

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of June 21st, 2022

Regular Meeting #12

The regular meeting of the Fort Scott City Commission was held June 21st, 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 M. Wells were present with Mayor K. Harrington.

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, Peter Earles, Lisa Lewis, Gregg Motley, Thomas Russell, Becky Howard, Brian Rhoades, Tayton Majors, Kevin Allen, Anne Dare, Devin Tally, Bailey Lyons, Harold Martin, Mark McCoy, Bob Reed, Jackson Tough, Brad Matkin, Rob Harrington, Bob Reed, Dean Striler, Doug Guns, and Bill Downey.

PROCLAMATIONS/RECOGNITIONS: Bob Farmer, City Attorney, stated that he wanted to recognize Don Miller upon his passing. He was an outstanding teacher and historian, as well as a Hall of Fame teacher. He was a true advocate of Fort Scott. He asked everyone to hold his family in your thoughts and prayers.

ADDITIONS TO AGENDA: J. Jones asked that Gregg Motley and Bailey Lyons be added to New Business.

J. Jones moved to add Gregg Motley and Bailey Lyons from Citizen Comments to New Business on the agenda. T. Van Hoecke seconded. J. Jones, T. Van Hoecke, S. Walker, and M. Wells voted aye. K. Harrington voted no. Motion carried 4-1.

APPROVED TO ADD GREGG MOTLEY AND BAILEY LYONS FROM CITIZENS COMMENTS TO NEW BUSINESS ON THE AGENDA.

CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of June 7th, 2022.
- B. Approval of Appropriation Ordinance 1314-A totaling \$636,669.88.
- C. Request to Pay - Earles Engineering & Inspection, Inc. (May Invoices)
 - Building Inspection \$ 497.00
 - City Engineer \$4,120.00
 - Ft. Scott System Design \$11,500.00
 - Cooper St Inspection \$2,671.75
 - On Call Project Engineer \$ 172.00
 - Manhole 148 Design \$ 71.00

Total \$19,031.75

- D. Request to Pay – Nuss & Farmer, P.A. – May invoice - \$1,330.00
- E. Request to Pay – Skitch’s Hauling & Excavation, Inc. – May Invoice - \$3,510.00
- F. Request to Pay – HDR Engineering, Inc. – River Intake/Dam Improvement - \$2,797.50 – Engineering
- G. Request to Pay #4 – Mid-Continental Restoration Co., Inc. – Hammon’s building - \$15,511.15
- H. Request to Pay #4 – Mid-Continental Restoration Co., Inc. – Sharky’s building - \$24,517.60
- I. Request to Pay #5 – Mid-Continental Restoration Co., Inc. – Hammon’s building - \$21,817.74
- J. Request to Pay #5 – Mid-Continental Restoration Co., Inc. – Sharky’s building - \$20,179.63
- K. Request to Pay #3 – (Final) – Nowak Construction Co., Inc – Manhole 148 Project \$24,155.15
- L. Parade Permit – Burke Street Parade – July 4th, 2022
- M. Consideration of Cereal Malt Beverage License – 17 S. Main – Samurai Hibachi and Sushi LLC
- N. May financials (will be on table)
- M. Wells moved to approve the Consent Agenda. S. Walker 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)

Gregg Motley – Mr. Motley said that he is a member of the Land Bank Board and Bailey Lyons is the Treasurer of the Board. He handed out a proposed budget to create a Land Bank full time position with the City. The County would pay half of the position if approved by the Bourbon County Commission. The Land Bank has 14 properties right now and is looking at another 46 more after the next tax sale. They currently have \$5,000 in their budget. He asked that the Commission consider this proposed budget and have this placed on the July 5th, 2022 agenda for action.

Sandy Stinnett – Mrs. Stinnett stated that she lives at 8th and Horton Street. She stated that the potholes are awful on Horton Street. She is aware that a grant was received for this street. She asked what the grant would entail.

