

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of June 1<sup>st</sup>, 2021**

**Regular Meeting #11**

The regular meeting of the Fort Scott City Commission was held June 1<sup>st</sup>, 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, and R. Nichols were present with President of the Commission K. Allen presiding. L. Watts connected by Zoom. J. Jones was absent.

**INVOCATION:** Paul Martin, Community Christian Church, said a prayer asking God for guidance for the City, our Government and City officials.

**AUDIENCE IN ATTENDANCE:** Travis Shelton, Russell Lingerfelt, Jason Dickman, Bill Meyer, Paul Martin, Ann Rawlins, David Stuart, Jon Eden, Cheryl Zimmerman, Matt Zimmerman, Zach Bradley, Ryan Collier, Justin Uhler, James Brackett, Bill Lemke, Dave Bruner, Steve Mason, Janice Allen, and Allyson Turvey.

**PROCLAMATIONS/RECOGNITIONS:** Navy Fireman 3<sup>rd</sup> Class William L. Barnett Proclamation – President of the Commission, Kevin Allen, read a Proclamation proclaiming May 29<sup>th</sup>, 2021 as William L. Barnett Day in the City of Fort Scott.

**CONSENT AGENDA:**

- A. Approval of minutes of the regular meeting of May 18<sup>th</sup>, 2021 and special meeting of May 25<sup>th</sup>, 2021.
- B. Approval of Appropriation Ordinance 1289-A totaling \$325,700.29.
- C. Request to Pay #2 – Triangle Builders, LLC – Mayco Ace Project - \$100,429
- D. Request to Pay – Insko Industries – Pool Brush Blasting & Repainting – Aquatic Center
  - Original Contract \$32,750.00
  - Change Order #1 \$ 925.00
  - Change Order #2 \$ 600.00
  - Change Order #3 \$ 45.00
  - Total \$34,320.00

Dave Bruner shared photos of the pool brush blasting and repainting repair that was completed at the Aquatic Center.

K. Allen moved to approve the Consent Agenda. L. Watts seconded. R. Nichols, L. Watts and K. Allen voted aye. P. Allen voted no. Motion carried.

**APPROVED CONSENT AGENDA.**

Bob Farmer, City Attorney, informed the Commission that he wished to address the May 25<sup>th</sup>, 2021, City Commission minutes. He said he was not in attendance at that meeting. He said that you accepted a letter from Mr. Hoyt and printed it verbatim in your minutes as if it was the City. He has two problems with this. One is it was a special meeting and it was completely off task. The other is probably more important in his opinion, but we are in the middle of litigation. There is a lot of things in that letter that are opinions. We need to stay away from other people's opinions. They are not our opinions. They are not our official anything. To recognize those, puts the City at risk. We don't get in the middle of opinions on litigation issues. His suggestion would be that that be removed from those minutes.

R. Nichols moved to modify the Consent Agenda and remove those comments from Mr. Hoyt in the May 25<sup>th</sup>, 2021 special meeting minutes. L. Watts seconded. R. Nichols, L. Watts, and K. Allen voted aye. P. Allen voted no. Motion carried.

**APPROVED TO MODIFY THE CONSENT AGENDA AND REMOVE THOSE COMMENTS FROM MR. HOYT IN THE MAY 25<sup>TH</sup>, 2021 SPECIAL MEETING MINUTES.**

**Public Comment:**

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

Bill Meyer – Mr. Meyer said he was here to speak in favor of the Planning Commission's decision not to rezone the property at 2127 Jayhawk from AG (Agricultural) to M-U (Mixed Use). He shared photos of his property and his back yard which butts up against the golf course. He lives at 14 Golfview Drive. They want to put a 50' X 40' structure in that area. This is a nice residential area that was annexed into the City and the residents do not want this commercial business in their neighborhood. He shared another photo of 2087 18<sup>th</sup> Street which is an automotive repair shop with lots of vehicles stored there. They do not want that in their neighborhood. At the Planning Commission meeting, there were numerous Golfview residents there who spoke in opposition to this zoning change. He asked them to do the same so they can maintain their residential neighborhood.

James Brackett – Mr. Brackett said that his son has lived here for several years and he recently retired in July of 2020 and moved here. They would like to open a small auto repair shop at their location, so he approached Ally and asked her how to go about to get the property rezoned. He asked for their consideration in the rezoning of this property.

**City Manager Report and Comments:** Jeremy Frazier, City Manager, informed the Commission that the City is wrapping up its efforts to start the demolition process of abandoned homes. It can take up to 90 days before the work can begin. Letters have been sent out with a deadline. He had a list of seven properties that he gave the Commission a list of. Lyle and Ally have been working hard on this process. There is a \$50,000 budget for demolitions.

