

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of August 16th, 2022

Regular Meeting #17

The regular meeting of the Fort Scott City Commission was held August 16th, 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: Tim Van Hoecke, City Commissioner, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Jason Pickert, Lisa Lewis, Peter Earles, John Hayes, Ben Cole, Steve Anthony, Sarah Maike, Pete Allen, Michael Hoyt, Shayne Johnston, Terry Sercer, Rob Harrington, Braley Harrington, Peter Brackett, Lori Brackett, James Brackett, Kevin Allen, and representing the press, Tammy Helm, Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS: Recognition of Steve Anthony and Ben Cole – Special Olympics Golf Tournament – Mayor Katie Harrington presented Steve Anthony, Ben Cole, and the Bourbon County Sheriff's Department with a Certificate of Recognition for their involvement in the Special Olympics Golf Fundraiser which was held recently. There has been over \$100,000 raised for this worthy cause in the last several years.

ADDITIONS TO AGENDA:

Josh Jones asked that the School Resource Officer Memorandum of Understanding be added to New Business as #5. T. Van Hoecke seconded. All voted aye.

APPROVED TO ADD THE SCHOOL RESOURCE OFFICER MEMORANDUM OF UNDERSTANDING TO NEW BUSINESS AS ITEM #5.

M. Wells asked that Amended Ordinance No. 3617 be added under Old Business as Item #2. This was approved at the last meeting but the legal description was incorrect. T. Van Hoecke seconded. All voted aye.

APPROVED TO ADD AMENDED ORDINANCE NO. 3617 UNDER OLD BUSINESS AS ITEM #2.

CONSENT AGENDA:

City Clerk informed the Commission that Item F is not ready for approval yet.

A. Approval of minutes of the regular meeting of August 2nd, 2022 and postponed meeting of August 4th, 2022.

B. Approval of Appropriation Ordinance 1318-A totaling \$459,765.60.

C. Request to Pay – Earles Engineering, Inc.

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|---|-------------------|
| Plan Review – GO Car Wash | \$ 288.00 |
| City Engineer (April) | \$4,120.00 |
| City Engineer (July) | \$4,120.00 |
| Phase II Design -Wastewater | \$15,417.50 |
| South Industrial Park Waterline Project | \$ 5,116.55 |
| Sanitary Sewer Project | \$13,330.00 |
| Cooper Street Inspection | <u>\$5,202.00</u> |
| TOTAL | \$47,594.05 |

D. Request to pay – Nuss & Farmer, P.A. (July) - \$455.00

E. Request to Pay – Olsson Associates - \$2,200.00 – Rehabilitate Runway & Taxiway Project Engineering

F. July financials

J. Jones moved to approve the Consent Agenda with the removal of Item F – July financials. 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)

John Hayes – Mr. Hayes said he had a couple of items to bring up. His first item was Williams Street. He has been told that from the Fort Scott Middle School to 18th Street it is divided between the City and the County. The road is very rough and needs repaired. He also said that streetlights need installed there and asked for at the minimum of four (4) streetlights as it is very dark.

His next concern was the railroad crossings at 6th, 10th, and 15th Street. These crossings are very rough and need repaired. He said that there is 1” to 2” from the asphalt to the track and they need repaired. He mentioned the Quiet Zone that was done on Wall Street and said that was an industrial area and it should have been placed in a residential area. He also believes that it is not necessary for the trains to blow their horns all times during the night.

Commissioners told Mr. Hayes that it up to the railroad and not the City.

Sarah Maike – Ms. Maike said that she has been poor all of her life. She knows what it is to rob Peter to pay Paul. She said that a vast majority of citizens are not happy with the City’s infrastructure. She stated that the amount of money the City takes in we should have streets of gold, our water turned to wine, and

our sewer should smell like roses. She challenged the Commission to find more money for infrastructure but not raise taxes.

Michael Hoyt – Mr. Hoyt said that he wished Chief Shelton was here tonight and he wanted to thank him for the way he handled a bad situation at the last work session when an unruly citizen came into the lobby. He stated that the Chief had taken part of a de-escalation Crisis Intervention Team Training and urged all City police officers and County Sheriff officers to take part of this training. He thanked Chief Shelton for his quick thinking that night.