City Manager said that it will be torn up and replaced from 6th to 8th Street, and then mill and overlay from 8th to 12th, and then a sealer put on from 12th to 18th Street.

Mrs. Stinnett asked them to make sure that the contractor that is used is knowledgeable on street work, as Horton Street should not be in this type of disrepair after having been worked on in the last 10 years.

She also asked about brick streets and if they were going to be re-done and if so, they should get in contact with someone who has knowledge on brick street repair.

Matthew said that he has a lot of information on brick streets that he can share with her.

Bailey Lyons – Mrs. Lyons said that she is the Chairperson of the Chamber of Commerce Downtown Program. She met with Kelley Zellner and Brad Matkin yesterday to help coordinate downtown parking lots. She said that the downtown is filling up, which is good, but there is an issue with parking. She stated specifically the tenants that live downtown, the merchants, and the business owners. She asked for permission to start Phase 1 and survey the downtown business owners and see who has living space above their buildings. She stated the City Manager is going to provide her with maps of the current available downtown parking lots.

The Commission verbally granted her permission to survey the downtown business owners.

Old Business:

1. Request to Pay – Bourbon County R.E.D.I. Tourism Marketing Budget - \$39,650.00 – City Manager said that this pay request needs to be approved and was removed from the Consent Agenda.

M. Wells moved to approve the payment to Bourbon County R.E.D.I. Tourism in the amount of \$39,650.00. T. Van Hoecke seconded. J. Jones, T. Van Hoecke, S. Walker, and M. Wells voted aye. K. Harrington voted no. Motion carried 4-1.

APPROVED THE PAYMENT TO BOURBON COUNTY R.E.D.I. TOURISM IN THE AMOUNT OF \$39,650.00.

2. Consideration of deannexation of the property more commonly known as 2142 Jayhawk Road – Approval of Ordinance No. 3612 – Mark McCoy, property owner, was present and informed the Commission that he has purchased the

lots next to him. He has no desire to have City water on this lot. He has no City sewer and no City lighting on this lot either. He asked that it be de-annexed from the City.

T. Van Hoecke moved to approve Ordinance No. 3612 de-annexing the property at 2142 Jayhawk Road from the City limits. S. Walker seconded. J. Jones, T. Van Hoecke, S. Walker, and K. Harrington voted aye. M. Wells voted no. Motion carried.

APPROVED ORDINANCE NO. 3612 DEANNEXING CERTAIN PROPERTY FROM TOHE CITY LIMITS OF FORT SCOTT, KANSAS – PROPERTY MORE COMMONLY KNOWN AS 2142 JAYHAWK ROAD.

Appearances:

Bob Reed – Temporary Street Closure – 20th to 23rd – Huntington – July 18th – July 22nd, 2022 – Bob Reed, Bourbon County Fair Board member informed the Commission that they would like Huntington Street closed from 20th to 23rd Street the week of July 18th through July 22nd for the Bourbon County fair event. He also requested two barricades from the City to be brought to the fairgrounds. He stated that the rodeo is July 8th and 9th.

T. Van Hoecke moved to approve the street closure request for the Bourbon County Fair from July 18th to July 22nd for 21st Street to 23rd Street on Huntington be closed to vehicle traffic and for the City to provide two barricades. M. Wells seconded. All voted aye.

APPROVED THE STREET CLOSURE REQUEST FOR THE BOURBON COUNTY FAIR FROM JULY 18TH TO JULY 22ND FOR 21ST STREET TO 23RD STREET ON HUNTINGTON BE CLOSED TO VEHICLE TRAFFIC AND FOR THE CITY TO PROVIDE TWO BARRICADES.

Burke Street – 10th and Burke – July 4th, 2022 – Burke Street Celebration - City Manager said that this request is for the annual Burke Street parade and closure of streets for this event. The annual Burke Street parade will be held on July 4th at 10:00 a.m. He asked approval to close 10th and Burke to Marblecrest and Lakin for parade route and then 10th and Burke and Lakin and Burke for Block Party.

