

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of October 5, 2021

Regular Meeting #19

The regular meeting of the Fort Scott City Commission was held October 5th, 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: Pastor Paul Rooks, Grace Baptist Tabernacle, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Tim Van Hoecke, Brad Matkin, Jesse Pohlmann, Rachel Thompson, Jackson Tough, Jason Dickman, Michael Hoyt, Rob Harrington, Sarah Pulliam, Donna Pulliam, Paul Rooks, Jim Kemmerer, Allen Schellack, Mike Hixon, Lori Hixon, James Birket, Janice Allen, and Max Fanning.

ADDITIONS TO AGENDA: Mayor Jones asked that the waiver of assessment be added for 11 N. Holbrook to the first spot under New Business.

PROCLAMATIONS/RECOGNITIONS: None

CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of September 21st, 2021.
- B. Approval of Appropriation Ordinance 1297-A totaling \$273,975.30.
- C. Request to Pay #3 – Mayco Ace CDBG Project - \$32,830.00.

Discussion was held from Kevin Allen and Pete Allen on several expenses on the Expense Report. City Manager will get answers to them.

L. Watts moved to approve the Consent Agenda. R. Nichols seconded. R. Nichols, L. Watts, and J. Jones voted aye. K. Allen and P. Allen voted no. Motion carried 3-2.

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 - Re-read Kansas Statute 12-825 and applicable portion for the City of Fort Scott in regards to waterworks, fuel, power and lighting. He said that the revenue derived from the sale and the consumption of water should not be paid out or disbursed except for the purpose of operating, renewing, or extending the plant or distribution system for which the revenue was derived. The payment of interest on outstanding bond issues issued for construction or payment of salaries of employees. It has nothing to do with the transfer of monies. He said our budget has been submitted to the State.

He said that he has received a \$1,500 grant to start a G.E.D. program at the Bourbon County Law Enforcement Center. They have to be a resident in the jail at least 60 days and be released into Bourbon County. He informed the County of this grant this morning also.

Lori Hixon – Ms. Hixon said that she lives at 612 S. Wilson and has operated a daycare at that location for over 23 years. She has an issue with teenagers speeding down the alley. She talked to the parents of the teenagers who informed her she needed to watch her children she oversees better.

Travis said that there are no speed limits in alleys other than what is reasonable and prudent.

City Attorney said that we don't need an ordinance, but the Commission can designate an area for whatever speed limit they desire.

K. Allen made a motion to designate all alleyways in the City of Fort Scott to have a speed limit of 10 mph. L. Watts seconded. All voted aye.

APPROVED TO DESIGNATE ALL ALLEYWAYS IN THE CITY OF FORT SCOTT TO HAVE A SPEED LIMIT OF 10 MPH.

Engineering Firm Update: Jason Dickman, Earles Engineering, Inc. had no update at this time.

Public Hearings: None

Old Business:

a. Consideration to repeal Ordinance 2563 – Section 12.12.070 – Pavement – Approval of Ordinance No. 3587

Excavation-Procedure, Section 12-12-080 – Unimproved Street – Procedure Exception – Approval of Ordinance No. 3588

Section 12.12.110 – Replacement of Materials – Exception – Approval of Ordinance No. 3589

Pete said that he had an issue with the repeal of these ordinances as we have nothing else in place currently to take its place.

Jason Dickman, Earles Engineering, Inc., said that they are updating the specifications for fill for the City, but they are not completed yet.

Discussion was held to hold off on the repeal of these ordinances until the new plans are approved and in place.

K. Allen moved to table this issue until the October 19th, 2021 meeting. J. Jones seconded. All voted aye.

APPROVED TO TABLE THE THREE ORDINANCES TO BE REPEALED UNTIL THE OCTOBER 19TH, 2021 MEETING.

APPEARANCES: Sarah Pulliam, 316 S Main – Dangerous and Unsafe Structure – Ms. Pulliam appeared before the Commission and asked for an extension to renovate her house. She doesn't want it torn down. She has received a proposal to have work completed on it. It is for about \$25,000.

Josh mentioned that this structure is on the upcoming tax sale.

Lyle Brittain, Codes Technician, said that the City has \$7,500 in mowing assessments since 2017.

Ms. Pulliam said that she has been working lots of hours and saved money to pay the taxes and she asked for the mowing assessments to be waived. She said she had a contractor hired to mow but found out he hasn't been mowing.

