

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of July 20th, 2021

Regular Meeting #14

The regular meeting of the Fort Scott City Commission was held July 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 K. Allen, P. Allen, R. Nichols, and L. Watts were present with Mayor J. Jones presiding .

INVOCATION:, Matthew Wells said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Peter Earles, Michael Hoyt, Judy Warren, Matthew Wells, Lynette Westhoff, Tim Harper, Carl Brinks, Lyle Brittain, Dave Bruner, Travis Shelton, Jimmy Kemmerer, Martha Scott, Lisa Walther, Nancy VanEtten, David B. Lipe, Sara Ellis, Bob Eckles, Ally Turvey, Valetta Cannon, Jackson Tough, Doug Guns, Forrest Rhodes, and representing the press, Daniel Camp, KOAM TV, and Jason Silvers, the Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS: Recognition of Lisa Walther for 25 years of service to the Fort Scott Public Library – Josh said she began her employment in 1996. She led with the remodeling project and through COVID. She was presented with a Certificate of Recognition by the City Commission.

ADDITIONS TO AGENDA: Josh Jones asked that Rob Harrington be added to the agenda under Appearances.

CONSENT AGENDA:

- A. Approval of Appropriation Ordinance 1292-A totaling \$538,748.47.
- B. Request to Pay – HDR Engineering, Inc. – River Intake Project - \$54,902.50.
- C. Request to Pay – Health Insurance - \$1,192.61.
- D. Request to Pay – Agricultural Engineering Associates – Mayco Ace Project Inspection - \$4,000.00.
- E. Request to Pay #3 – Triangle Builders, LLC – Mayco Ace Project - \$59,993.00.
- F. Resolution 8-2021 – Resolution Setting a Public Hearing with Reference to Alleged Unsafe and Dangerous Structure location at 14 S. Margrave – Public Hearing Date – 9/7/2021 – 6:15 p.m.

- G. Resolution 9-2021 – Resolution Setting a Public Hearing with Reference to Alleged Unsafe and Dangerous Structure location at 114 S. Barbee – Public Hearing Date – 9/7/2021 – 6:15 p.m.
- H. Resolution 10-2021 – Resolution Setting a Public Hearing with Reference to Alleged Unsafe and Dangerous Structure location at 323 S. Hill – Public Hearing Date – 9/7/2021 – 6:15 p.m.
- I. Resolution 11-2021 – Resolution Setting a Public Hearing with Reference to Alleged Unsafe and Dangerous Structure location at 610 S. Heylman – Public Hearing Date – 9/7/2021 – 6:15 p.m.
- J. Resolution 12-2021 – Resolution Setting a Public Hearing with Reference to Alleged Unsafe and Dangerous Structure location at 619 S. Ransom – Public Hearing Date – 9/7/2021 – 6:15 p.m.
- K. Resolution 13-2021 – Resolution Setting a Public Hearing with Reference to Alleged Unsafe and Dangerous Structure location at 611 S. Ransom – Public Hearing Date – 9/7/2021 – 6:15 p.m.
- L. Resolution 14-2021 – Resolution Setting a Public Hearing with Reference to Alleged Unsafe and Dangerous Structure location at 316 S. Main – Public Hearing Date – 9/7/2021 – 6:15 p.m.
- M. Resolution 15-2021 – Resolution Setting a Public Hearing with Reference to Alleged Unsafe and Dangerous Structure location at 1517 S. Main – Public Hearing Date – 9/7/2021 – 6:15 p.m.
- N. June Financials

L. Watts moved to approve the Consent Agenda. R. Nichols seconded. K. Allen, R. Nichols, L. Watts, and J. Jones voted aye. P. Allen voted no. Motion carried 4-1.

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)

Michael Hoyt – Mr. Hoyt addressed the trees at 12th and the bypass on Highway 69. He said that they need to be removed on the southbound side. There is only a four second delay on those lights. The trucks need to be slowed down to maybe 40 mph. School will be starting soon. The City needs to take care of potential liability.

Pete asked if the City can control the lights. Travis Shelton will check into this.

Mr. Hoyt also addressed the Human Relations Advisory Board that was on the books back in 1968. He asked that the City Commission reactivate this board.

Josh asked the City Manager to look at this ordinance and see if it needs updated.

Judy Warren – Ms. Warren said that she is 100% behind the advisory boards that the City has.

She also stated that the improvements at the beach at the Lake are wonderful.