Pete Allen – Mr. Allen reminded the City Commission of their commitment to the Standards and Specifications that were adopted on December 18th, 2018. He reminded them to make sure that the City crews were following these specifications when repairing streets and waterlines. He asked if the street by Old Faithful was open yet.

City Manager said that it is not open yet.

Shayne Johnston – Mr. Johnston said that he wanted to share the Lake Advisory Board's thoughts from their recent meeting last Saturday morning.

The board recommended that an ordinance be drawn up regarding the sale of lake lots and the specifications for the lots. He asked that the Bathymetric study be completed on water quality and that the funding for this study be placed into the City budget and the Lake fund not used for it.

Old Business:

1. Consideration of Ordinance filling a vacancy in office of City Commissioner – Ordinance No. 3618 – City Manager informed the Commission that he had made the requested changes to the ordinance –
2. Consideration of amended Ordinance No. 3617 – Change of zoning ordinance for the property at 12th and Clark Streets -

Appearances:

Kelly Perry – Perry's Pork Rinds – Request of use of City parking area – Motorcycle Poker Run – 9/10/2022 – Kelly Perry was not present, so this will be placed on the September 6th, 2022 agenda.

Terry Sercer – 2021 Audit Presentation – Terry Sercer, Auditor, Diehl, Banwart & Bolton C.P.A., informed the Commission that he is with Diehl, Banwart & Bolton, CPA. He said he wanted to hit a couple of important parts of the audit. The audit financial statements are verified that receipts and expenditures are accurate. They look at the utility billings and ordinances and make sure what is being charged is correct. They look at payroll and verify that is correct also. He said that their firm has done the audit for the City for the past 37 years. There were no disagreements with City management. He said that it is a pleasure to work with the City.

Moved to approve the 2021 Audit. Seconded. All voted aye.

APPROVED 2021 AUDIT.

Public Hearing – None

New Business:

1. K.D.O.T. Project U-2455-01 – Approval of Grant Agreement - \$949,000.00 – Horton Street Project – City Manager informed the Commission that this is the official grant document for Horton Street that needs approved.

Moved to approve Grant Number 208-22, Project Number U-2455-01, Horton Street Project in the amount of \$949,000.00 between Kansas Department of Transportation and the City of Fort Scott. Seconded. All voted aye.

APPROVED GRANT NUMBER 208-22, PROJECT NUMBER U-2455-01, HORTON STREET PROJECT IN THE AMOUNT OF \$949,000.00 BETWEEN KANSAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF FORT SCOTT.

2. Consideration of Adoption of Ordinance No. 3619 – Standard Traffic Ordinance – Travis Shelton, Chief of Police, informed the Commission that the Standard Traffic Ordinance book is updated annually. This enables the Police Officers to write citations.

moved to approve Ordinance Number 3619, the Standard Traffic Ordinance. seconded. All voted aye.

APPROVED ORDINANCE NUMBER 3619 AMENDING CHAPTER 10.04 OF THE FORT SCOTT MUNICIPAL CODE TO INCORPORATE STANDARD TRAFFIC ORDINANCES.

3. Consideration of Adoption of Ordinance No. 3620 – Uniform Public Offense Code - Travis Shelton, Chief of Police, informed the Commission that this ordinance adopts the Uniform Public Offense Code for Kansas cities and will allow the Fort Scott Municipal Court to prosecute misdemeanors. There are a few violations that will still be prosecuted in District Court and those are repealed in this ordinance.

moved to adopt Ordinance No. 3620 – the Uniform Public Offense Code. seconded. All voted aye.

APPROVED ORDINANCE NO. 3620 ADDING SECTION 10.05 REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF FORT SCOTT, KANSAS; INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, 38TH EDITION, WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS, PRESCRIBING ADDITIONAL REGULATIONS AND PROVIDING CERTAIN PENALTIES.

4. Discussion of Credit Card fees for customers – City Manager informed the Commission that the City pays approximately \$3,000 in credit card fees.

Tim informed the City Manager that there is a Kansas Statute 16-A-2403 that has to be complied with and asked if it referred to cities also.

City Manager will into this.

This will be tabled until the September 6th, 2022 meeting.