Kevin asked about the County and the demolition landfill fees.

Jeremy said that we are waiting on the County Attorney. Jeremy said that Susan is working hard on budgets and meeting with Directors. He has been working with the City engineer and working on several projects such as Cooper Street and several drainage issues. He discussed the K.U. Urban Planning and involving their students to look at a landscaping project in front of F.S.C.C. between 18<sup>th</sup> and 23<sup>rd</sup> Street on Horton. Fort Scott Forward continues to be held the 4<sup>th</sup> Tuesday of each month at 7:45 a.m. at the River Room Event Center. Jeremy said that the Fort Scott Barber Shop gave out vouchers to all City employees which was a very nice gesture.

Pete mentioned that he and Jeremy were looking at drainage issues in front of the donut shop on National and a lady wanted to be introduced to Jeremy and stopped by. She came back later with a long john for each of them.

**Appearances:**

Alison Leach – Monarch Habitat - Alison asked to be removed from the agenda as she is not prepared to address the Commission on this issue yet).

Street Advisory Board Presentation – Brian Allen, Board Member of the Street Advisory Board, informed the Commission that their board met on May 13<sup>th</sup>, 2021 and went over several streets in dire need of repair. Their recommendation for 2022 is as follows:

Broadway Street	Wall to Charles	Asphalt Street
Crawford Street	3 <sup>rd</sup> to Wall Street	Brick Street
Crescent-Archer-Linden		Asphalt Street
East 10 <sup>th</sup> Street to Railroad Tracks		Asphalt/Concrete
Main Street	6 <sup>th</sup> To Skubitiz	Brick

Kevin also mentioned using inmates to assist with street repair. This program had been closed down due to Covid.

The Commission thanked the Street Advisory Board for their hard work in the recommendation of these streets.

City Attorney recommended have a resolution put together to adopt these streets for the next meeting.

**Director Reports:** None

**Old Business:** None

**Public Hearings:** 6:15 p.m. Vacation of platted alley located between Lots 1-7, Block 2 and Lots 1-10, Block 1, Pratel Addition, and the platted alley between Lots 1-5, Block 2, and Lots 6, 7, & 9, Block 2, Pratel Addition, more commonly known as north of 0 N. Crawford.

L. Watts moved to open the Public Hearing at 6:49 p.m. R. Nichols seconded. All voted aye.

**OPENED PUBLIC HEARING AT 6:49 P.M.**

Allyson Turvey informed the Commission that Zach Bradley has requested that the two platted alleys located near his business be vacated. He owns the property all around this area. He is going to be putting his cattle washout business in this area. Zach has gotten the property rezoned and has obtained his licenses from the State of Kansas that are needed for his business.

Kevin asked for any comments from the audience.

Ryan Collier said that he owns the blue building across from this property. He said he is concerned about the smell as well as what chemicals will be put into our water source into the Marmaton River.

Ally said that he has obtained all his permits from the State of Kansas.

R. Nichols moved to approve Ordinance No. 3584 vacating the two alleys. P. Allen seconded. All voted aye.

**APPROVED VACATION OF THE PLATTED ALLEY BETWEEN LOTS 1-7, BLOCK 2, AND LOTS 1-10, BLOCK 1, PRATEL ADDITION AND THE PLATTED ALLEY BETWEEN LOTS 1-5, BLOCK 2, AND LOTS 6, 7, & 9, BLOCK 2, PRATEL ADDITION AND APPROVED ORDINANCE NO. 3584 ADOPTING THE VACATING OF THE ALLEYS.**

R. Nichols moved to close the Public Hearing at 6:55 p.m. L. Watts seconded. All voted aye.

**CLOSED PUBLIC HEARING AT 6:55 P.M.**

**New Business:**

1. Consideration of change in zoning from R-1 (Residential) to C-1 (Commercial) for the property at 124 S. Judson Street – Approval of Ordinance No. 3581 – Ally Turvey informed the Commission that the Fort Scott Planning Commission met on May 10<sup>th</sup> and heard this case to change the zoning from Residential to Commercial. The plan for the property is to be an accounting agency on the lower floor and an apartment upstairs. The Planning Commission voted unanimously to recommend approval of this zoning change.

