

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of October 18th, 2022

Regular Meeting #21

The regular meeting of the Fort Scott City Commission was held October 18th, 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, and M. Wells were present with Mayor K. Harrington. S. Walker was absent.

FLAG SALUTE AND INVOCATION: M. Wells, City Commissioner, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Brad Matkin, Jeff Hancock, Lisa Lewis, Jason Dickman, Travis Shelton, Bob Farmer, Stacey Wood, Ben Hart, Jack Ryan-Feldman, Harold Martin, Karrie Altic, Katie Riddle-Freeman, William Downey, Don Lindeman, Mike Mix and Kimberly Young.

CONSENT AGENDA:

T. VanHoecke asked Mayor Harrington for her consent for Codes address the City Commission regarding the resolutions for unsafe structures.

Bill Downey stated that there is nothing special for the Commission to be aware of; they are properties that need to be considered for demolition. Codes is hoping to get bids for these properties by the end of the year.

M. Wells asked about 1107 W. 6th (Item M on the Consent Agenda) also known as the Ice House. He asked Bill Downey if this house should move to demolition if there were several buyers interested in purchasing the property and structure "As Is".

Bill Downey stated he spoke to an interested buyer and told them if they moved forward with the purchase of the property, Codes would take it off the list.

- A. Approval of minutes of the regular meeting of October 11th, 2022
- B. Approval of Appropriation Ordinance 1322-A totaling \$746,432.72
- C. Request to Pay – HDR Engineering Inc. - \$13,607.33 – River Intake Dam Improvement Project
- D. September financials
- E. Resolution No. 33-2022 – Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at 410 S. Margrave – Public Hearing Date – 12/6/2022 – 6:15 p.m.

- F. Resolution No. 34-2022 – Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at 1718 E. Oak – Public Hearing Date – 12/6/2022 – 6:15 p.m.
- G. Resolution No. 35-2022 – Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at 1225 E. Elm – Public Hearing Date – 12/6/2022 – 6:15 p.m.
- H. Resolution No. 36-2022 – Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at 102 S. Horton – Public Hearing Date – 12/6/2022 – 6:15 p.m.
- I. Resolution No. 37-2022 – Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at 102 S. Osburn – Public Hearing Date – 12/6/2022 – 6:15 p.m.
- J. Resolution No. 38-2022 – Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at 119 W. Oak – Public Hearing Date – 12/6/2022 – 6:15 p.m.
- K. Resolution No. 39-2022 – Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at 1221 S. Main – Public Hearing Date – 12/6/2022 – 6:15 p.m.
- L. Resolution No. 40-2022 – Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at 523 S. Heylman – Public Hearing Date – 12/6/2022 – 6:15 p.m.
- M. Resolution No. 41-2022 – Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure located at 1107 W. 6th – Public Hearing Date – 12/6/2022 – 6:15 p.m.

M. Wells motioned to approve the Consent Agenda. T. VanHoecke 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)

Mayor Harrington requested that those commenting please state what they are

Harold Martin – Mr. Martin address the Commission regarding the properties for demolition consideration on the approved consent agenda. He suggested that

possibly the properties could be sold “As Is” instead of the City incurring costs for demolition if they are salvageable.

J. Jones replied that the City Commission has no legal right to the properties other than to condemn them as unsafe.

T. VanHoecke stated that there are cases where people come forward to claim or purchase a property and that is why they are published in the newspaper prior to the hearing. He stated that he would love to see structures saved

J. Jones said that there are not only nine (9) homes, but there are also between 60-80 homes. He stated many of the 60-80 do get fixed up by their owners but he believes that by the time the homes come before the Commission, that Codes has worked diligently to try to same them.

M Wells added that the properties are still considered private property. It is his understanding that the City cannot take the property from the owner and try to sell it to someone else. If the owner gives the property to the City or the Land Bank, there are steps that can be taken to do what Mr. Martin is suggesting.

