

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of July 5<sup>th</sup>, 2022**

**Regular Meeting #13**

The regular meeting of the Fort Scott City Commission was held July 5<sup>th</sup>, 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:** City Commissioner, Tim Van Hoecke, said a prayer asking God for guidance for the City, our Government and City officials.

**AUDIENCE IN ATTENDANCE:** Travis Shelton, Lisa Lewis, Gregg Motley, Thomas Russell, Kevin Allen, Nancy Maze, Rob Harrington, Delores Covey, Shana Miller, Tobyn Schubert, Melissa Goff, Marianne Crane, Lavetta Simmons, Billy Duren, Dakota Crumby, Don George, Kim Boham, Tanya Miller, Tayton Majors, Frank Schubert, Ronda Hassig, Angie Kemmerer, Dona Spencer, Harry Spencer, Sarah Maike, Jason Dickman, Doug Guns, Jerry Morgan, Julie Saker, Sandy Gibbs, Billy Willett, Michael Hoyt, Frankie Miller, and Michael Mix.

**PROCLAMATIONS/RECOGNITIONS:** None

**ADDITIONS TO AGENDA:** None

**CONSENT AGENDA:**

- A. Approval of minutes of the regular meeting of June 21<sup>st</sup>, 2022.
- B. Approval of Appropriation Ordinance 1315-A totaling \$405,044.03.
- C. Request to Pay – Insituform – CIPP Sanitary Lining Project - \$7,246.69
- D. Request to Pay – Susan Bancroft – Financial services - \$446.88
- 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)

Nancy Maze – Nancy Maze, Chairperson, Lake Advisory Committee, informed the Commission that it was a busy and safe weekend at Lake Fort Scott. There were

lots of boats on the water and lots of enjoyment. She stated that the Lake Advisory Board is meeting this Saturday, July 9<sup>th</sup>, 2022 at 9:00 a.m. and they will address the policies and procedures for the sale of lake lots as well as the deed restrictions that were approved by the City Commission. She invited them to attend the meeting if they can.

Delores Covey – Ms. Covey said that she wished to speak in support of the ex-Animal Control Officer. She doesn't feel like anyone knows what the community lost. She was very caring and did what was best for all the animals in this community. She was a phone call away. She also worked with various agencies in the placement of the animals. Her number one priority was caring for animals, and the City has lost a valuable asset.

Kim Boham – She stated that she wants to speak in support of the ex-Animal Control Officer. She said that animals don't have a voice and she was a voice for all the animals in town. She has lived in other cities and the ex-A.C.O. was one of the best she has seen for a small town. The City should be proud of her and it has taken a step backwards now. She asked them to reconsider their decision, as this has affected the community as a whole.

Melissa Goff – Ms. Goff stated that the City has lost a great asset in the ex-Animal Control Officer. She has lived here 21 years and never met an Animal Control Officer like her. She mentioned that there is only one female patrol officer and that there had not been one since 2009. She stated that this position has now been filled with a male now. She urged them to reconsider their decision.

Tobyn Schubert – Ms. Schubert informed the Commission that there is a loss in this community due to the ex-Animal Control Officer's termination. She went out of her way to do fundraisers for the shelter. She showed several pictures of a dog that had been picked up by the ex-Animal Control Officer, and then bathed and cleaned up and loved on, and then pictures of how the dog looks now. She impacted many animals lives and adopted them out.

Marianne Crane – Ms. Crane said that she is a huge dog advocate and had several encounters with the ex-Animal Control Officer. She was very caring of dogs and did so with kindness. The dogs were safe and well taken care of. She also had an ability to find owners for the dogs. She believes that the City did wrong in terminating her employment.

Shana Miller – Ms. Miller appeared before the Commission requesting a stop sign be placed at Van Fossen and Pine Streets. She said that there are issues with overgrown trees there too that need trimmed.

Chief Shelton said that he would check into this and get with Public Works also on the tree issue.

Mayor Harrington asked that this be placed on the July 19<sup>th</sup>, 2022 agenda for more information.