M. Wells moved to approve to close Burke Street for the annual Burke Street Parade on July 4th and for their block party afterwards and to provide the needed barricades. K. Harrington seconded. All voted aye.

APPROVED TO CLOSE BURKE STREET FOR THE ANNUAL BURKE STREET PARADE ON JULY 4TH AND FOR THEIR BLOCK PARTY AFTERWARDS AND FOR THE CITY TO PROVIDE THE NEEDED BARRICADES.

Lake Advisory Board Representative – Dean Striler, Lake Advisory Board Member, informed the Commission that he was present to address two items. The first is the deed restrictions on property sold at Lake Fort Scott. He stated that the first

four lots that were sold recently had no restrictions on them, when the City Commission had approved the restrictions. He asked why the restrictions were not placed on the deeds.

City Attorney said that the City did not prepare the deeds.

Discussion was held regarding who should have put the deed restrictions on the deeds.

City Attorney said that moving forward it will need to be included in the deed documents when the property is sold.

Mr. Striler also asked about the shelter house improvements at the Lake. He said that he thinks it will be addressed later in the agenda so he will wait and hear that update.

Rob Harrington – Mr. Harrington updated the Commission on the road in front of Niece Products. Bourbon County is going to repair this ditch and may need the City to assist with it. He did determine it was the County's issue and not the City's.

Public Hearings: None

New Business:

1. Consideration of appointment to Parks Advisory Board – City Clerk said that the Parks Advisory Board met on Monday, May 16th, 2022 for their regular meeting. They had two letters of interest to fill their open board position. There were two letters of interest received: John Crain and Gary Billionis. The Board voted to recommend John Crain to the City Commission for approval.

T. Van Hoecke moved to approve John Crain to the Parks Advisory Board. M. Wells seconded. All voted aye.

APPROVED JOHN CRAIN TO FILL THE OPEN POSITION ON THE PARKS ADVISORY BOARD.

2. Consideration of Change Order #3 – Hammon's - \$2,933.00 – Jason Dickman, Earles Engineering, Inc. informed the Commission that the Change Order #3 is due to the installation of metal cornice at the top northeast corner of the Hammon's building. The amount is \$2,933.00.

T. Van Hoecke moved to approve Change Order #3 in the amount of \$2,933.00. S. Walker seconded. All voted aye.

APPROVED CHANGE ORDER #3 IN THE AMOUNT OF \$2,933.00 FOR MID-CONTINENTAL RESTORATION CO., INC. FOR THE HAMMON'S BUILDING.

Reports and Comments:

A. Commissioner Reports and Comments:

A. City Manager Comments:

- Evergy Update – City Manager said that he received an email from Evergy that rates will be increasing Citywide for all residents from July 1st through September 30th at additional 4.396 per kilowatt.
- Lake Valve Engineering – City Manager said that we received two proposals for the engineering of the lake valve. This will be on the July 5th, 2022 agenda for consideration.
- Lake Fort Scott Dam Extension – City Manager stated that the City received an extension on repairing the dam at Lake Fort Scott. It is through the end of the year. This is the 5th extension that we have been given and the City may need to look at other options such as soliciting a contractor to do the improvements needed.
- Cape Seal – City Manager talked with the contractor on the cape seal project which will begin in September.
- Budget Hearings and Work Sessions – City Manager said that he is looking at a budget hearing amendment notice to be placed on the July 5th, 2022 agenda with the hearing held on July 19th, 2022. He is also looking at having budget work sessions on Tuesdays. The actual budget publication notice would be on the August 2nd, 2002 meeting with the hearing on August 16th, 2022.
- Street and City crews – City Manager thanked all the crews for their hard work during these hot days we have been having.

