

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of September 6th, 2022

Regular Meeting #18

The regular meeting of the Fort Scott City Commission was held September 6th, 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 S. Walker, and M. Wells were present with Mayor K. Harrington. J. Jones and T. Van Hoecke were present via Online Meeting via Teams.

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

AUDIENCE IN ATTENDANCE: Travis Shelton, Rob Harrington, Bill Lemke, Dave Bruner, Thomas Russell, Jody Hoener, Brad Matkin, Pete Allen, David Saker, Deb McCoy, Doug Guns, Jennifer Sawyer, Joshua Binford, Devin Tally, Jason Dickman, Matthew Crystal, John Willis, Jerica Thornton-Roberts, Janice Allen, Shane Wood, Travis Sawyer, and Lisa Lewis.

PROCLAMATIONS/RECOGNITIONS: None

ADDITIONS TO AGENDA: None

CONSENT AGENDA:

A. Approval of minutes of the regular meeting of August 16th, 2022, special meetings of August 23rd, 2022 and August 26th, 2022.

B. Approval of Appropriation Ordinance 1319-A totaling \$1,451,219.60.

C. Consideration to Pay – HDR Engineering, Inc. - \$1,064.90 – Engineering – Phase II Dam Improvements

D. Request to Pay – J. Richardson Construction – 17th & Eddy Project - \$55,879.92

E. Request to Pay – Earles Engineering, Inc.	
City Engineer (August)	\$4,120.00
Phase II Design -Wastewater	\$13,080.00
South Industrial Park Waterline Project	\$ 8,940.00
Sanitary Sewer Project	\$20,100.00
Cooper Street Inspection	\$ 827.25
Horton Street Project	<u>\$9,050.00</u>
	TOTAL
	\$56,117.25

F. July financials

S. Walker moved to approve the Consent Agenda. M. Wells 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)

Jody Hoener – Ms. Hoener informed the Commission that the Prairie Pathways is busy getting ready for their September 17th event and installing signage in three counties. She said that the Design Review Board will be meeting soon to look at signage in the downtown area.

She also updated the Commission on the T-Mobile grant. They are moving forward and are completing a survey for Farmers Market. They will survey the vendors on September 24th.

Matthew Crystal – Mr. Crystal said that he is the new VFW Commander. They are planning an event on September 10th and September 11th and asked for the closure of 18th Street from Judson to National. This is the small road behind the VFW. They are planning a motorcycle poker run and car show. He asked for barricades to close the streets.

Bill Lemke said that he will make sure that the barricades are delivered there.

T. Van Hoecke moved to approve the street closure on September 10th and September 11th for this event. S. Walker seconded. All voted aye.

APPROVED THE STREET CLOSURE ON SEPTEMBER 10TH AND SEPTEMBER 11ST FOR THE V.F.W. 9-11 MEMORIAL EVENT.

Old Business:

1. Discussion of credit cards fees for customers – Devin Tally, Financial Analyst, informed the Commission that that the Square system is used at the Golf Course and the Aquatic Center. There is a \$60.00 monthly charge per location for a total of \$120.00. There is a 2.5% plus a \$.10 cent processing fee. The three-month average for total credit card fees for Square is \$950.61 per month which consisted of June, July, and August.

Evalon – This is the credit card system that the utility office and Municipal Court uses. Based on July's statement, the average for credit card fees were 1.25% with an average of \$.42 per transaction fee. The three-month average for total credit card fees for Evalon is \$3,733.31 per month which consisted of June, July, and August.

Tyler – If the City absorbs the cost, it is 34% plus a \$.34 per transaction fee. If this is approved, the cost is passed to the customers which would amount to a 3.95% fee with a \$2.50 minimum charge.

M. Wells asked Devin to see if there are any other additional fees that would be charged by Tyler and bring these numbers to the next meeting.

Appearances:

Jessica Sager – CDL – Overview of Services – Not present.

Shane Wood – Lake Fort Scott Advisory Board items – Mr. Wood informed the Commission that they would like a follow-up to their questions from their latest meeting. He asked if a City ordinance had been composed yet for the sale of Lake Fort Scott lots. They want to make sure that the deed restrictions and all their other items are in there.