R. Nichols moved to approve the zoning change and approved Ordinance No. 3581. L. Watts seconded. All voted aye.

**APPROVED ORDINANCE NO. 3581 CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF FORT SCOTT, KANSAS, UNDER THE AUTHORITY GRANTED BY K.S.A. 1973, SUPP. 12-708 – CHANGE OF ZONING FROM R-1 (RESIDENTIAL) TO C-1 (COMMERCIAL) FOR THE PROPERTY AT 124 SOUTH JUDSON STREET.**

2. Consideration of change in zoning from R-1 (Residential) to I-1 (Industrial) for the property at 310 N. National Avenue – Approval of Ordinance No. 3582 – Ally informed the Commission that the Fort Scott Planning Commission met on May 10<sup>th</sup> and heard this case to change the zoning from Residential to Industrial. This property consists of 1.6 acres and the owner would like to manufacture wood pallets. The Planning Commission voted unanimously to recommend approval of this zoning change.

R. Nichols moved to approve the zoning change and approved Ordinance No. 3582.  
L. Watts seconded. All voted aye.

**APPROVED ORDINANCE NO. 3582 CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF FORT SCOTT, KANSAS, UNDER THE AUTHORITY GRANTED BY K.S.A. 1973, SUPP. 12-708 – CHANGE OF ZONING FROM R-1 (RESIDENTIAL) TO I-1 (INDUSTRIAL) FOR THE PROPERTY AT 310 N. NATIONAL AVENUE.**

3. Consideration of change in zoning from A-G (Agricultural) to M-U (Mixed Use) for the property at 2127 Jayhawk Road – Approval of Ordinance No. 3583 - Ally said that the Fort Scott Planning Commission met on May 10<sup>th</sup> and heard this case to change the zoning from Agricultural to Mixed Use. The proposed use for the property was to build a garage and allow mechanical work to be completed there. The Planning Commission voted unanimously to recommend denying this zoning change due to the fact that they want to leave their neighborhoods as a residential area. You have heard from a couple of people already about this zoning change.

Kevin informed Mr. Brackett to contact Ally and see if there is another location for his proposed mechanic garage.

R. Nichols moved to accept the Planning Commission’s recommendation and deny the zoning change from AG (Agricultural) to M-U (Mixed Use). All voted aye.

**APPROVED TO ACCEPT THE PLANNING COMMISSION’S RECOMMENDATION AND DENY THE ZONING CHANGE FROM AG (AGRICULTURAL) TO M-U (MIXED USE) FOR THE PROPERTY AT 2127 JAYHAWK ROAD.**

4. Discussion of 2021 Contract Mowing Bid Award – Ally sent an email last Friday to the City Commission asking that the mowing contract that was awarded to Justin Uhler be rescinded and offered to the next bidder which is Doug Miller. She is greatly concerned by the growing number of properties which have not been mowed. As of Friday, there were 156 properties to be mowed and only 27 had been turned in that had been mowed. She did speak to Justin Uhler who told her that the property owners had mowed some of the properties, but all of the properties

have not been mowed. There are over 120 properties to be mowed. A copy of the bid tabulation as well as the bid request is included in the packet. She knows there was a lot of rain lately. She shared data of precipitation over the month of May. The City is receiving a lot of phone calls about the high grass. There is a procedure that has to be followed and the grass has to be 8" in height. The property owner is notified one time, and then the City mows the lot.

Ryan Collier said that he helps Justin Uhler with mowing. They didn't get the list until May 7<sup>th</sup>. He said that he made a phone call to Ally about the tall grass at the City building to the east of him. He said they were dealt a bad hand to start with.

Ally said that the bid was approved long before May 7<sup>th</sup>. The first round of letters went out April 26<sup>th</sup>.

Mr. Collier also mentioned the amount of brush and trash on the properties and that they don't have time to mow and pick up all the brush and debris on the property.

Justin said that every Monday he meets with Lyle. He said that some of these yards are taking three and four hours to mow due to the height of the grass.

Kevin stated that he thinks they deserve some time to prove themselves before the contract is moved to another bidder. He thinks they deserve another couple of weeks to prove themselves.

5. Memorandum of Understanding – Bradley – signage – Ally informed the Commission that Zach Bradley is working to establish a new business, which is a cattle washout site. Due to the location of his property, he is requesting that the City allow him to place a business sign on City owned property located on Pratel Street near National Avenue. If approved, Mr. Bradley will sign a Memorandum of Understanding stating he is responsible for the sign.

City Attorney said that he saw this when he returned to the office on Tuesday. He said that he is not opposed to this, but allowing private use of public property could open a lot of issues. He asked the Commission to table this at this time since the business isn't open yet. One of the issues is allowing this and what limitations you will allow and setting a precedence. He will do some research on this.