5. School Resource Officer Memorandum of Understanding between City of Fort Scott and USD #234 – City Manager said that this agreement allows for two school resource officers within the USD 234 school district. The school district will reimburse the City of Fort Scott a total of \$90,000 for the year 2022-2023. Approval of this agreement was recommended.

M. Wells moved to approve the Memorandum of Understanding between the City of Fort Scott and USD #234 for two School Resource Officers. K. Harrington seconded. All voted aye.

APPROVED THE SCHOOL RESOURCE OFFICER MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SCOTT AND USD #234 FOR TWO SCHOOL RESOURCE OFFICERS.

Reports and Comments:

- A. City Manager Comments: City Manager commented on the following:

League of Kansas Municipalities KOMA/KORA Training – August 31st, 2022 – Virtual Training – Kelley said that this begins at 9:00 a.m. on Wednesday, August 31st. He asked the Commission to notify them if they could attend.

Cape Seal Preparation – City Manager informed them that the City crews are preparing surfaces for the upcoming Cape Seal project.

Old Faithful Project – City Manager said that the street will be repaired in the near future.

17th & Eddy – City Manager said that the contractor hit a snag and that the City crew will need to video the line. There could be a possible change order.

Lake parking area – City Manager said that the City crew is getting this area prepared with gravel.

CIP Project – City Manager said that we will have to replace water lines with the same in kind lines that are currently there and go through K.D.H.E.

Human Resources – City Manager said that he and the Human Resource Director, Brad Matkin, are working with City directors to work more efficiently and be accountable.

- B. Director Comments: None
- C. Engineering Firm Comments: None
- D. Commissioners Reports and Comments:

M. Wells – Matthew praised God for allowing Brad to be back at City Hall working. He is a great asset to the City of Fort Scott.

Matthew asked about cables at Lake Fort Scott parking area. He asked that Doug Guns be present at the next meeting to answer questions at the Lake. He also stated that he was at the Lake Advisory Board meeting and they would like to move forward with the Bathymetric Study and reach out to K-State, Pitt Sate, or K.U. to assist with it. He would like to see a City ordinance drawn up on the sale of Lake lots and go over this at the next meeting.

T. Van Hoecke – Tim said that the City crews are doing a great job preparing for the Cape Seal project. He did ask that they use safety glasses and gloves when working.

Tim asked for an update on 2nd Street by the Courthouse.

Tim said that he attended the recent Care to Share fundraiser that was held on National in front of Sharky's. It was well attended and thanked all who organized it.

J. Jones – Josh stated that he was glad to have Brad back in the office also.

Josh asked that the City Manager look at the roads at the Lake and who is responsible for what.

Josh thanked Destry Brown and the City Manager for the USD 234 School Resource Officer agreement.

S. Walker – Shane updated the Commission on 2nd Street by the Courthouse. They are sending their part out for bid in the near future.

City Manager said once the County part is done, the City will repair the street.

Shane also thanked Destry Brown for the school resource officer agreement with the City.

Shane said that he was representing Frank Halsey and asked for the camping area at Gunn Park to be shut down on September 17th and 18th for the Marmaton Massacre event.

J. Jones moved to shut off the camping area at Gunn Park on September 17th and 18th for the Marmaton Massacre Event. M. Wells seconded. All voted aye.

APPROVED TO SHUT OFF THE CAMPING AREA AT GUNN PARK ON SEPTEMBER 17TH AND 18TH FOR THE MARMATON MASSACRE EVENT.

K. Harrington – Katie wished the best of luck to all the students as well as college students going back to school this week.

Katie also said that she is glad that Brad is back.

- E. City Attorney Reports and Comments: Bob Farmer, City Attorney said that he had been questioned about a City Commission no longer residing in the City limits. He said that is simply not true. There is a misconception that if you move somehow, you are off the Commission. It depends on the circumstances. You have to be a qualified elector, and to be a qualified elector, you have to be a resident of the City. That Commissioner owns a residence in the City and is going through a family related situation. It is frequent that people change residences. He is waiting for the resident to be able to be moved into. There is no violation.

Executive Session – If requested, (please follow script in all motions for Executive Sessions)

Adjournment:

T. Van Hoecke moved to adjourn the meeting at 7:31 p.m. J. Jones seconded. All voted aye.

ADJOURNED MEETING AT 7:31 P.M.

Respectfully submitted,

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