City Attorney said that he wasn't instructed to compose an ordinance but will work on one.

Mr. Wood also asked about the water quality testing and if anyone had checked into the local universities to assist with this study. The last study was completed was in 2010.

T. Van Hoecke asked about people hauling debris to the Lake. He asked about putting up signage.

City Manager will check into it.

Travis Sawyer – Request to use Riverfront Park – Haunted Trail Hayride – October 15th, 2022 – Mr. Sawyer informed the Commission that he wished to use Riverfront Park Loop Road on October 14th and 15th to hold a Spooky Trail Hayride event. He said that they would take donations. He also stated that they would possibly look at October 28th and 29th if it went over well.

City Clerk said that Jerry Witt should be consulted on this also as he is the head of the Riverfront Commission.

City Attorney asked Mr. Sawyer if he had liability insurance for this event.

Also discussed was additional parking for people wishing to take part in this. Twister Trailer would need to be consulted.

Mr. Sawyer said that he was going to check with Old 54 Bike Shop and see if they would allow parking at their location.

Mayor told him to find out some answers and come back to the September 20th meeting.

Public Hearing – None

New Business:

1. Consideration of Demolition Bid – 623 Short Street – City Manager said that there were three bids received. They are as follows: Dave’s Demolition in the amount of \$2,800.00; J. Richardson Company in the amount of \$3,500.00; and Skitch’s Inc. in the amount of \$5,841.00.

M. Wells moved to approve the low bid from Dave’s Demolition in the amount of \$2,800.00 for the demolition of 623 Short Street. K. Harrington seconded. All voted aye.

APPROVED LOW BID FROM DAVE’S DEMOLITION IN THE AMOUNT OF \$2,800.00 FOR THE DEMOLITION OF 623 SHORT STREET.

2. Consideration of Demolition Bid – 220 S. Judson Street – Thomas Russell, Codes Technician stated that he thought the property owner would be present tonight. He was to bring in his receipts from the materials he has purchased for all the upgrades he has made. Thomas has an issue because he has not secured a building permit, brought in any receipts, given the Codes Department a time frame, and performed basic maintenance on the property. There are weeds that are over 2 ½’ tall.

M. Wells moved to notify the property owner to secure a building permit, submit a plan of action with a time frame, bring receipts, and keep the property maintained. T. Van Hoecke asked if we could ask the property owner to come to the next meeting and present his case before them. M. Wells approved the amendment to his motion. T. Van Hoecke seconded. T. Van Hoecke, S. Walker, M. Wells, and K. Harrington voted aye. J. Jones abstained. Motion carried 4-1.

APPROVED TO ASK PROPERTY OWNER TO COME TO THE SEPTEMBER 20TH MEETING AND TO SECURE A BUILDING PERMIT, SUBMIT A PLAN OF ACTION WITH A TIME FRAME, BRING RECEIPTS AND KEEP THE PROPERTY MAINTAINED FOR 220 S. JUDSON STREET.

Reports and Comments:

A. City Manager Comments:

1. AG Engineering Agreement – Lake Fort Scott Dam Modification Project – City Manager informed the Commission that the agreement from AG Engineering is in their packet. This is for the extension of the Lake Fort Scott dam. AG Engineering will submit their report to the Kansas Department of Agriculture. This agreement is at a cost not to exceed \$3,000.00.

M. Wells moved to approve the AG Engineering Agreement for the Lake Fort Scott Dam Modification Project at a cost not to exceed \$3,000.00. S. Walker seconded. All voted aye.

APPROVED THE AG ENGINEERING AGREEMENT FOR THE LAKE FORT SCOTT DAM MODIFICATION PROJECT AT A COST NOT TO EXCEED \$3,000.00.

2. Lake Fort Scott Parking Expansion - City Manager informed the Commission that the estimated costs are about \$17,100 for gravel and \$600.00 for posts and cables to move the parking expansion at Lake Fort Scott. He said with the discount the City receives from the County and the City crews doing the work, it could possibly take the costs down to around \$12,000. He said that these costs would come out of the Lake Improvement Fund.

M. Wells stated that he is against using the City street crews.

J. Jones asked about sending this project out for bid. They could still use the gravel from the County.

City Manager will check into this option.