R. Nichols moved to table this item at this time. P. Allen seconded. All voted aye.

**TABLED THE MEMORANDUM OF UNDERSTANDING AT THIS TIME.**

6. Consideration and Award of Bid – Pest Control – City Manager said that bids were sent out for the consideration and award of Pest Control spraying at nine (9) City facilities. There were three bids received with the low bid from Springfield, Missouri in the amount of \$475.00 monthly, Quality Pest Control of Pittsburg, Kansas in the amount of \$480.00, and Ashcraft Pest Control (local company) in the amount of \$500.00 per month. Approval for the local company, Ashcraft Pest

Control, is recommended as it is within the 7% range. This is a three year contract.

R. Nichols moved to approve the bid from Ashcraft Pest Control in the amount of \$500.00 per month for pest control spraying at City facilities. P. Allen seconded. All voted aye.

**APPROVED THE BID FROM ASHCRAFT PEST CONTROL IN THE AMOUNT OF \$500.00 PER MONTH FOR PEST CONTROL SPRAYING AT CITY FACILITIES. THIS IS A THREE YEAR CONTRACT.**

7. Consideration and Award of Bid – Sanitation Service – Kevin said that bids were sent out for the pickup of sanitation at all City locations. There were three bids received with the low bid from 4 State Sanitation in the amount of \$1,105.00 monthly, Short's Trash Service of Frontenac, Kansas in the amount of \$1,240.98; and GFL Environmental, Inc. of Lebanon, Missouri in the amount of \$1,336.00. Approval for the local bid with 4 States Sanitation is recommended. This is a three year contract.

Cheryl Zimmerman of Short's Trash Service thanked the Commission for allowing them to bid on this service.

P. Allen moved to approve the low bid from 4 State Sanitation of Fort Scott in the amount of \$1,105.00. L. Watt seconded. All voted aye.

**APPROVED THE LOW BID FROM 4 STATE SANITATION OF FORT SCOTT IN THE AMOUNT OF \$1,105.00. THIS IS A THREE YEAR CONTRACT.**

K. Allen left the meeting at 7:40 p.m.

8. Consideration and Award of Bid – Port-A-Potty Service – R. Nichols said that bids were sent out for port-a-potty service in the City of Fort Scott. There were two bids received with Skitch's, Inc at a cost of \$390.00 and a bid from Mid-America Sanitation at a cost of \$1,365.00 on a weekly basis. Approval for the bid from Skitch's, Inc. is recommended.

L. Watts moved to approve the bid from Skitch's, Inc. for port-a-potty service in the City of Fort Scott. This is a three year contract. P. Allen seconded. All voted aye.

**APPROVED THE BID FROM SKITCH'S, INC. FOR PORT-A-POTTY SERVICE IN THE CITY OF FORT SCOTT. THIS IS A THREE YEAR CONTRACT.**

K. Allen returned to the meeting at 7:42 p.m.

9. Consideration to Bid Mill and Overlay Horton Street – 6<sup>th</sup> to 8<sup>th</sup> – City Manager asked the Commission if they would like to go out for bid for the mill and overlay of Horton Street between 6<sup>th</sup> and 8<sup>th</sup> Street.

Bill Lemke said that they hope to go out for bid and mill off 4” and lay 4” of asphalt down. The street has a lot of problems. Some could be old asphalt and some could be base issues. He asked to send this out for bid.

Kevin asked if the bid included the City would maintain all the millings.

Bill said yes. Some contractors may want to use a portion of those millings back into their process, but they can discuss that.

Pete said that it costs \$4.65 for a yard and a half. How much will it cost for 4” of milling.

Bill said that before, when the street was worked on, only 2” was milled off.

Discussion was held on core drilling the street to see the base.

Pete said it was a simple process to dig a hole and look at the base and we can do that ourselves.

### **Reports and Comments:**

#### **A. Commissioner Reports and Comments:**

L. Watts – Nothing to report.

R. Nichols – Remarked that the mural under the bridge at Riverfront is remarkable.

Said at the next meeting he would like an update on Smart Growth and how it relates to economic development.

P. Allen – Said that he appreciates all that the City Commission has done recently. He stated that Bob keeps us in pocket and out of trouble. He appreciates Jeremy’s assistance. He also said that he thinks we are headed in the right direction and working hard for the people in this community.

K. Allen – Thanked Stephen Toal for the beautiful murals he has recently painted in Fort Scott.

J. Jones – Not present.

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

**Adjournment:**

R. Nichols moved to adjourn the meeting at 8:02 p.m. P. Allen seconded. All voted aye.

**ADJOURNED MEETING AT 8:02 P.M.**

Respectfully submitted,

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