CITY OF FORT SCOTT
CITY COMMISSION MEETING

Minutes of April 17, 2012 Regular Meeting #8

The regular meeting of the Fort Scott City Commission was held April 17th, 2012 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

ROLL CALL:

Commissioners Bartelsmeyer, Bukowski, Mason and Parker were present with Mayor Adams presiding.

INVOCATION: Pastor Paul G. Rooks, Grace Baptist Tabernacle said a prayer asking God for guidance for the city and all government and city officials.

AUDIENCE IN ATTENDANCE: Richard Cook, Paul Ballou, Paul Rooks, Kaleb Bailey, Eric W. Bailey, Brent Crays, Ron Puterbaugh, Diana Mitchell, Nancy Maze, Jerrod Handly, Crystal Mason, Elaine Kirby, Max Fanning, Audra Young and representing the press, Jason Silvers, Staff Reporter, Fort Scott Tribune and Randy Handly, Bourbon County Review.

PROCLAMATIONS/RECOGNITIONS: None

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA: City Clerk asked that Items I and J be added to the agenda.

A. Approval of minutes of the regular meeting of March 20, 2012.

B. Approval of Appropriation Ordinances 711, 1018-A, 1019-A, and 1020-A totaling $608,778.24.

C. March financials

D. Request to Pay #3 (final) – Marbery Concrete – Rock Creek Flume - $1327.50

E. Request to Pay #6 – Carrothers Construction – Aquatic Center - $461,705.12.

F. Request to Pay #4 – D & D Construction – CDBG Housing Grant - $21,364.00

G. Resolution 11-2012 and Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure and Accessory Structure located at 116 N. Caldwell – Public Hearing Date – 6/5/2012 – 6:15 p.m.

H. Resolution 12-2012 and Notice of Hearing with Reference to Alleged Unsafe and Dangerous Structure and Accessory Structure located at 120 E. Third Street – Public Hearing Date – 6/5/2012 – 6:15 p.m.

I. RII Concrete Construction, LLC - $5,282.50 – Main Street Sidewalk Replacement

J. Request to Pay #4 – Tom Adams Construction - $33,987.27

Bukowski moved to approve the Consent Agenda with the addition of Items I and J. Parker seconded. All voted aye.

APPROVED CONSENT AGENDA WITH THE ADDITION OF ITEMS I AND J.

REORGANIZATION OF CITY COMMISSION AND ELECTION OF MAYOR, COMMISSION PRESIDENT, B.C.E.D.C.I. REPRESENTATIVE, AND FORT SCOTT HOUSING AUTHORITY DELEGATE

1. Election of Mayor – Bartelsmeyer moved to nominate Jim Adams to serve as Mayor. Parker seconded. All voted aye. Motion carried.

   ELECTED JIM ADAMS AS MAYOR OF THE CITY OF FORT SCOTT.

2. Election of Commission President – Mason moved to nominate Cindy Bartelsmeyer to serve as Commission President. Bukowski seconded. All voted aye. Motion carried.

   ELECTED CINDY BARTELSMEYER AS PRESIDENT OF THE FORT SCOTT CITY COMMISSION.

3. Election of Bourbon County Economic Development Council Inc. Representative – Mason moved to nominate Gary Bukowski to serve as representative of B.C.E.D.C.I. Parker seconded. All voted aye.

ELECTED GARY BUKOWSKI AS THE CITY'S REPRESENTATIVE TO THE BOURBON COUNTY ECONOMIC DEVELOPMENT COUNCIL INC. BOARD OF DIRECTORS.

4. Election of Fort Scott Housing Authority Delegate – Mason moved to nominate Jim Adams to serve on the Fort Scott Housing Authority Board. Bartelsmeyer seconded. All voted aye.

ELECTED JIM ADAMS AS THE CITY'S REPRESENTATIVE ON THE FORT SCOTT HOUSING AUTHORITY BOARD.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE: Nancy Maze – Access to Property Request – Mrs. Maze appeared before the Commission seeking access to her Lake Fort Scott property. In order for this to occur, she needs to access City owned property at the Lake. She and her husband want to put in a driveway and a storage building for their personal use at this location. This will be put in at their expense. She has gone before the Planning Commission and also requested their approval. She shared pictures of other City property at Lake Fort Scott that has been encroached upon without any permission or permits.

Discussion was held regarding City property at the Lake, details of licensing, any stipulations and fees that should be assessed. It was also discussed if sufficient information was available to proceed.

City Attorney informed the Commission that a license can be issued and it could be either permanent or temporary and have whatever stipulations the Commission desires.

City Manager asked that the license and any stipulations be presented at the May 15th, 2012 City Commission meeting so he can be present.

Bukowski moved to approve a license to grant Mrs. Maze access across City property into her property to construct a driveway. Mason seconded. Bartelsmeyer, Bukowski, Mason and Parker voted aye. Adams voted no. Motion carried 4-1.

APPROVED LICENSE TO GRANT NANCY MAZE ACCESS INTO HER LAKE FORT SCOTT PROPERTY ACROSS CITY PROPERTY.