Angie Kemmerer – Ms. Kemmerer said that she was representing the Fort Scott Hurricane Swim Team. They are having an swim event on July 16<sup>th</sup>, 2022 at the

Fort Scott Aquatic Center. She thanked Dave Bruner and Chasity Ware for all of their hard work at the aquatic center each year. She stated that we have a facility to be proud of. There will be around 200 swimmers present for this event and could possibly be up to 450 swimmers. This is their first time hosting this four-state event. She asked that north parking lot by the pool be closed and one way traffic on Scott Avenue from the 800 to 900 block from 6:00 a.m. to 6:00 p.m. be enforced. She will work with Dave Bruner on barricades.

S. Walker moved to approve the closure of the parking lot north of the aquatic center and one way traffic on Scott Avenue from the 800 to 900 block from 6:00 a.m. to 6:00 p.m. on Saturday, July 16<sup>th</sup>, 2022 to host a swim event. T. Van Hoecke seconded. All voted aye.

**APPROVED THE CLOSURE OF THE PARKING LOT NORTH OF THE AQUATIC CENTER AND ONE WAY TRAFFIC ON SCOTT AVENUE FROM THE 800 TO 900 BLOCK FROM 6:00 A.M. TO 6:00 P.M. ON SATURDAY, JULY 16<sup>TH</sup>, 2022 TO HOST A SWIM EVENT.**

Don George, Kansas Wildlife & Parks – Mr. George was present to discuss two items. The State of Kansas is sponsoring a Great Kansas Fishing Derby. It began on May 15 through September 15. This is an event where fish are tagged and if one is caught that is tagged, prizes are awarded.

His next topic was that the State is doing a survey on who is using the lake and where are they traveling from. He also mentioned finding out what kind of fish they want to catch, and do they catch and release? This would be a creel survey and would provide good information.

Sarah Maike – Ms. Maike mentioned that people in the City limits need to be respectful of people who don't have as much as they do. She is ashamed of people and how they act. There are a lot of hurting people in the world, and we need to be considerate of them.

Rhonda Hassig – Ms. Hassig said that she moved here three years ago and loves the town and loves dogs. She stated that it is very wrong that the ex-Animal Control Officer was terminated and that there is no voice for the animals now.

**Old Business:**

1. Consideration of 623 Short Street and possible demolition – Billy Willett and Sandra Gibbs informed the Commission that they need additional time to finish repairing the house. They had until June 24<sup>th</sup>, 2022 and need more time. She talked to a contractor about the roof and is expected to get an estimate within the next ten (10) days.

Discussion was held that they were first notified and the first resolution to set the public hearing was approved on March 15<sup>th</sup>, 2022, and then the public hearing was held on May 3<sup>rd</sup>, 2022. On May 3<sup>rd</sup>, 2022, they were given until June 24<sup>th</sup>, 2022 to repair or remove the structure.

Mr. Willett and Ms. Gibbs both informed the Commission that they have tried to contact several contractors with no success.

Mayor Harrington informed the couple to appear at the next Commission meeting on July 19<sup>th</sup>, 2022 for a progress update.

M. Wells gave them 14 days to provide proof of a written contract with a contractor, and have the yard cleaned up, and a date for the contract to begin. S. Walker seconded. J. Jones, S. Walker and M. Wells voted aye. T. Van Hoecke and K. Harrington voted no. Motion carried 3-2.

**APPROVED TO ALLOW 14 DAYS TO PROVIDE PROOF OF A WRITTEN CONTRACT WITH A CONTRACTOR, AND HAVE THE YARD CLEANED UP, AND A DATE FOR THE CONTRACT TO BEGIN FOR 623 SHORT STREET.**

2. Consideration of Corporate Golf Rate Season Membership – Doug Guns, informed the Commission that modifications have been made to this agreement.

Discussion was held regarding the start date for the membership and changing the golf season passes to a calendar year.

