Pete asked if the leak had been fixed.

Josh said it had been fixed. It took the landlord eight or nine months to take care of it.

Randy asked why the landlord wasn't put in charge of fixing this leak.

Kevin said that should be in their lease agreement as far as paying for utilities.

Bob said if the house isn't up to Codes that the Codes Department can move in and force the landlord to correct the issues.

K. Allen moved to approve to allow this utility customer exception to accept the monthly payment of their utility bill in addition to \$150.00 or a negotiated rate made by the City Manager. L. Watts seconded. All voted aye.

APPROVED TO ALLOW THIS UTILITY CUSTOMER EXCEPTION TO ACCEPT THE MONTHLY PAYMENT OF THEIR UTILITY BILL IN ADDITION TO \$150.00 OR A NEGOTIATED RATE MADE BY THE CITY MANAGER.

6. Potential services to bid per financial policy for discussion and potential action - City Manager asked for a list of items, that according to our current purchase policy needs to be bid out on a three year basis. These have not been bid out for several years. He was approached by a City Commissioner to look at these items.

J. Jones mentioned bidding these out on a three year basis.

City Manager said that they can bid how they want. All of our contracts can be terminated at any time.

J. Jones moved to bid all the list of vendors provided to them at a period of up to three years. R. Nichols seconded. P. Allen, R. Nichols, L. Watts and J. Jones voted aye. K. Allen abstained. Motion carried 4-1.

APPROVED TO BID OUT THE LIST OF VENDORS UP TO A THREE YEAR TIME FRAME PERIOD.

Reports and Comments:

A. Commissioner Reports and Comments:

L. Watts – Thanked the City Manager for the Director reports and the Commission packets and the work put into them. She said that they are very informational.

P. Allen – Pete said he wanted to comment on the crack filling with the contractor. There are obvious problems and all the areas were not cleaned prior to being filled. He is not happy with the contractor.

City Manager will contact the contractor about this. He was very happy to visit with any Commissioner and will come and address the Commission also if needed and make any necessary repairs.

Pete said that our pothole patch machine will also do this work.

K. Allen – Thanked Rachel French and Bailey Lyons for appearing this evening and taking this big project on.

He asked about several items:

1. Secondary valve at Lake Fort Scott. Only one valve is there and another one is supposed to be installed but hasn't been yet. He asked about a gate valve.
2. Testing at water at Lake Fort Scott – The Lake Committee would like to have the water tested at the south and north end of the lake at least once a month during the summer months to catch any bacteria. Water is tested at the pool and we need to make sure our water at the Lake is safe also.
3. 195th Street – Road on east side just south of the spillway is deteriorating. The ditch needs cleaned out badly. He has asked for this to be cleaned out for a year. It is a simple job and would not take a lot of time. The street needs cut out also. A whistle could be put in there too.
4. Millings – The millings to come off National, he would like to see used at the Golf Course. He was out there with one of the employees and he thinks they would work well at the parking lot there. Also, Scoritino Park needs some also.
5. City Barn – He said that a lot of time that items are brought to the City Barn. There is no need to bring items to the City barn and unload there.
6. Gunn Park caretaker house – He and the City Manager and some City employees met today at the house at the Gunn Park. That has been a spectacular place in its day. He thinks we could get volunteers to help clean up this house. Bids could be taken for a contractor to come in and fix up this house.
7. Horton Street patching – Some patch work has started.
8. Sharky's – He asked about that. City Manager said that two patches were completed today and Sharky's will be done tomorrow.
9. Horton – He asked about curb and gutter. Bill said that tomorrow they will finish up the patch there.
10. Pothole reporting – He asked where we were on that. City Manager said that the See-Click-Fix software will be used for this. The timeframe is May or June.
11. Walking Trail – He visited with City Manager and Paul Ballou. On the right hand side, there is an area that has always held water. The City will address that. Paul has been putting rock and stone in there, but we can do better.
12. County-He asked about the City purchasing some ground from the County for some C & D disposal. We have several houses that need demolished. He asked if they thought it would be beneficial. Josh said that he doesn't know what the red tape is for landfills. Josh said Justin Meeks is supposed to be checking on this. Kevin asked Bob Farmer to check with Justin on this.
13. Beer cart – He asked about the beer cart and how that worked. He said people are bringing their own coolers onto the course. He had a guy tell him that he did buy a beer off their cart, but he had his own. Is it legal and how is it set up? Can they bring their own beer there? City Attorney said that they control the course. They can have their own rules where they buy their beer from the course. Bob will check into this. City Manager said that there is a sign posted prohibiting all outside beverages. The Manager is trying to enforce the policy that exists.

R. Nichols – Thanked Chad Brown for his years of service to the City of Fort Scott. He welcomed Bill Lemke as the Interim Public Works Director.

Randy asked the other Commissioners if they had read the Highway 69 report which was done about 10 years ago. There are a lot of items that have been accomplished. He mentioned one of the items was making Main Street two way traffic. The other item is planning for South National and to look for grants to finish this project. He discussed the landscape of the entrances to Fort Scott. Sometimes in the community some organizations helped finance projects which could include entrances to Fort Scott. He said he isn't sure we utilize the value of the National Cemetery and that we have good signage from the cemetery to the downtown area. He encouraged them to read through the first chapter of this documents.

Kevin asked if signage could be obtained from K.D.O.T. with this.

City Manager said that all documents that the City had has been shared with Earle's Engineering for their review.

J. Jones – Asked about an update on Municipal Court.

Travis said that their target goal was April 1st. We are waiting on some other areas to be addressed with the course. Josh asked for a report at the next meeting.

Sunset Drive triangle area needs mowed. City Manager will get this mowed.

Gunn Park lot – He asked about the grant at Gunn Park and the parking lot. He asked where we were on that.

Lake Committee – He asked if Earle's Engineering could survey off three lots north of the first pavilion at the Lake to be sold. City Manager said that he is familiar with those lots. Pete Earles said they should have that done around the 1st of May. Josh said that the Lake Committee had some concerns about the property and deed restrictions on the property. Kevin gave an update on deed restrictions also. City Attorney mentioned having a special meeting to discuss the sale of the lake property and any possible deed restrictions. City Manager said it would be May 11th. Josh said that we can bring this up at the next meeting and see if a work session is needed. Randy asked if a homeowners association is needed at the lake. Bob said the whole reason for the lake is for our drinking water.

Pete asked about the ordinance at the Lake regarding City lots as if they have the same rules as the City has and if they are governed by the City. Bob said that existed when the City owned the land. We get no tax money from that either.

City Attorney Report and Comments: Nothing to report.

Executive Session:

R. Nichols moved that the City Commission recess into Executive Session for the purpose of discussing attorney/client privilege in K.S.A. 75-4319(b)(2). The open

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meeting will resume in the Commission meeting room at City Hall at 8:30 p.m. J. Jones seconded. All voted aye. This included the City Commission, City Manager, and City Attorney.

J. Jones moved that the City Commission come out of Executive Session at 8:30 p.m. K. Allen seconded. All voted aye. Motion carried.

Adjournment:

K. Allen moved to adjourn the meeting at 8:30 p.m. J. Jones seconded. All voted aye.

ADJOURNED MEETING AT 8:30 P.M.

Respectfully submitted,

Transcribed by,
Diane K. Clay, M.M.C.
City Clerk