B. CITIZEN COMMENTS (Concerning Items Not on Agenda – 3 minute

limit per citizen) - None

C. <u>PUBLIC HEARINGS:</u> None

<u>CONSIDERATION</u>:

1. Consideration of Ellis Park Bids – Eric Bailey, Public Works Director informed the Commission that bids were taken for Ellis Park Improvements. They are planning to install a sand volleyball and basketball courts as well as improving the parking area and constructing a 20' X 30' pavilion. He has visited with the Bourbon County Commission and they will donate all the base rock for this project. Danny and Willa Ellis also donated $100,000 towards this project. The construction of sidewalks will not be completed at this time. It is recommended to approve Rogers & Sons Concrete as the contractor for this project and have a contract for their approval at the next meeting with the amount approved on this project.

   Bukowski moved to approve Rogers & Sons Concrete as the contractor for improvements at Ellis Park with the amount and the contract for approval at the next meeting. Bartelsmeyer seconded. All voted aye.

   APPROVED ROGERS & SONS CONCRETE AS THE CONTRACTOR FOR IMPROVEMENTS AT ELLIS PARK WITH THE CONTRACT AND AMOUNT FOR APPROVAL AT THE MAY 1ST, 2012 MEETING.

2. Consideration of Buck Run Fitness Equipment Bids – Susan Brown, Assistant City Manager informed the Commission that bids were taken for the purchase of new fitness equipment for the new fitness facility being added on at Buck Run Community Center. There were five (5) bids submitted. He asked for approval from Total Fitness Shop of Rogers, Arkansas for purchase of the Sit Down Elliptical Cross Trainer, Stand Up Elliptical Cross Trainer, Incline Treadmill, and Recumbent Bike totaling $16,006.30 and approval from Pro Maxima of Houston, Texas for the Curl Bench and Chin/Dip Station in the amount of $825.00. The Rowing machine will not be purchased at this time. Tom Robertson, Director of Buck Run has researched and even tried out some of these machines and these are his recommendations. These funds are budgeted through the memberships purchased at Buck Run and

there is a Buck Run Reserve Fitness Fund that currently has a $54,000 balance. Approval was recommended.

Bartelsmeyer moved to approve the following purchases from Total Fitness Shop of Rogers, Arkansas for purchase of the Sit Down Elliptical Cross Trainer, Stand Up Elliptical Cross Trainer, Incline Treadmill, and Recumbent Bike totaling $16,006.30 and approval from Pro Maxima of Houston, Texas for the Curl Bench and Chin/Dip Station in the amount of $825.00. Parker seconded. All voted aye.

APPROVED THE FOLLOWING PURCHASES FROM TOTAL FITNESS SHOP OF ROGERS, ARKANSAS FOR PURCHASE OF THE SIT DOWN ELLIPTICAL CROSS TRAINER, STAND UP ELLIPTICAL CROSS TRAINER, INCLINE TREADMILL, AND RECUMBENT BIKE TOTALING $16,006.30 AND APPROVAL FROM PRO MAXIMA OF HOUSTON, TEXAS FOR THE CURL BENCH AND CHIN/DIP STATION IN THE AMOUNT OF $825.00 FOR BUCK RUN COMMUNITY NEW FITNESS EQUIPMENT.

3. Street Closing Request – 2012 Prom – Saturday, May 12th, 2012 – Main Street – 1st to 2nd – 2:00 p.m. to 12:00 a.m. City Manager informed the Commission that this is the same street closure for prom that has been approved in the past.

Mason moved to approve the street closing on Main Street for prom. Parker seconded. All voted aye.

APPROVED CLOSING OF MAIN STRET FROM 1ST TO 2ND STREET ON SATURDAY, MAY 12TH, 2012 FROM 2:00 P.M. TO 12:00 AM. FOR THE 2012 PROM.

4. Agreement for Professional Services – Riverfront Park Loop Road & Parking – Felsburg, Holt & Ullevig - Susan Brown, Assistant City Manager informed the Commission that the Riverfront Authority met last night and looked at this engineering agreement and their board is comfortable with it. This agreement is for conceptal design engineering of the Riverfront Park Loop Road and Parking. This agreement is for basic services not to exceed $93,000. This project will be completed in phases and this is the first phase. The City was awarded a grant and can spend up to $400,000 in engineering. Approval was recommended.

Mason moved to approve the Engineering Agreement for Felsburg, Holt & Ullevig for the Riverfront Park Loop Road and Parking project at a cost not to exceed $93,000. Bartelsmeyer seconded. All voted aye.

APPROVED THE ENGINEERING AGREEMENT FOR FELSBURG, HOLT & ULLEVIG FOR THE RIVERFRONT PARK LOOP ROAD AND PARKING PROJECT AT A COST NOT TO EXCEED $93,000.