T. Van Hoecke moved to approve the Corporate Golf Rate Season Membership. M. Wells seconded. All voted aye.

**APPROVED CORPORATE GOLF RATE SEASON MEMBERSHIP.**

T. Van Hoecke moved to approve to change the golf membership to a calendar year basis. M. Wells seconded. All voted aye.

**APPROVED TO CHANGE GOLF MEMBERSHIP TO A CALENDAR YEAR BASIS.**

**Appearances:**

David Lipe – Street Closure Request – Care to Share Fundraiser – 16 N. National Avenue – August 13<sup>th</sup>, 2022 – David Lipe informed the Commission that he would like to request to shut down National between Wall and Oak and the parking lot to the east of Sharky’s on August 13<sup>th</sup>, 2022 from 1:00 p.m. to 5:00 p.m. for a Care to Share Bike Ride/Street Dance. They plan on having two bands, a cornhole tournament, and a silent auction.

S. Walker moved to approve the street closure request. J. Jones seconded. All voted aye.

**APPROVED TO SHUT DOWN NATIONAL BETWEEN WALL AND OAK AND THE PARKING LOT TO THE EAST OF SHARKY’S ON AUGUST 13<sup>TH</sup>, 2022 FROM 1:00 P.M. TO 5:00 P.M. FOR THE CARE TO SHARE BIKE RIDE/STREET DANCE.**

Aaron Foxworth – Tacos & Tailgates Event – September 3<sup>rd</sup>, 2022 – Temporary Street Closure Request – Mr. Foxworth was not present and had not filled out the request form yet. City Clerk will send it to him again.

**Public Hearings:** None

**New Business:**

1. Consideration of Land Bank Board position and approval of budget – Gregg Motley, Land Bank Board Member, appeared before the Commission to request a full-time person be hired for the overseeing of the Land Bank program. By fall, there could be 80 properties in the Land Bank, and this will need to be a full-time position.

Discussion was held concerning if the County would split this amount with the City.

Mr. Motley said that he does not have a commitment from Bourbon County yet.

J. Jones said that he believes the salary for this position is excessive since it is over \$25.00 an hour.

Mr. Motley said that they did a salary survey and came up with this amount.

K. Harrington asked the City Manager what fund the salary will come from?

City Manager said that it is not a budgeted position. The funds could come from economic development from the sale of the First Source building, or A.R.P.A. funds.

M. Wells said that we need to be able to fund it. He questioned the demolition fund and what was remaining in it. He also questioned if it could be a 32 hour/week position.

J. Jones said that there is about \$20,000 to \$25,000 left in the demo fund.

T. Van Hoecke moved to move forward with the approval of the Land Bank position and to use funds from the sale of the First Source building to fund this position. This is all contingent upon Bourbon County funding half of this position and the total cost. S. Walker seconded. T. Van Hoecke, S. Walker, and K. Harrington voted aye. J. Jones and M. Wells voted no. Motion carried 3-2.

**APPROVED TO MOVE FORWARD WITH THE APPROVAL OF THE LAND BANK POSITION AND TO USE FUNDS FROM THE SALE OF THE FIRST SOURCE BUILDING TO FUND THIS POSITION THIS IS ALL CONTINGENT UPON BOURBON COUNTY FUNDING HALF OF THIS POSITION AND THE TOTAL COST.**

(The budget was not approved at this time.)

2. Consideration of engineering firm for Lake Fort Scott valve – Michael Mix, Water Utilities Director, informed the Commission that RFP's were taken for the lake valve at Fort Scott Lake engineering. Michael said that there were two RFP's received: Midwest Engineering Group, LLC and Allgeier, Martin & Associates, Inc. He said that he is familiar with both firms, and they would both do a great job. His recommendation is for Midwest Engineering Group, L.L.C.

T. Van Hoecke moved to approve the engineering firm of Midwest Engineering Group, L.L.C. for the Lake Fort Scott valve. M. Wells seconded. All voted aye.

**APPROVED THE ENGINEERING FIRM OF MIDWEST ENGINEERING GROUP, L.L.C. FOR THE LAKE FORT SCOTT VALVE.**

3. Consideration of publication of Budget Hearing Amendment for July 19<sup>th</sup>, 2022 – City Manager said that this needs removed from the agenda as it is not needed.
4. Consideration of Charter Ordinance No. 34 relating to Transient Guest Tax and a Tourism Advisory Board – City Manager said that this is the new Charter Ordinance for the tourism board and transient guest tax. This ordinance establishes a convention and tourism committee.