Jim Kemmerer, neighbor, informed the Commission that she has not done a great job of taking care of her property. He urged the Commission to move ahead with the demolition of the property.

City Attorney stated that is why the public hearings on these structures are so important.

Mr. Brittain said that since 2017, there have been several letters issued for property maintenance at this structure. There was a total of 14 letters since 2017, cited in Municipal Court 5 times, and a total of mowing assessments of \$7,500.

Mayor Jones told her to bring in proof of funding from her bank to the October 19th, 2021 meeting. By then, the City will have received the bids for demolition.

Finance Director Update: Not present.

New Business:

- a. Discussion of 11 N. Holbrook and waiving of Mowing Assessments – Mark McCoy, Interim City Manager, informed the Commission that he was contacted by Diane Striler, realtor, who has a buyer for this property. He spoke to Justin Meeks, County Counselor, and the County has agreed to waive the back taxes on this property. The City has about \$300.00 in mowing assessments that need waived.

L. Watts moved to approve to waive the mowing assessments for the property at 11 N. Holbrook Street. R. Nichols seconded. All voted aye.

APPROVED TO WAIVE THE MOWING ASSESSMENTS FOR THE PROPERTY AT 11 N. HOLBROOK STREET.

- b. Consideration of Airport Engineering – Taxiway Rehabilitation – Mark McCoy, Interim City Manager, informed the Commission that this item needs tabled so the City Attorney can review this contract.

K. Allen moved to table the Airport Engineering agreement until the October 19th, 2021 meeting so the City Attorney can review the agreement. L. Watts seconded. All voted aye.

APPROVED TO TABLE THE AIRPORT ENGINEERING AGREEMENT UNTIL THE OCTOBER 19TH, 2021 MEETING SO THE CITY ATTORNEY CAN REVIEW THE AGREEMENT.

- c. Consideration of Engineering Quote – Cooper Avenue Reconstruction Addendum No. 1 – 20th to 23rd Street – Jason Dickman, Earles Engineering, Inc. informed the Commission that this was the engineering proposal for Cooper Street.

Discussion was held regarding design and inspection engineering.

K. Allen moved to table this issue until a later date. L. Watts seconded. All voted aye.

TABLED THE ENGINEERING QUOTE FOR THE COOPER AVENUE RECONSTRUCTION ADDENDUM #1 FROM 20TH TO 23RD STREET.

Jason Dickman also informed the Commission that the Cooper Street bids need rejected. The 60 days bid period is almost up.

L. Watts moved to reject the Cooper Avenue Reconstruction bids. R. Nichols seconded. All voted aye.

APPROVED TO REJECT THE COOPER AVENUE RECONSTRUCTION BIDS.

- d. Consideration of Bids – Union Lofts Alley Project – Jason Dickman, Earles Engineering, Inc. informed the Commission that there were two bids received for this project. The low bid is from Rogers & Sons Concrete of Fort Scott, Kansas in the amount of \$128,770.00. The other bid was from Heck & Wicker, Inc. of Parsons, Kansas in the amount of \$177,478.50. He recommended approval for the

low bid from Rogers & Sons Concrete in the amount of \$128,770.00 and for the City Manager to sign the Notice to Proceed.

R. Nichols moved to approve the low bid from Rogers & Sons Concrete in the amount of \$128,770.00 for the Union Lofts Alley project. L. Watts seconded. All voted aye.

APPROVED THE LOW BID FROM ROGERS & SONS CONCRETE IN THE AMOUNT OF \$128,770.00 FOR THE UNION LOFTS ALLEY PROJECT.

Kevin Allen left the room at 7:19 p.m.

e. Consideration to Pay – Skitch’s Hauling & Excavation – August - \$2,970.00

L. Watts moved to approve the invoice for Skitch’s Hauling & Excavation in the amount of \$2,970.00. J. Jones seconded. All voted aye.

APPROVED THE INVOICE FOR SKITCH’S HAULING & EXVACATION IN THE AMOUNT OF \$2,970.00 FOR PORT-A-POTTY SERVICES FOR AUGUST.

Kevin Allen returned to the room at 7:21 p.m.

f. Consideration of recommendation from Golf Course Advisory Board to appoint Bradford Demo to replace Ben Cole on the Board, and Mark Lewis to replace Jeffrey Sweetser on the Board.