5. K.D.O.T. Supplemental Agreement – Downtown Brick Street & Sidewalk Replacement Project - Susan Brown, Assistant City Manager informed the Commission that this project is from several years ago. The State would not release the fund and thought only 80% of the project was paid. There has been change in staff at the State level and it was discovered that it was funded 100%. This supplemental agreement is needed to be approved to allow the City to receive the additional funds of $46,000.

   Parker moved to approve the K.D.O.T. Supplemental Agreement #1 for the Downtown Brick Street & Sidewalk Replacement Project. Mason seconded. All voted aye.

   APPROVED THE K.D.O.T. SUPPLEMENTAL AGREEMENT #1 FOR THE DOWNTOWN BRICK STREET & SIDEWALK REPLACEMENT PROJECT.

6. Rezoning from C-2 (General Commercial) to R-1 (Single Family) for property located at 507 N. Shute (amendment of lot description) – Brent Crays, Code Manager informed the Commission that this ordinance needs to be amended again due to the incorrect legal description on the previous ordinance. Approval was recommended.

   Bartelsmeyer moved to approve Ordinance #3412. Mason seconded. All voted aye.

   APPROVED ORDINANCE NO. 3412 CHANGING THE ZONING CLASSIFICATIONS OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF FORT SCOTT, KANSAS UNDER THE AUTHORITY GRANTED BY K.S.A. 1973 SUPP. 12-708 – CHANGE IN ZONING FROM C-2 (GENERAL COMMERCIAL)

TO 4-1 (RESIDENTIAL) FOR THE PROPERTY KNOWN AS THE SOUTH 25' OF LOT 3 AND ALL OF LOTS 5, 7, 9 AND 11, BLOCK 2, TALLMAN'S FIRST ADDITION – 507 N. SHUTE.

7. Consideration of Bids – Mini Excavator – Eric Bailey and Richard Cook informed the Commission that bids were taken for the purchase of a new/used mini excavator. There were two companies that met the bid specifications. K C Bobcat of Olathe, Kansas bid a E55 Bobcat at a cost of $50,457.00 and that is the recommendation. This is a budgeted item and was in the capital equipment plan along with a backhoe which will not be purchased at this time.

   Bartlesmeyer moved to approve the purchase of the E55 Bobcat from K C Bobcat of Olathe, Kansas in the amount of $50,457.00. Parker seconded. All voted aye.

   APPROVED THE PURCHASE OF THE E55 BOBCAT FROM K C BOBCAT OF OLATHE, KANSAS IN THE AMOUNT OF $50,457.00.

8. Revolving Loan Policy Guidelines Adoption - Susan Brown, Assistant City Manager informed the Commission that Macy is at a conference and cannot be present. She stated that the Kansas Department of Commerce had guidelines on their Revolving Loan Process and that the City of Fort Scott needed some guidelines also. She has put together a Revolving Loan Guideline Manual and has done a great job for the City. Approval of the guidelines is recommended.

   Mason moved to approve the Revolving Loan Policy Guidelines for the City of Fort Scott. Parker seconded. All voted aye.

   APPROVED REVOLVING LOAN POLICY GUIDELINES FOR THE CITY OF FORT SCOTT.

COMMISSION/STAFF:

A. Director Updates: None

B. City Commission:

Bartelsmeyer – Nothing to report.

Bukowski – Nothing to report.

Mason – Informed the Commission that a sign has been put up at 8th and Main regarding the pool and it looks great!

Parker – Remarked that a work session should be held in the near future regarding Lake Fort Scott after listening to the request this evening.

Adams – Nothing to report.

C. City Attorney: Nothing to report.

D. Assistant City Manager:

1. Flyer – She handed them a flyer concerning a program to be shown on May 6th at 6 p.m. called Energy Quest USA which will feature the Take Charge Assembly where Fort Scott was awarded first place in the challenge contest.

2. Water Utility Bills – She informed the Commission that the ordinance regarding the payment of water utility bills has not been enforced fully and will now be and they could receive some feedback regarding this.

3. Sewer Lake District – She informed the Commission that this district will soon be billed for their sewer use.

4. Pre-Budget Work Session – She asked the Commission if they could attend a work session at 4:30 p.m. on Tuesday, May 1st regarding pre-budget. She will have something for them to eat before the regular City Commission meeting at 6:00 p.m.

E. City Manager:

1. Spring Clean – Up – City Manager informed the Commission that this program will start next week. He plans on helping work it a couple of days.

2. Washington, D.C. – City Manager informed the Commission that he will be in Washington, D.C. on Wednesday to meet with Senators Jerry Moran and Pat Roberts on Highway 69 funding.

3. Leadership Kansas – City Manager informed the Commission that he will be Leadership Kansas training on the May 1st City Commission meeting and not be present.

ADJOURNMENT:

Mason moved to adjourn the meeting at 6:58 p.m. Bartelsmeyer seconded. All voted aye.

ADJOURNED MEETING AT 6:58 P.M.

The next regularly scheduled meeting is to be held on May 1st, 2012 at 6:00 p.m.

RECORDED BY:

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DIANE K. CLAY
CITY CLERK