CITY OF FORT SCOTT
CITY COMMISSION MEETING

Minutes of April 5, 2011 Regular Meeting #7

The regular meeting of the Fort Scott City Commission was held April 5, 2011 at 6:00 p.m. in the City Commission Room, 123 S. Main, Fort Scott, Kansas.

ROLL CALL:

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

INVOCATION: Pastor Paul Babcock, First United Methodist Church said a prayer asking God for guidance for the city and all government and city officials.

AUDIENCE IN ATTENDANCE: Steve Buerge, Dave Shepherd, Darrell Parker, Ann Gillmore-Hoffman, Richard Cook, Paul Ballou, Audra Young, Eric W. .Bailey, Ermalea Mitzner, Fred Mitzner, Jim Pitts, Cynthia Pitts, David Andrews, Rev. Paul Babcock, Shaun West, Bailey Gray, Nate Lyons, Brent Crays, Teri Crays, Bill Lemke, Lindsay Madison, Kevin Allen, Harold April, Janice April, Billy Phillips, Tom Gorman, Lonnie R. Moore, Cindy Bartelsmeyer, John Bartelsmeyer, and representing the press, Michael Pommier, Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS: Paul Ballou, Fire Chief, introduced Brent Crays as the new Codes Manager. His first day will be April 11th, 2011. The City Commissioners welcomed him back to the City after being in private enterprise for the last four years.

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

A. Approval of minutes of the regular meeting of March 15th, 2011 and special meeting of March 21st, 2011.

B. Approval of Appropriation Ordinances 682, 683, 939-A, 940-A, 941-A, 942-A, and 943-A totaling $821,964.61.

C. Good Ol' Days – June 2nd, 3rd, 4th, and 5th, 2011 – Requests the following street closures and parking lots:

   Skubitz Plaza from Wall Street to National Avenue
   Main Street from Skubitz Plaza to Third Street

Scott Street from Wall Street to Third Street
First Street from National to Scott Street (Sunday only)
National to State (Saturday only)
Second Street from National to Scott Street
Grass lot at corner of Wall and Main
Heritage Park at corner of First and Main
Parking lot at corner of Third and Main
Parking lot at Second and Scott
Use of Memorial Hall for Fort Scott Idol and Dance Fort Scott
Wall Street from National to Scott
Parking Lot between Memorial Hall and the Library
Lot between Darlene's Antiques and Spoiled Brat on Scott

D. Fort Scott Downtown Façade Improvement Grant Application – L & N Enterprises – 10 N. Main – Papa Don's Restaurant

E. Certificate of Appropriateness – 6 S. Main – Treasure Hunt Flea Market – Approval of repairs to façade and entryway

F. Mother to Mother Ministry - Request for Funding - $2,500

G. SEK Mental Health - Request for Funding - $2,500

H. Lake Fort Scott Lot Deed & Resolution 23-2011 – Lot 9, Block W-4 – Paul & Pamela Holman

I. Gunn Park Spillway Pay Estimate #2 – Double S Dirtworks - $33,645.64

J. Beachner Construction Changer Order #2- Increase by $181.67 – Horton Street Project

K. Final Pay Estimate – Beachner Construction - $79,658.06 – Horton Street Project

L. Reappointment of Planning Commission Member: John Hill – 3 year term – 4/5/2011 to 4/5/2014.

Bukowski moved to approve the Consent Agenda. Adams seconded. All voted aye.

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE: Dave Shepherd &/or Steve Buerge – Golf Course - Mr. Shepherd thanked the City Commission for saving the golf course through working with Bourbon County, the City and the private sector in preserving the golf course for our community. Private donors have pledged over $200,000 which amounts to 23 businesses and individuals. They will be starting a Phase II of improvements to the golf course with more donations from private donors. He asked the City Commission for something fitting to recognize the donors who have given $5,000 or more and recommended a single yearly membership to the golf course.

The City Commission agreed that was a fitting way to show their appreciation for their donations.

Adams moved to allow any business or private individual who has donated $5,000 or more a single yearly membership per $5,000 donated to the golf course. Bukowski seconded. All voted aye.

APPROVED TO ALLOW ANY BUSINESS OR PRIVATE INDIVIDUAL WHO HAS DONATED $5,000 OR MORE A SINGLE YEARLY MEMBERSHIP PER $5,000 DONATED TO THE GOLF COURSE.

B. CITIZEN COMMENTS (Concerning Items Not on Agenda – 3 minute limit per citizen) -

Ann Gillmore-Hoffman – Informed the Commission she was representing Shirley Yeager's Friends of the Animal Shelter and the fact that a very generous private donor had donated approximately $80,000 towards the repair of the current animal shelter. The roof was replaced, five new runs added, and heated flooring installed. It was recently inspected by the State Inspector who called it impressive. She asked if the City Commission would be willing to show their appreciation by placing a plaque in the donor's name at the animal shelter. She has remained anonymous up to this point and she has talked to her about the recognition.

City Commission said someone will visit with her and be happy to place a plaque in the donor's name at the shelter.

Mason moved to approve the placing of a plaque at the animal shelter to recognize the donor's generosity. Adams seconded. All voted aye.