R. Nichols moved to approve to appoint Bradford Demo and Mark Lewis to the Golf Course Advisory Board. L. Watts seconded. All voted aye.

APPROVED TO APPOINT BRADFORD DEMO AND MARK LEWIS TO THE GOLF COURSE ADVISORY BOARD.

g. Approval of Standard Traffic Ordinance No. 3590 – 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.

L. Watts moved to approve Ordinance Number 3590, the Standard Traffic Ordinance. R. Nichols seconded. All voted aye.

APPROVED ORDINANCE NUMBER 3590 AMENDING CHAPTER 10.04 OF THE FORT SCOTT MUNICIPAL CODE TO INCORPORATE STANDARD TRAFFIC ORDINANCES.

h. Consideration of Memorandum of Understanding – Human Resource Director Shared Service – City Attorney asked that this agreement be tabled at this time as he talked with Justin Meeks, County Attorney, and changes are needed. The County will not adopt this agreement until December.

K. Allen moved to table the Memorandum of Understanding for the Human Resource Director Shared Service at this time. L. Watts seconded. All voted aye.

APPROVED TO TABLE THE MEMORANDUM OF UNDERSTANDING FOR THE HUMAN RESOURCE DIRECTOR SHARED SERVICE AT THIS TIME.

- i. Consideration of Bourbon County R.E.D.I. Contract – Rob Harrington, Bourbon County R.E.D.I. Director, informed the Commission that that agreement is through December of 2021 and in the amount of \$20,000 to be paid in equal monthly installments on the 15th day of each month beginning in September 15th, 2021 through December 31st, 2021. A new agreement will be presented later for 2022. This agreement will provide grant applications, grant administration, and other economic development activities as needed by the City.

K. Allen moved to approve the Bourbon County R.E.D.I. Contract with the City of Fort Scott through December 31, 2021. L. Watts seconded. All voted aye.

APPROVED THE BOURBON COUNTY R.E.D.I. CONTRACT WITH THE CITY OF FORT SCOTT THROUGH DECEMBER 31ST, 2021 IN THE AMOUNT OF \$20,000 TO BE PAID IN EQUAL MONTHLY INSTALLMENTS ON THE 15TH OF EACH MONTH.

- j. Discussion of Land Bank changes – Mark McCoy, Interim City Manager, informed the Commission that changes need to be made to the Land Bank ordinance. The current ordinance names the City Commission as the Board members as well as Jim Harris, Bourbon County Commissioner, and Greg Motley. He knows other cities that have realtors, bankers, and contractors on their board.

He asked for approval to schedule a meeting with the Land Bank board and discuss this change with them. The Commission approved to hold a meeting with the Board.

- k. Discussion of creation of loitering ordinance – Mark McCoy, Interim City Manager, informed the Commission that he is looking at a loitering or vagrancy ordinance for the City. There are people now sleeping on the park benches and in the downtown park and we have no ordinance to prevent this. He would like the City Commission to adopt this.

Chief Shelton said that there is no State Statute for loitering. He mentioned that it will be difficult to enforce.

Discussion was held to have an ordinance to present at the next meeting for them to review.

- l. Discussion of purchase of potential rock crusher and other miscellaneous equipment – Kevin Allen said that he asked that this be placed on the agenda for discussion. The County is looking to purchase a bigger rock crusher. He would like to see a meeting scheduled with the County Commission and discuss this item in the near future.

Interim City Manager will get a meeting scheduled.

- m. Discussion of Ty Cullor field agreement -Mark McCoy, Interim City Manager, asked the Commission to table this topic at this time.

K. Allen moved to table the Ty Cullor field agreement at this time. L. Watts seconded. All voted aye.

APPROVED TO TABLE THE TY CULLOR FIELD AGREEMENT AT THIS TIME.

Reports and Comments:

Interim City Manager Report and Comments: Mark McCoy, Interim City Manager, informed the Commission that he will be implementing a new daily reporting process to the Directors at the staff meeting tomorrow. If they work out in the field, they will fill in their activities for the day and he can see where resources were used. He mentioned that Commissioner Pete Allen asked him for asphalt numbers for the National project. There have been 614 tons of asphalt used for this project, Mark said that he, Jesse, and Jason Dickman will walk the project on Thursday. Mark said that the Gordon Parks Celebration is this coming weekend and the City has a table. He also mentioned the lake lots for sale. They did have a redraw for lots. The south lots are not staked yet.