Bob Farmer joined the meeting at 6:10 PM

Harold Martin Mr. Martin’s second item addressed the email exchange he had with Interim City Manager Jeff Hancock regarding a record request.

Stacey Wood – Ms. Wood addressed the Commission to ask for a \$2000.00 donation from the Dare Fund for the 2023 After Prom Party for FSHS.

J. Jones motioned to approve a \$2000.00 donation from the City’s Alcohol and Drug Prevention Fund to FSHS for the 2023 After Prom Party.

Kate Freeman – Ms. Freeman addressed the Commission to thank everyone involved in the completion of their wall on 8 N. National after the collapse of the Eagle Block Building.

OLD BUSINESS:

1. Consideration of Change Order #1 – L.G. Barcus and Sons, Inc. - \$19,466.03
– Michael Mix introduced Donald Lindeman, Senior Project Manager from HDR Engineering, Inc. The Commission asked questions of Mr. Lindeman regarding the decision to move forward with work that was not approved by the Commission prior to its execution. Mr. Lindeman explained that it was the standard work change directive that is used for all jobs. The Commission asked to have the itemized description submitted to them for further discussion at the next City Commission meeting. K. Harrington stated that moving forward all change orders needed to come before the Commission before work is completed as has been done in the past.

T. VanHoecke motioned to table Consideration of Change Order #1 – L.G. Barcus and Sons, Inc. for payment in the amount of \$19,466.03 until the November 1, 2022, regular City Commission meeting to examine the itemized list to be submitted by Donald Lindeman. Josh Jones seconded. All voted aye.

APPROVED TO TABLE CONSIDERATION OF CHANGE ORDER #1 – L.G. BARCUS AND SONS, INC. FOR PAYMENT IN THE AMOUNT OF \$19,466.03 UNTIL THE NOVEMBER 1, 2022, REGULAR CITY COMMISSION MEETING TO EXAMINE THE ITEMIZED LIST TO BE SUBMITTED BY DONALD LINDEMAN.

2. Consideration of Parking Fine Increase –City Attorney, Bob Farmer, was asked to draft an amended parking fine ordinance for the Commission’s consideration. Discussion was had about the current parking fine of \$5.00.

T. VanHoecke asked Police Chief Travis Shelton about the current parking enforcement. T. Shelton stated that the department had done time enforcement in the past, but the personnel position had been eliminated approximately 2002. The ordinances still remained in effect, but signage had been removed. J. Jones asked how this would be enforced. T. Shelton stated that the complainant would have to come forward to state the violation had happened and most who complain are not willing to follow through. Currently an officer cannot verify the complaint. Options on fine amounts and enforcement were discussed.

J. Jones motioned to set the parking fine for a \$60 flat fee minus court costs. T. VanHoecke seconded. J.Jones, T. VanHoecke, M. Wells voted aye. K. Harrington voted nay.

APPROVED TO AMMEND ORDINANCE NO. 3096 SECTION 10.24.060 TO READ AS VIOLATION/PENALTY: IN ADDITION TO ANY PUNISHMENT PRESCRIBED IN CHAPTER 1.16 OF THIS CODE THERE WILL BE A FINE CREATED FOR EACH VIOLATION IN THE AMOUNT OF \$60.00 WHICH MAY NOT BE SUSPENDED OR MODIFIED AN ANY FASHION BY THE COURT.

Appearances:

Financial Presentation by Jack Ryan-Fellman of BakerTilley

Mr. Ryan-Fellman addressed the Commission at the request of Mayor Harrington. He gave a presentation detailing the financial services BakerTilley could offer to the City due to the current vacancy of the position of the City’s Financial Director.

Interim City Manager, Jeff Hancock, concluded the presentation outlining the benefits of the services to the Commission as well as the public. He stated that the next step will be for BakerTilley to generate a scope of services and their fees to be considered by the Commission.