3. Leak Detection Agreement – Westrum Leak Detection – Bill Lemke, Water Distribution Supervisor, informed the Commission that this company spends three to five nights in the City and surveys our water distribution system. They look for water leaks. He will then receive a report that shows where the leaks are and high-water usage.

Pete Allen asked how many water leaks had happened this year.

Bill said he thought about 60 leaks.

M. Wells moved to approve the agreement with Westrum Leak Detection in the amount of \$6,800.00. S. Walker seconded. All voted aye.

APPROVED AGREEMENT WITH WESTRUM LEAK DETECTION IN THE AMOUNT OF \$6,800.00.

4. Consideration of Removal of Special Assessments – 736 S. Heylman - City Manager informed the Commission that he received a request to abate the special assessment for the property at 736 S. Heylman which is the former Fort Scott Manor. This amounts to \$6,320.00. This property has sold to Rural Development Group, LLC and they plan to put apartments there.

T. Van Hoecke asked if the City had seen any plans for this development.

The City has not seen any plans per Thomas Russell.

M. Wells said it would be willing to waive the assessments but would like to see significant progress made on this in a certain time frame.

M. Wells moved to table this request until the next meeting when more information is available. K. Harrington seconded. All voted aye.

APPROVED TO TABLE THIS REQUEST UNTIL THE SEPTEMBER 20TH, 2022 MEETING.

5. Discussion of Parking Meters in Downtown District - City Manager informed the Commission that due to the parking issues in the downtown area, the City has researched installing parking meters. This would move the residents that live in the downtown area to the free parking spaces hopefully.

Brad Matkin said that he has researched the parking meters and that they are now paid for with a credit/debit card or by cash. The parking lots by Holmtown Pub and Margo's have been worked on to get them improved.

T. Van Hoecke asked about wiring the meters and who would be responsible for that.

Brad said that the company he checked into does the wiring and installation.

More information will be forthcoming.

- B. Director Comments: Dave Bruner – ISO Rating – Dave gave an update on our current ISO rating. A recent Public Protection Classification survey was completed which helps determine the level of the rating. The City's rating given was 3/3X, which is the same as the previous rating. This rating is done every five years so the next time will be in 2027.

Dave also commented on the recent St. Mary's Catholic Church fire. He said that was called a "career" fire. He thanked many agencies which included the following: Fort Scott Fire Department personnel (13 firefighters), Deputy Chief Mike Miles, the Fort Scott Police Department, Bourbon County Sheriff's Department, EMS, Dispatch, Bill Lemke, Water Distribution Supervisor, Scott Flater, Water Treatment Plant Supervisor, Bourbon County District #3 Fire Department, Scott Township Fire Department, Garland Fire Department, Nevada Fire Department, Arma Fire Department, Brad Matkin, Human Resource Director, who supplied food, water and drinks to the firefighters, Shane Walker, City Commissioner and member of the church. He also thanked all the community for their prayers, support, food, drinks, and all the members of the congregation of St. Mary's. He stated that he is so proud of the Fort Scott Fire Department and their firefighters. They sacrifice their lives every day on calls for the City of Fort Scott. That had also been their second fire that day. There are 14 firefighters that are employed with four on a crew each day. He couldn't be prouder of them.

Doug Guns – Doug appeared before the Commission to answer their questions on Lake Fort Scott and the Golf Course.

Matthew asked about bringing the water and electricity into the shelter area from the airport.

Doug said it would be brought in from the area by the airport. The estimated cost was \$65,000 and that would just get it to the main. The City would have to install it from that point.

Discussion was held regarding what rock cutting equipment the City has.

City Manager said that the City does not have any.

Doug said that the docks are still scheduled to be delivered in September,

Matthew asked about the grant for the fishing docks.

Doug said that is scheduled for 2023 and will have to be done through Don George with Kansas Department of Wildlife and Parks.

Golf Course –

Tim asked about the upcoming night golf tournament in October that F.S.C.C. is sponsoring. He asked about the liability to the City as there is no lighting throughout the course.

Doug said that F.S.C.C. is providing each golfer with a head lamp to wear while golfing.