City Manager Report and Comments: Jeremy stated that Ally helped with Codes enforcement on eight properties that need addressed. There is \$50,000 in the budget for demolition. Kevin asked if we can get the County to waive the dump fees. He said that he has not had any communication with the County about this.

Jeremy said that he interviewed and hired a Public Works Director, Jesse Pohlmann, and a Golf Pro Manager, Bob Haney, and is waiting on a response from a Human Resource Director candidate. He went on a tour with Don George with the Kansas Department of Wildlife and Parks. He met with the Riverfront Authority to remove the observation deck. The City will be accepting bids on this. He met with Old Fort Genealogy on the assessment of the building at Memorial Hall where they are housed. He said that work is ongoing at the beach at Lake Fort Scott, and several improvements for tree removal and cleanup along the shore line. He met with AG Engineering about the micro meat processing facility and the KDOT road and access.

Engineering Firm Update: Jason Dickman, Earles Engineering, Inc. said he would wait until later in the agenda.

Public Hearings:

6:15 p.m. – Resolution Directing the Repair or Removal of an Unsafe and Dangerous Structure located at 14 N. Main.

L. Watts moved to open the Public Hearing at 6:17 p.m. K. Allen seconded. All voted aye.

Josh asked if any citizens wanted to speak on this topic.

Matt Wells – He said that six years ago he tried to do something with the Eagle Block building. He tried to get the roof patched and, unfortunately, it didn't happen. He said that there are some horrible decisions that have to be made. He thinks changes need to be made in town. He has seen social media posts about heads needing to roll. We are all to blame for this building and the condition it is in. We didn't make the changes necessary to protect that building. We need a Team Fort Scott that works together as a team. If you're not part of the solution, you are part of the problem. He said that if there is any way to save the façade of the Eagle Block, it needs to happen. He said he talked to Frank Halsey and conveyed how to save the façade. We don't need this to happen in the future. We need a Codes enforcer in the City who knows the codes and has the ability to enforce the codes. We need a Governing Body to hold the owners accountable. We need to get Codes out to access the buildings including windows, roofs, and structures. We need to take action now. We need to make sure

that this is the last building this happens to. We need to figure out how to get grants for these building. We need to protect Historic Fort Scott.

Josh said that we need to get with Bob Farmer to see how we can enforce property owners to repair these structures.

Matt said that we need to have a contractor's license and make sure we get a copy of their insurance. He also said that the McDonald Hall building is a concern as well.

Michael Hoyt said that he lived 20 years in Phoenix. They can get a tax credit for what is built behind it. They could build something behind the façade.

Rob Harrington said that he met with the State today. Kayla Savage with CDBG, Patrick with S.H.P.O. and Trisha with the State were also on the call. The Eagle Block building has already received the State Historical designation.

There were no other comments from the audience.

R. Nichols moved to close the Public Hearing at 6:34 p.m. L. Watts seconded. All voted aye.

CLOSED PUBLIC HEARING AT 6:34 P.M.

Director Reports: None

Old Business: None

- a. Discussion of Lake Fort Scott repairs/upkeep – Doug Guns, Parks Director, spoke to the Commission regarding improvements at Lake Fort Scott. He said that he would help with A.D.A. accessibility. They will consult with the County to save money on materials. He said that weather permitting they are working at the Lake every day.

Josh said that we are waiting on the sale of the lake lots.

Lindsey said that the City needs to set direction to go out for proposals on how we want the lots sold. We need expert opinion on brokers. She would like to see plans in place. She said that we need a resolution that states how the Lake funds are spent also.

Josh said that Doug needs to get with the Lake Advisory Committee to develop priorities.

Nancy VanEtten said that she is the Chairperson for the Lake Advisory Board. She thanked Doug and his crew for their work on the improvements. She said that the fishing dock and boat ramp needs fixed. She was sent the improvement plans from Doug and she is excited about that. She said that in April the Committee met and provided two deed restrictions that were recommended to the City. Also recommended was that four of the nine lots be

sold and that 100% of the funds from the sale are placed into a Lake Fort Scott Improvement fund. She also asked for the City to sign the revised Interlocal Agreement for the Lake Fort Scott Sewer District #1 between the City and the Bourbon County Commissioners. This agreement is needed to allow two current property owners and soon nine more properties to be connected to the sewer district. She has been assured by Justin Meeks and Susan Bancroft that the agreement is in the final review by Bob Farmer. She also asked that the City Commission appoint a new County representative to their board. There are two interested people. She lastly thanked the City maintenance crew for their excellent work on 195th Street.