Discussion was held to see if AG Engineering has been paid yet. That could not be determined as the Finance Director was not there.

Commissioner Reports and Comments:

L. Watts – Nothing to report.

K. Allen – Kevin said he had several items to bring up:

- Asked about the traffic counters on 3rd & National Avenue
Mark gave him figures from the traffic counters. The westbound lane had 5,795 which is an average of 725 per day. The eastbound lane had 1,943 which is an average of 243 per day. The northbound lane had 16,218, which is an average of 2,027 per day. The southbound lane had 18,431 which is an average of 2,304 per day.

Randy Nichols reminded the Commission of the pedestrian traffic at that location. There is Feeding Families in His Name every Wednesday night, and with the City Hall move to the Courthouse, there could be more pedestrian traffic. He said it would be a mistake to remove the stop signs going east and west.

Lindsey Watts agreed and said that with the attendance of church and the location of the Courthouse, she would not approve to remove the stop signs.

- Kevin asked about the Lake Fort Scott valve and if it was being exercised. He asked if the 2nd valve has been installed?

Mark said that the valve has not been exercised. We are waiting on the City's engineering firm on the design of the 2nd valve.

- Kevin asked if water testing was being done at the lake.
Mark said no.
Josh recommended getting with Don George to conduct this testing.
Kevin would like to see it tested from May through September.
- Street Patching Trailer – He said that he would like to see a trailer set up with all of their tools with a port-a-pot on the front of the trailer so they can do their jobs all day and then put the trailer in at night.
- Parks – He said that Parks and the Golf Course also need a small trailer to assist them.
- Inmate Program – Kevin said that he would like to have a report at the next meeting on this program.
- Vaping Issue – He would like to see what resources are available to the schools for this issue.
- Possible sale of airport land – He said there is a new concept of pilots building hangars with living quarters in them and then they go to fly-ins all over. He said that he has heard that pilots love to fly over the lake.
- Dump fees – He said that he discovered the City owns 13.8 acres at the County landfill. The City could create a C & D landfill and wondered if they would trade out land for services.

Mark said that this would be a good work session topic with the County.

- Rural Water District – He would like to see Mark meet with the Rural Water District Board and water leaks. He thinks if there is a leak in the County that the City should give them credit.

Mark said that he and Susan will look over the contract with Rural Water.

- First Source Building – He asked if the building was being marketed and on a website somewhere.

Mark said that it has been assigned to a realtor.

- He thanked whoever sprayed weeds on the east side of Lake Fort Scott.
- Asked about the road by El Charro – 25th Street.

City Clerk said she believes we are waiting on easements to be signed.

- Street lights – He said that there are a lot of street lights out. He wanted to bring it to the public’s attention that the poles have a number on them and they can be called into Evergy and reported.

P. Allen – Pete read sections of the 2018 Comprehensive Plan and stressed how important this plan was. We need to be proactive with this plan and not reactive.

R. Nichols – Randy said that he agrees with Pete about the Comprehensive Plan and moving forward.

Randy thanked T-Mobile for coming to town today and presenting the City with a \$50,000 grant for improvements to Skubitz Plaza. He thanked Rachel Pruitt, Ally Turvey, and Larry Gazaway who wrote the grant for this project.

J. Jones – Josh asked about the School Resource Officer position and if it had been announced yet.

Travis said we should know any day.

Neighborhood Revitalization Program – Josh said that this will be coming before the City for approval as the current program has expired.

City Attorney Report and Comments: None

Executive Session:

J. Jones moved that the City Commission recess into Executive Session for the purpose of discussing non-elected personnel in K.S.A. 75-4319(b)(1). The open meeting will resume in the Commission meeting room at City Hall at 8:55 p.m. R. Nichols seconded. All voted aye. This included the City Commission and City Manager.

J. Jones moved that the City Commission come out of Executive Session at 8:55 p.m. L. Watts seconded. All voted aye.

Adjournment:

J. Jones moved to adjourn the meeting at 8:56 p.m. L. Watts seconded. All voted aye.

ADJOURNED MEETING AT 8:56 P.M.

Respectfully submitted,

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