City Attorney said that he is obligated to respond to this. The course is not lighted nor are the golf carts. This is not in the best interest of the golf course. He believes it would be very treacherous.

Doug said that he suggested 9 holes, but they wanted 18 holes.

Josh recommended that City personnel go out at night and see how dark it is.

Matthew asked about hole #15 and said there used to be fans on it.

Doug said that the fan had went out and they are repairing it.

C. Engineering Firm Comments: Jason Dickman gave an update on the following projects:

Sanitary Sewer CDBG Project – This is in the surveying stage still.

Horton Street – The survey has been started.

17th & Eddy Project – The contractor is continuing to work. At 15th and National a street light pole needed moved and Evergy is working to move the pole. Also checking on the ditch on Crawford Street and if the contractor can do the work. There could be a change order coming.

S. Cooper Street – Waiting on Evergy scheduling to move the poles.

National Street – Josh asked if the contractor on National had been contacted. City Attorney said that they can vote to end the project, but the contractor could then ask for the remaining funds. They have not asked yet.

CHC – They have reviewed the plans and sent their comments to the Codes Department.

D. Commissioners Reports and Comments:

S. Walker – Shane thanked Dave Bruner and his crew for their hard work in fighting the fire at St. Mary’s. He arrived there when it was still smoking and was there until 4:00 a.m. If the crews had not worked like they did, the church would have been lost. He said he could not have done a better job. It could have turned out far worse. He thanked all involved.

T. Van Hoecke – Tim echoed Shane’s comments. That is his church as well and when he got the text that it was on fire, it was very unsettling. He thanked Dave Bruner and his whole team and the community for coming together. It warms your heart to see that. The church and the congregation will be stronger than before.

He asked the City Manager if the smoking containers were still in front of the apartments on Main Street.

City Manager said he thought they were gone.

Tim said if not that maybe we should look at a No Smoking ordinance on Main Street.

M. Wells – Matthew asked about the streets by the Old Faithful project and when they would be completed.

Jason Dickman said that Nowak Construction was here this week to finish up a couple of manholes and then the City could finish the street.

Matthew asked if it would be open in two to three weeks and Jason said yes.

Matthew asked if the City Manager would update the public on the sewer smell in town.

City Manager said that there is a lagoon specialist coming on Thursday.

Jason also said that there is an aerator that is down as well as the Davis Lift Station needing updated.

Tim asked if K.D.H.E. has been involved with the smell in town.

City Manager said they have not.

J. Jones – Nothing to report.

K. Harrington - Katie asked when 6th Street will be open again.

City Manager said that the City crews are preparing the street for the cape seal project.

Katie said that is a school route and it is very disruptive to people.

E. City Attorney Reports and Comments: Nothing to report.

Executive Session – If requested, (please follow script in all motions for Executive Sessions) - Shane Walker & Tim Van Hoecke - Executive Session

S. Walker moved to recess into Executive Session for personnel matters of non-elected personnel exception in K.S.A. 75-4319(b)(1) until 8:29 p.m. This will include City Commissioners and City Attorney. K. Harrington seconded. All voted aye.

M. Wells moved to come out of Executive Session at 8:29 p.m. T. Van Hoecke seconded. All voted aye.

M. Wells moved to recess into Executive Session for personnel matters of non-elected personnel exception in K.S.A. 75-4319(b)(1) until 9:00 p.m. This will include City Commissioners, City Manager, and City Attorney. K. Harrington seconded. All voted aye.

M. Wells moved to come out of Executive Session at 9:00 p.m. S. Walker seconded. All voted aye.

M. Wells moved to recess into Executive Session for personnel matters of non-elected personnel exception in K.S.A. 75-4319(b)(1) until 9:08 p.m. This will include City Commissioners, City Manager, and City Attorney. K. Harrington seconded. All voted aye.

T. Van Hoecke moved to come out of Executive Session at 9:08 p.m. J. Jones seconded. All voted aye.

Adjournment:

T. Van Hoecke moved to adjourn the meeting at 9:09 p.m. M. Wells seconded. All voted aye.

ADJOURNED MEETING AT 9:09 P.M.

Respectfully submitted,

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