Jeremy thanked Jerry Morgan and Bill Lemke and their crew for their hard work.

Susan asked when they would like to take proposals for realtor/brokers.

The Commission determined a bid date of August 2nd, 2021. A meeting would be held separate from the bid openings.

L. Watts made a motion to go out for proposals for brokers for the sale of the Lake Fort Scott property and submit their best way to sell this property. K. Allen seconded. All voted aye.

APPROVED TO GO OUT FOR PROPOSALS FOR BROKERS OR REALTORS FOR THE SALE OF THE LAKE FORT SCOTT PROPERTY AND SUBMIT THEIR BEST WAY TO SELL THIS PROPERTY.

J. Jones made a motion to go out for proposals for the First Source building also for a broker or realtor. L. Watts seconded. All voted aye.

APPROVED TO GO OUT FOR PROPOSALS FOR THE FIRST SOURCE BUILDING, ALSO FOR A BROKER OR REALTOR.

- b. Approval of Ordinance No. 3586 pertaining to operation of golf carts – City Manager explained the ordinance to the Commission to allow golf carts on public streets with additional changes regarding lighting and operation after sunset.

K. Allen moved to approve Ordinance No. 3586. L. Watts seconded. All voted aye.

APPROVED ORDINANCE NO. 3586 AMENDING SECTION 10.04.080 – OPERATION OF GOLF CARTS OF CHAPTER 10.04 (STANDARD TRAFFIC ORDINANCE) OF THE FORT SCOTT MUNICIPAL CODE.

Appearances: Rob Harrington – Bourbon County R.E.D.I. – Rob said that he wanted to discuss with businesses in the County how we can help them. He had some requested changes: 1) Niece Products - Nice road in front of it. Liberty Bell ditches need cleaned out. Water backs up into their parking lot. 2) Internet does not go to

the Industrial Park and he means CrawKan. He said that Niece has been doing a lot of work in Africa and does a lot of internet conferencing. 3) Peerless – Need to look at road between the Travel Lodge and Peerless and this road needs fixed. 4) Need runway extended at our Airport. They have a jet they have to land in Nevada because our runway isn't long enough. 5) Infrastructure – new roads, sewer and water for their facility.

New Business:

- a. Approval and adoption of U.S.D.A. Loan Resolution and River Intake/Dam Repair Project – Susan Bancroft, Director of Finance, explained why the resolution was needed. U.S.D.A. has a long process with temporary notes and this starts the process to turn this into General Obligation bonds. This starts that process.

R. Nichols moved to approve Resolution No. 19-2021. L. Watts seconded. All voted aye.

APPROVED RESOLUTION NO. 19-2021 FOR THE CITY COMMISSION OF THE CITY OF FORT SCOTT AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS DRINKING WATER FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

- b. Approval of Eagle Block deed from the Land Bank to the City of Fort Scott – City Attorney said that it is cleaner if the City owns the property other than the Land Bank.

L. Watts moved to approve to deed the property from the Land Bank to the City of Fort Scott. R. Nichols seconded. All voted aye.

APPROVED TO DEED THE PROPERTY FROM THE LAND BANK TO THE CITY OF FORT SCOTT FOR THE PROPERTY AT 10 N. NATIONAL – EAGLE BLOCK BUILDING.

- c. Approval of Eagle Block and CDL Building demolition – Peter Earles said that on Friday night he looked at the building to identify damage. The side walls and the roof had collapsed. The joists were dry rotted. They had been wet for a long time and the wood deteriorated. The roof cannot leak without damage being done. The side walls and front are damaged. The plates were put in years ago with a rod, but they are damaged due to the failure of the roof.

Rob Harrington said that he has talked to S.H.P.O. and the State about funding and the application process. A F.E.M.A. declaration can help with lost wages, insurance, carriers, and A.R.P.A. funding. The State will need a more defined report from the engineer.

City Engineer said he could have a report within 30 days. The basement walls are brick on brick and rock on rock making it unstable. The mortar is gone. Peter Earles said that his opinion is that the wall is not stable.

Carl Brinks, contractor, said that the Hammons building party wall is three layers of brick with windows and making the wall very unstable. The Sharky's building is in good shape and can be saved. The Hammons building is not in as good as shape in the basement. The CDL building basement is in bad shape with missing mortar. It costs more than 50% of the value of the building and it isn't worth repairing. The top of the building is tipping in making it difficult to shore up and stabilize.

Matthew Wells said that front wall bowed when they looked at it six years ago.