B. Director Comments:

Doug Guns – Lake Fort Scott Update – Doug Guns gave an update on several items:

Woodland Hills Golf Course – Doug stated that the golf course is very busy every day of the week with tournament groups. The P.G.A. Junior Golf is up and running and they have 35 kids in the program. He also stated that the food they are serving at the golf course is a big hit.

LaRoche Stadium – Doug stated that 6A State Tournament was held there recently as well as a couple of other hosted tournaments. Babe Ruth Baseball is currently using the facility for their baseball camps.

Lake Fort Scott – Doug said that the boat docks have been ordered for Lake Fort Scott. They expect to be delivered in October.

Doug said that he has contacted Rural Water District as well as Heartland regarding costs for water and electric at the camping area at the Lake. He will get these costs emailed to them.

Discussion was held regarding whether or not modern bathrooms could be put in due to the amount of rock there. They asked Doug to look at two small cinderblock ADA compliant bathrooms and the costs.

Peter Earles said that he has available drawings for cinderblock bathrooms he can share with Doug.

Katie mentioned addressing this with the Lake Advisory Board also. Their next meeting is July 14th, 2022 which was later corrected to July 9th, 2022.

Bill Downey – Codes Update – Bill Downey gave the Commission an update on Codes. He updated the Commission on the structures that have been demolished.

Discussion was held on 604 W. 5th Street and that it was signed over to the Land Bank. The structure is in need of demolition.

Rob Harrington stated that the Land Bank would like the City to have it demolished first.

J. Jones moved to send out 604 W. 5th for demolition. M. Wells seconded. All voted aye.

APPROVED TO SEND 604 W. 5TH STREET OUT FOR DEMOLITION.

Discussion was held regarding 623 Short Street. Their compliance date is June 24th, 2022. It was determined to place this on the July 5th, 2022 agenda for the Commission to determine how to proceed.

Brad Matkin – Consideration of Corporate Golf Rate Season Membership – Brad Matkin shared with the Commission a Corporate Golf Rate Season Membership application. The Commission will review this, and it will be placed on the July 5th, 2022 agenda for consideration.

Brad stated that Woodland Hills Golf Course is the 6th best course in the State of Kansas.

Cooper Street Update – Brad stated that five sections have been poured on Cooper Street with the 6th pour expected tomorrow. They have 10 sections to pour before they get to the intersection. They are doing a great job during this heat.

Street Crew Update – Brad gave an update on the Street Crew and what all they have been doing. They have been crack sealing, pothole patching, tree trimming, repair signs/lights, alley maintenance, manning the brush dump, ditch maintenance, working on the Old Faithful project, storm drain cleaning, culvert repair, and assisting other departments as needed.

Brad stated that in August of 2021, there were four (4) full time employees in the street department. They are now eight (8) employees that are full time with four experienced operators. Since August of 2021, there have been 46 full time employees hired and 9 part-time employees hired. The City has an 8% retention rate currently.

City Hall Closing – Brad stated that due to the Fort Scott High School All School Reunion parade which begins at 5:00 p.m. on Friday, June 24th, City Hall will close at 3:00 p.m. so City employees can participate with their classes if desired.

C. Engineering Firm Comments:

1. On-Call Sanitary Sewer Manhole Inspection Training Proposal – Peter Earles, informed the Commission that this proposal is for the On-Call - Sanitary Sewer Manhole Inspection in the amount of \$6,500.00. They have been training City staff also on manhole inspections.

M. Wells moved to approve the On-Call Sanitary Sewer Manhole Inspection Proposal with Earles Engineering, Inc. in the amount of \$6,500.00. S. Walker seconded. J. Jones, T. Van Hoecke, S. Walker, and M. Wells voted aye. K. Harrington voted no. Motion carried 4-1.

APPROVED THE ON-CALL SANITARY SEWER MANHOLE INSPECTION PROPOSAL WITH EARLES ENGINEERING, INC IN THE AMOUNT OF \$6,500.00.