Public Hearing: None

New Business:

1. Planning Commission's Recommendation for Kennel at 205 Arthur – William Downey addressed the Commission as Code's Manager. He stated that the issue before them was an application for a residential property to change its zoning to commercial C3 property with a conditional use of a kennel and breeding dogs.

W. Downey stated there are several concerns with this project; the first being that the applicant has already begun the project prior to Commission approval. He stated that the Planning Commission had heard this matter and several issues were addressed. W. Downey stated the zoning regulations place a restriction on the number of dogs an individual can have absent of a kennel license from the City. Currently the applicant exceeds the number of dogs allowed. W. Downey said that the Planning Commission voted unanimously against granting the kennel license to the applicant, thereby denying her request to change the zoning of the property and denying the conditional use request. He also respectfully requested that the Commission follow the Planning Commission's recommendation to deny the application as well.

Mayor Harrington asked the applicant, Karrie Altic, several questions for clarification.

J. Jones asked W. Downey why he was against it. He stated that the Planning Commission unanimously voted against it and several neighbors came to the meeting to speak against the project. He also said we want Ms. Altic to be successful, but this is not the proper location for the project.

T. VanHoecke stated that he did go past the home. There were no dogs outside, but he could hear the dogs barking in the home when he rolled down his car window. He said that he could understand the neighbors' concerns and would like to hear from the resident who is in attendance as well.

Kimberly Young addressed the Commission about the noise she experiences and her concern about the future sale of her home if there is a kennel licensed there.

M Wells stated that he spoke to several neighbors in the area, and it was unanimous that they were not in favor as well.

W. Downey added that the zoning regulations in Chapter 20, Subsection 1203 prohibit this for being a home business.

M Wells motioned to accept the Planning Commission's recommendation to deny the application for change of zoning from residential to commercial with a conditional use permit as a kennel at this location. K. Harrington seconded. All voted aye.

APPROVED TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO DENY THE APPLICATION FOR CHANGE OF ZONING FROM RESIDENTIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT AS A KENNEL AT THIS LOCATION.

2. Consideration of Library Board's recommendation for appointment of Emily Clayton to replace Martha Scott – T. VanHoecke motioned to accept the recommendation for the appointment of Emily Clayton to the Fort Scott Library Board. M. Wells seconded. All voted aye.
3. Christmas Party / Bonuses / Turkey Giveaways: Brad Matkin, Assistant City Manager and HR Director, addressed the Commission regarding the customary practices for the holiday. He stated that the planning is underway and that the party and the turkey giveaways were within the limit of not needing the Commission's approval. He would get back to them with a number for the bonuses.

Reports and Comments:

A. Interim City Manager Comments:

- a. Went to the Kansas Municipal League Convention. Would like the Commissioners to consider attending next time.
- b. Encourage the Commissioners to use their Advisory Boards.
- c. J. Hancock applied for a grant for the City to do a study on truck routes. He had not yet heard if the grant was awarded.
- d. Found funding for a study to be done on truck routes and have assigned the task to the Streets Advisory Board.
- e. He would like the Commissioners to consider a work session for street improvement and capital improvements.
Commissioners agreed on a work session (prior to the next Commission meeting) on November 1, 2022, at 4:30– 5:45 p.m.

B. Engineering Firm Comments:

- a. Consideration of Purchase of Baffle Curtain – \$47,437.50. Jason Dickman addressed the Commission to explain the purpose of this curtain and answered their questions.

J. Jones motioned to purchase the Baffle Curtain for \$47,437.50. M. Wells seconded. All voted aye.

APPROVED TO PURCHASE THE BAFFLE CURTAIN FOR \$47,437.50.

Brad Matkin, Assistant City Manager, added that the transformers and electrical parts arrived and are being installed and are to be finished in the next week. Also six (6) small labs from AMS arrived and we are expecting 5 more for a total of eleven (11).

- b. City crews are continuing to pour concrete at Cooper St.
- c. Change order for 17th and Eddy where the ditch is being cut down Crawford St., work has started but ran in to a gas line.