Frank Halsey had said he thought they could stabilize and save the façade. They would need to spend money to try and figure it out. They would have to build supports on the outside and demo and then support on the outside.

Randy asked the City Manager if we are ready to go out for demolition bid. City Manager said he would have the engineering firm create the bid document.

Pete said that we need to decide if we are going to save the façade on the two end buildings and need to make a decision.

Josh said that he hates to lose any more buildings.

The Commission all agreed that they would like to see Sharky's closed for the least amount of time as possible.

Rob Harrington said that he talked with the State today. He wanted to correct some numbers he gave earlier. If the façade stays, and it was an income producing property, you can stack the federal and state credits up to 45% tax credits. The Eagle Block building does not qualify for an Urgent Need grant because the roof was already collapsed. He asked the engineer about the Hammons building as the grant has to be written to show that we are saving those other two buildings. We may not get any historical tax credits on this at all, unless it is stated that the façade cannot be saved. The Urgent Need grant would be a CDBG grant to shore up the walls. The County filed a declaration of disaster. It is with the State now and will move to the President. If it is signed, a F.E.M.A. grant can be applied for. He said that he discussed the employees and the loss of wages for them, but the only thing available would be the S.B.A. loan. The State needs a detailed engineering report before proceeding.

Susan said that there has to be cost estimates for the walls and those costs will be difficult to obtain right now.

L. Watts moved to approve to demolish the Eagle Block Building and CDL Building. K. Allen seconded. All voted aye.

APPROVED TO DEMOLISH THE EAGLE BLOCK AND CDL BUILDINGS.

R. Nichols asked about moving forward with bids.

City Manager said that the engineering firm would handle the bids.

Josh said that we need to make this as fast as possible.

Carl Brite said that he is with American Wrecking Services. Their insurance covers up to 12 stories. He explained to the Commission about their demolition process.

Peter Earles said that he can prepare a contract with them and have it ready by tomorrow. This would discuss how to fill the area. He will use his proposal to create a contract.

Discussion was held about a performance and payment bond also.

Josh said that we could hold a special meeting tomorrow to approve the contract.

Reports and Comments:

Commissioner Reports and Comments:

L. Watts – Remarked she wanted to make sure that the resolution for use of funds at Lake Fort Scott will be at the next meeting.

R. Nichols – Remarked that he thinks we made the right decision about the building. He said we possibly could have delayed about the CDL building to get a second opinion. He feels like we made the right decision. We need to insure that people are safe.

Reminded the public that COVID is not dead and to get immunized. He is concerned about the restart of school and businesses.

P. Allen – Pete said that he is concerned about the social media comments about who is responsible for the building conditions. He found the International Maintenance Property Code that the City adopted in 2017.

City Attorney said it is in our best interest not to discuss liability issues in an open meeting. Under the Property Maintenance Code, the City must administer the code. He said he is reluctant for us to discuss who is responsible for this, because we don't know.

Pete said that this code is for the protection of the citizens. He wants to make sure that City staff knows what it says since we have adopted it. He asked the City Manager to immediately implement the rules and requirements of this code.

K. Allen – Welcomed new Public Works Director to the City of Fort Scott.

Thanked the adjoining businesses for putting up with the City. It's been a week.

J. Jones – Josh asked that Jeremy and Bob Farmer create a Building Review Board. This board would consist of an engineer, contractor, plumber, electrician and one member at large.

City Attorney Report and Comments: Bob said that he is proud of how the Commission handled the problem downtown with the collapsed building. He is proud of staff also.

Executive Session:

J. Jones 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 meeting will resume in the Commission meeting room at City Hall at 8:35 p.m. L. Watts seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen did not vote. This included the City Commission, City Manager, City Attorney, and Forest Rhoades.

J. Jones moved that the City Commission come out of Executive Session at 8:35 p.m. L. Watts seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen did not vote. Motion carried.

Executive Session:

J. Jones 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 meeting will resume in the Commission meeting room at City Hall at 8:51 p.m. L. Watts seconded. P. Allen, R. Nichols, L. Watts, and J. Jones voted aye. K. Allen did not vote. This included the City Commission, City Manager, City Attorney, and Forest Rhoades.

J. Jones moved that the City Commission come out of Executive Session at 8:51 p.m. L. Watts seconded. All voted aye. Motion carried.

Adjournment:

J. Jones moved to adjourn the meeting at 8:52 p.m. R. Nichols seconded. All voted aye.

ADJOURNED MEETING AT 8:52 P.M.

Respectfully submitted,

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