T. Van Hoecke questioned why we did away with the Tourism Board about 6 to 8 weeks ago and now it is being brought back again. He asked who would manage that board.

Rob Harrington said that it doesn't affect him either way. He feels it is more red tape. It affects Jackson Tough. He said that we will continue to work no matter whether there is a board or not.

City Manager said that it is however they want to set it up – whether under Bourbon County R.E.D.I. or under the City.

City Attorney said that he thought this was their thought process to create this ordinance.

M. Wells said that he thought this would clean up the other ordinance.

M. Wells moved to approve Charter Ordinance No. 34. J. Jones seconded. All voted aye.

**APPROVED CHARTER ORDINANCE NO. 34 REPEALING CHARTER ORDINANCE NO. 19 AND CHARTER ORDINANCE NO. 25 OF THE CITY OF FORT SCOTT, KANSAS, AND EXEMPTING THE CITY OF FORT SCOTT FROM THE PROVISIONS OF K.S.A. 12-1697 RELATING TO THE LEVY OF A TRANSIENT GUEST TAX WITHIN THE CITY, AND THE EXEMPTION OF K.S.A. 12-1695 RELATING TO THE ESTABLISHING OF A CONVENTION**

**AND TOURISM COMMITTEE AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECTS.**

5. Consideration of Demolition Bids: 601 W. 2<sup>nd</sup> – 604 W. 5<sup>th</sup> – 722 S. Heylman – City Manager said that bids were taken for 601 W. 2<sup>nd</sup> Street, 604 W. 5<sup>th</sup> Street, and 722 S. Heylman. There is a property owner present for 722 S. Heylman.

City Clerk said that they can approve the first two demolitions and then take up the 722 S. Heylman demo.

City Clerk said that there were four bids received on 601 W. 2<sup>nd</sup> Street: Dave's Demolition - \$2,800.00; Skitch's Inc. - \$2,945.00; J. Fellers Contracting, Inc. - \$8,270.00; and Justin Best Construction LLC - \$18,500.00.

City Clerk said that there were four bids received on 604 W. 5<sup>th</sup> Street: Dave's Demolition - \$1,800.00; Skitch's Inc. - \$2,944.00; J. Fellers Contracting, Inc. - \$5,190.00; and Justin Best Construction LLC - \$17,500.00.

T. Van Hoecke moved to approve Dave's Demolition in the amount of \$2,800.00 for 601 W. 2<sup>nd</sup> Street, and \$1,800.00 for 604 W. 5<sup>th</sup> Street. M. Wells seconded. All voted aye.

722 S. Heylman Street - Billy Duren stated that he was the owner of this property and would like to demolish the structure himself and asked for time to do this.

J. Jones moved to have significant progress made in 30 days and have it completely done in 60 days with an update from Codes on this in 14 days at the next meeting. M. Wells seconded. All voted aye.

**APPROVED TO ALLOW BILLY DUREN TO HAVE SIGNIFICANT PROGRESS MADE IN 30 DAYS AND HAVE THE STRUCTURE COMPLETELY REMOVED IN 60 DAYS WITH AN UPDATE IN 14 DAYS BY THE CODES DEPARTMENT AT THE JULY 19<sup>TH</sup>, 2022 MEETING FOR THE PROPERTY AT 722 S. HEYLMAN.**

**Reports and Comments:**

**A. Commissioner Reports and Comments:**

- A. City Manager Comments: City Manager gave the Commission an update on his discussion with K.D.H.E. and issues that the City needs to correct. The first item is A.D.M. and the wastewater the City receives from them. A.D.M. has reduced their frequency of loads by 30%. A.D.M. is working on a lagoon to be a healthy aerobic system. A.D.M. is working with the Missouri Department of Health on a long-term management on a healthy lagoon system, up to and including the possibility of a redundant lagoon.

The City is improving its lagoon system with better aeration and testing of A.D.M. waste to determine the best treatment measures.

Also, the Davis Lift Station bypass into Buck Run Creek is to be eliminated or reduced at the very least.