- d. May require an extension of time with J.R. Richardson. Concrete work done at 17th and Eddy, curbing done but last major item is the inlets and pipes at 15th and National.
- e. Horton St. there are utilities that need to be moved before the new work goes over it. We are up to speed on the Horton Project.
- f. Wall Street Project, KDOT will have a selection process for design and something to be looked at.

T. VanHoecke asked about the steps of Memorial Hall. M. Wells asked for verification of a question that was asked of him regarding a grant received for that project. J. Jones verified that was not true. Discussion was had about history of bidding out for that project.

J. Dickman is waiting on plans he requested from the company doing a similar project in Pittsburg. Brad Matkin asked for a copy of the plans when he receives them.

M Wells addressed the master plans for the water and sewer done by CPI. He stated that he has been trying to track them down. Discussion was had on options for trying to track down the missing plans. M. Wells would like to have them for planning long term as well as the current leak issues.

K. Harrington asked J. Dickman to work on an update for the leak study that was done a few months back with the echo cameras. The Commission has not seen the results.

Commissioners' Comments:

J. Jones – None.

T. VanHoecke – Land Bank meeting update. Land Bank acquired 36 properties for the City in the last tax sale. They were also working on a shared agreement between the County and City for a part-time employee to manage the Land Bank. He passed out the job description to be considered before the process of advertising for hiring of the position. T. VanHoecke asked City Attorney to work on a Shared Services Agreement that the Commissioners could look at for the November 1st, 2022, City Commission meeting. The job will then be posted to search for a qualified applicant.

J. Jones played an audio of Jim Harris and Clifton at a County Commission meeting who were not in favor of the agreement. J. Jones has concerns about the money involved and the shared agreement.

T. VanHoecke stated that he wants all feedback to consider because the City Commission has the final approval.

T. VanHoecke brought up smoking on Main Street. The placement of the ashtrays is in violation of the state statute. Discussion was had about potential options.

T. VanHoecke wanted to remind everyone of Halloween Safety.

M Wells – Asked about trick or treating and any changes. Trick or Treating will be Monday, October 31st and no hours are posted. He also stated that he will be meeting with T. Shelton on truck routes and the current ordinances. The Street Advisory Board is currently studying these routes, but the City needs to enforce what is currently on the books. M. Wells addressed the amount of money being spent on paper for the Commissioners to receive their agenda packets. Discussion was had about bringing back the iPads. He also addressed J. Hancock regarding looking for a City Manager. J. Jones introduced his petition idea to change the form of Government for Fort Scott and opinions were expressed.

K. Harrington- Attended the Haunted Trail and wanted to recommend better lighting on the trails but a good turnout.

Executive Session:

T. VanHoecke motioned that the City Commission recess into Executive Session for the purpose of pursuant to the personnel matters of non-elected personnel exception in K.S. A. 75-4319 (b)(1) with the four (4) City Commissioners, City Attorney, City Manager, Human Resources Director and meet back in this room at 8:33 PM. M. Wells seconded. All voted aye.

M. Wells motioned to come out of executive session at 8:33 PM. T. VanHoecke seconded. All voted aye.

M. Wells motioned that the City Commission recess into Executive Session for the purpose of pursuant to the attorney-client privilege exception in K.S. A. 75-4319 (b)(2) with the four (4) City Commissioners, City Attorney, City Manager, Assistant City Manager and City Engineer to meet back in this room at 8:44 PM. M. Wells seconded. All voted aye.

T. VanHoeck motioned to come out of executive session at 8:45 PM. M. Wells seconded. All voted aye.

Adjournment:

J. Jones moved to adjourn the meeting at 8:50 p.m. T. VanHoecke seconded. All voted aye.

ADJOURNED MEETING AT 8:50 P.M.

Respectfully submitted,

Lisa A. Lewis
City Clerk