2. Phase 1 – Aerator – Sewer Plant – Peter Earles informed the Commission that the wastewater the City is receiving from A.D.M. has some materials in it that are causing concern to our Wastewater Treatment Plan.

City Manager stated that he is meeting with K.D.H.E. and Earles next week regarding this issue and will bring more back to them at a later date.

D. Commissioners Reports and Comments:

T. Van Hoecke – Tim stated that he is looking forward to the F.S.H.S. All School Class Reunion and all the people that will be coming to town.

He stated that he agreed that parking is an issue downtown which is a good thing.

Tim asked about the letter the Commission received from the resident at 6th & McCleverty about the removal of the stop sign and the accident that occurred there.

Tim asked Brad if he would check out 3rd Street from Wilson to Clark and the overhanging brush that is there on the north side.

Tim suggested that the Commission have one or two Commissioners evaluate all the ordinances pertaining to the various advisory boards and make sure they are up to date.

Tim wished his wife a happy 36th wedding anniversary as well as the City Clerk and her husband a happy 37th wedding anniversary tomorrow.

M. Wells – Matthew thanked Don Miller for the impact he had on his life. He was instrumental in giving him a love for history and he was blessed to know him.

Matthew recognized the seven (7) debaters that have qualified for State and National finals.

Matthew read a prepared statement that reminded the Commission that they need to work as a team and not tear each other apart. He encouraged them to be better!

S. Walker – Shane encouraged all to enjoy the upcoming F.S.H.S. Reunion this weekend. Downtown has changed a lot and he is proud of it.

Shane thanked the Street crew for their hard work on Cooper Street.

Shane thanked Kelley for his Friday update he emails out to the Commission.

J. Jones – Josh stated that Stephen Toal is wanting to finish a mural in Riverfront Park under the bridge, but there is a concrete issue. He asked the City Manager to work with Stephen on this issue.

Josh stated that he was approached by Aaron Foxworth regarding a Tacos and Tailgates event to be held at Riverfront Park Loop Road on September 3rd, 2022. He asked if this could be closed down.

Katie asked the City Clerk to email him the Street Closure request form.

Josh said that Bailey Lyons has found a couple of grants to apply for on the splash pad. A location needs to be determined. He asked about east of Luther's BBQ on North National.

Rob Harrington said that he has a meeting next week on the T-Mobile grant and their proposed location.

K. Harrington – Katie remarked that she was able to go and meet the Lowell Milken Center Fellows that are here this week and present them with a key to the City and a certificate signed by the Commission. There will be another group next week.

E. City Attorney Comments – Resolution 31-2022 – City Manager stated that approval of this resolution is needed for the sale of the seizure property at 2177 Poplar Road.

J. Jones moved to approve Resolution No. 31-2022 for the sale of the property at 2177 Poplar Road. T. Van Hoecke seconded. All voted aye.

APPROVED RESOLUTION NO. 31-2022 AUTHORIZING THE SALE OF REAL ESTATE FOR THE PROPERTY MORE COMMONLY KNOWN AS 2177 POPLAR ROAD TO CHRISTOPHER M. ARVIDSON AND SUSIE ARVIDSON IN THE AMOUNT OF \$580,000.00.

Executive Session:

M. Wells moved to recess into Executive Session for personnel matters of attorney/client privilege exception in K.S.A. 75-4319(b)(2) until 9:05 p.m. This will include City Commissioners, City Manager, and City Attorney. J. Jones seconded. All voted aye.

T. Van Hoecke moved to come out of Executive Session at 9:05 p.m. M. Wells seconded. All voted aye.

Adjournment:

T. Van Hoecke moved to adjourn the meeting at 9:05 p.m. M. Wells seconded. All voted aye.

ADJOURNED MEETING AT 9:05 P.M.

Respectfully submitted,

Diane K. Clay, MMC
City Clerk