Kansas Department of Agriculture – City Manager said that he has been in contact with Frank Young of AG Engineering regarding the dam at Lake Fort Scott. City Manager updated the Commission that there are currently bids out for the buildup for the top of the Lake Fort Scott dam per permit requirements. Also, No Parking in the overflow spillway is a violation of the City’s permit – Install bollard posts with a cable across emergency spillway with a sign pointing to the parking lot up the hill. The last item is the lake valve restoration as an auxiliary source of water for the City of Fort Scott.

**Executive Session:**

J. Jones moved to recess into Executive Session for the financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships exception in K.S.A. 75-4319(b)(4) until 8:30 p.m. This will include City Commissioners, City Manager, and City Attorney. M. Wells seconded. All voted aye.

T. Van Hoecke moved to come out of Executive Session at 8:30 p.m. M. Wells seconded. All voted aye.

B. Director Comments: Jerry Morgan – Jerry gave the Commission a packet of a wish list of equipment the Street Departments needs. This list included the following: Cat 963, two work trucks, pad foot compactor, two dump trucks/plow trucks, compact track loader, and excavator. The combined total amount is approximately \$560,000.00. He asked them to consider this list when doing their 2023 budget.

C. Engineering Firm Comments:

1. Proposal for Street and Sidewalk Improvement on South Horton Street from West 18<sup>th</sup> to West 6<sup>th</sup> Street and West 6<sup>th</sup> Street from South Horton Street to South National – Jason Dickman, Earles Engineering, Inc. informed the Commission that this proposal is the agreement for the Horton Street project. This is the design of the sidewalk and street improvements for South Horton Street and West 6<sup>th</sup> Street. The amount for this project is \$136,500.00.

J. Jones moved to approve the Earles Engineering Inc. proposal in the amount of \$136,500.00 for the Horton Street project. M. Wells seconded. All voted aye.

**APPROVED EARLES ENGINEERING PROPOSAL FOR THE STREET AND SIDEWALK IMPROVEMENT ON SOUTH HORTON STREET FROM WEST 18<sup>TH</sup> TO WEST 6<sup>TH</sup> STREET AND WEST 6<sup>TH</sup> STREET FROM SOUTH HORTON TO SOUTH NATIONAL AVENUE.**



2. Consideration of Addendum No. 1 – Wastewater Design Contract – Jason Dickman, Earles Engineering, Inc. said that this Addendum No. 1 is an addendum to the original contract. This addendum allows for the aeration system to replace the existing system. The addendum amount is \$167,500.00.

M. Wells moved to approve Addendum No. 1 for the Wastewater Design Contract in the amount of \$167,500.00. S. Walker seconded. All voted aye.

**APPROVED ADDENDUM NO. 1 FOR THE WASTEWATER DESIGN CONTRACT WITH EARLES ENGINEERING, INC. IN THE AMOUNT OF \$167,500.00.**

D. Commissioners Reports and Comments:

T. Van Hoecke – Tim thanked the Fort Scott High All School Reunion committee for their organization of the all school reunion. He said it was great to see so many people in town.

Tim also wished all had a great 4<sup>th</sup> of July.

M. Wells – Matthew informed the Commission that he had gotten a message that Martha Scott had passed away. He said that she was a huge supporter of Fort Scott and that we need to remember her husband and daughter and their family in prayer at this time.

S. Walker – Shane asked about 2<sup>nd</sup> Street and the water issue.

City Manager said that the plan is to start this project next week and make a utility cut. Brad has been in contact with Bill Lemke and his crew on this project.

J. Jones – Josh asked for an update on National Avenue and when it will be redone.

Jason Dickman said that he left a message with Heckert and is waiting on a call back. He knows they contract out their milling and he may just contact the milling company.

K. Harrington – Katie reminded the public of the upcoming Gordon Parks event to be held on Friday, July 8<sup>th</sup>, 2022 at the Liberty Theater. She also reminded them up of the upcoming rodeo July 8<sup>th</sup> and 9<sup>th</sup>.

E. City Attorney Comments – None

**Adjournment:**

T. Van Hoecke moved to adjourn the meeting at 9:01 p.m. J. Jones seconded. All voted aye.

**ADJOURNED MEETING AT 9:01 P.M.**

Respectfully submitted,

Diane K. Clay, MMC  
City Clerk