

CITY OF FORT SCOTT  
SPECIAL CITY COMMISSION MEETING  
123 SOUTH MAIN STREET  
FORT SCOTT, KANSAS 66701  
5:00 P.M.

Minutes of July 27, 2022,

Special Meeting #11

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A special meeting of the Fort Scott City Commission was held July 27<sup>th</sup>, 2022, at 5:00 p.m. in the City Commission Meeting Room, 123 S. Main Street, Fort Scott, Kansas.

**ROLL CALL:**

Commissioners Josh Jones, Tim Van Hoecke, Shane Walker, Matthew Wells were present with Mayor Kathryn Harrington presiding.

**FLAG SALUTE**

**AUDIENCE IN ATTENDANCE:** Travis Shelton, Rob Harrington, Devin Tally, Kelley Zellner, Anthony Helm, and Susan Bancroft.

**CONSIDERATION:**

1. Consideration of a Vacation of a platted alley located between the platted 16' alley between Lots 1 to 48, Block 12, Gunn & Ford's East Side Addition.

Matthew Wells stated that concerning the alleyway we must maintain the the public right-of-way even if the land is granted to these people to use for access, the codes and ordinances that we have must still apply. No structures or fences shall be built on any public right-of-way. He stated that it is his recommendation that the Commission grant them access to the land but in accordance with our Ordinances nothing shall be built on that public right of way. And just to reiterate, that Ordinance is **12.08.010 - Prohibited acts**. *It is unlawful for any person or persons, to encroach upon, obstruct or enclose, any of the streets, alleys, avenues and public grounds of the city, or any part or portion of any of the streets, avenues, alleys or public grounds, by fencing in or by building or erecting structures, houses, fences, walls, stairs, staircases or porches upon, in or over the same. (Ord. 644 § 1, 1891).*

Shane Walker asked if the Ordinance would apply if it were vacated.

Matthew Wells stated yes, even if it were vacated. It is still a public right of way. In the future, if needed, it still must be accessible. He stated there are examples of other properties in town that the ordinance was not properly enforced. If the road needs to be accessed and there are structures built on them, they will have to be torn down at the owner's expense.

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Tim Van Hoecke stated that usually the biggest priority is access for utility workers and first responders. He asked Matthew Wells if this particular property was a utility easement.

Matthew stated that the utility companies stated it is not at this point. He said CrawKan did say that if they run the fiber optics in that area, they will use that alleyway. He stated that he would like to see that area revitalized and when that does happen, that alley needs to remain accessible.

Josh Jones motioned to vacate the platted alley located between the platted 16' alley between Lots 1 to 48, Block 12, Gunn & Ford's East Side Addition. Tim Van Hoecke seconded. J. Jones, T. Van Hoecke, S. Walker, and K. Harrington voted aye. M. Wells voted no. Motion carried 4-1.

**APPROVED TO VACATE THE PLATTED ALLEY LOCATED BETWEEN THE PLATTED 16' ALLEY BETWEEN LOTS 1 TO 48, BLOCK 12, GUNN & FORD'S EAST SIDE ADDITION.**

2. Consideration of Lake Fort Scott Dam Dirt Work Bid -

Kelley Zellner stated that the Commission received a packet with the specifications for dirt work and earthwork for the City of Fort Scott Lake Dam. There were two items in question. 1) No specifications that were required of the bidders; 2) The seal of the engineering firm, which are on the drawings from Ag Engineering. Kelley said that Jason Marberry stated looked at the specifications and that his estimate for the dirt work was accurate and ready to go.

Matthew Wells stated that according to the email, testing was excluded. Matthew asked if testing would be done by an engineer.

Kelley stated yes, it will also be completely inspected through the process and a report written to U.S. Department of Agriculture.

Tim Van Hoecke stated that the State of Kansas is pushing that the project be completed by September 30<sup>th</sup>, 2022.

Kelley stated that it will be done, all testing and reports completed, and sent to the State Department of Agriculture.

Kathryn Harrington asked when the project will begin.

Kelley stated it will begin sometime in August.

Matthew Wells asked Kelley, for transparency's sake, if the other contractors were allowed to rebid based upon the specifications.

Kelley stated that the bids stand.

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Matthew Wells asked if the Commission agreed that the money for the project would come from the Lake Fund.

S. Walker made a motion to accept Marberry Concrete's bid for the Lake Fort Scott Dam Dirt Work for \$33,720.00. M. Wells seconded.

S. Walker amended his motion to accept Marberry Concrete's bid for the Lake Fort Scott Dam Dirt Work for \$33,720.00 to be paid for from the Lake Fund. M. Wells seconded. All voted aye.

**ACCEPTED MARBERRY CONCRETE'S BID FOR THE LAKE FOR SCOTT DAM DIRT WORK FOR \$33,720.00 TO BE PAID FOR FROM THE LAKE FUND.**

**ADJOURNMENT:**

J. Jones moved to adjourn the special meeting at 5:14 p.m. S. Walker seconded. All voted aye.

**ADJOURNED MEETING AT 5:14 P.M.**

Respectfully submitted,

Lisa Lewis  
Deputy City Clerk