APPROVED PLACING OF A PLAQUE AT THE ANIMAL SHELTER TO RECOGNIZE THE DONOR'S GENEROSITY.

Kevin Allen – Asked the Commission about allowing a go-kart track at 2nd Street Park (Bridal Veil Park). He said there used to be a track there years ago. The closest place to race go-karts is south of Chanute, Kansas which is 65 miles away. They are inexpensive to race and to own and it is becoming very popular again. He brought Billy Phillips with him as his children race go-karts. He asked to be on the next City Commission approval and will bring a plan of action at that time.

Billy Phillips – Informed the Commission that he has three boys that race go-karts. He said it would be a great addition to our community and bring lots of people here to watch the activity.

C. PUBLIC HEARINGS:

Parker moved to open the public hearings at 6:18 p.m. Mason seconded. All voted aye.

OPENED PUBLIC HEARINGS AT 6:18 P.M.

6:15 p.m. Resolution 24-2011 Directing the Repair or Removal of an Unsafe and Dangerous Structure and Accessory Structure located at: 702 Heylman – Paul Ballou, Fire Chief informed the Commission that the roof has serious damage from a tree and from the weather. The foundation of the house is also bad. He asked the Commission to allow 60 days for the structure to either be repaired or demolished.

Lonnie R. Moore informed the Commission that he inherited the property some time ago but his health has prohibited him from working on the structure. He said they are using the structure for storage at the present time but asked for time to decide what they wanted to do with it.

Adams moved to proceed forward with the Resolution allowing 60 days to bring the property into compliance. Parker seconded. All voted aye.

APPROVED RESOLUTION 24-2011 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 702 HEYLMAN. STRUCTURE MUST BE BROUGHT UP TO 2006 INTERNATIONAL BUILDING CODE BY JUNE 9th, 2011 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 25-2011 Directing the Repair or Removal of an Unsafe and Dangerous Structure located at: 116 N. Judson - Paul Ballou, Fire Chief informed the Commission that the roof has serious rotting damage and the foundation is bad . He asked the Commission to allow 60 days for the structure to either be repaired or demolished.

There was no one present on behalf of this property.

Mason moved to proceed forward with the Resolution allowing 60 days to bring the property into compliance. Parker seconded. All voted aye.

APPROVED RESOLUTION 25-2011 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 116 N. JUDSON. STRUCTURE MUST BE BROUGHT UP TO 2006 INTERNATIONAL BUILDING CODE BY JUNE 9th, 2011 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 26-2011 Directing the Repair or Removal of an Unsafe and Dangerous Structure located at: 621 S. Barbee - Paul Ballou, Fire Chief informed the Commission that this structure has had some repair completed recently on it. The porch was in bad disrepair and has been taken off but the roof still has issues. He asked the Commission to allow 60 days for the structure to either be repaired or demolished.

Harold April appeared before the Commission on behalf of this house. He said he had intended to tear the house down but his contractor told him it was not in that bad of shape. He said the porch has been removed and that the roof is sound. He is using it for storage only and there is no one living there currently. He asked the Commission for a longer time frame to complete the work on the house.

Bukowski moved to proceed forward with the Resolution allowing 90 days to bring the property into compliance. Parker seconded. All voted aye.

APPROVED RESOLUTION 26-2011 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 621 S. BARBEE. STRUCTURE MUST BE BROUGHT UP TO 2006 INTERNATIONAL BUILDING CODE BY JULY 9th, 2011 OR DEMOLITION PROCEEDINGS WILL BEGIN.

6:15 p.m. Resolution 27-2011 Directing the Repair or Removal of an Unsafe and Dangerous Structure located at: 114 Hulett - Paul Ballou, Fire Chief informed the Commission that this house has been on the unsafe and dangerous list since 2007. It is in bad disrepair with open windows and parts of the house being held up by wooden beams. The neighbors have complained about varmints being around this structure and moving to their property. He asked the Commission to allow 30 days for the structure to either be repaired or demolished.

There was no one present on behalf of this property.

Adams moved to proceed forward with the Resolution allowing 30 days to bring the property into compliance. Parker seconded. All voted aye.

APPROVED RESOLUTION 27-2011 DIRECTING THE REPAIR OR REMOVAL OF AN UNSAFE AND DANGEROUS STRUCTURE LOCATED AT 114 HULETT. STRUCTURE MUST BE BROUGHT UP TO 2006 INTERNATIONAL BUILDING CODE BY JUNE 9th, 2011 OR DEMOLITION PROCEEDINGS WILL BEGIN.

Adams moved to open the public hearings at 6:30 p.m. Mason seconded. All voted aye.

CLOSED PUBLIC HEARINGS AT 6:30 P.M.

CONSIDERATION:

1. Consideration of Bids – 2011 Street and Sidewalk Program – Eric W. Bailey, Public Works Director informed the Commission that bids were taken for the 2011 Street Program which is to overlay Horton and Arthur Streets. There was a total of two bids received:

   Mission Construction, St. Paul, Kansas - $293,274.25
   APAC-Missouri, Springfield, Missouri - $263,955.83

   The engineering estimated for the project from Professional Engineering Consultants is $349,840.50. APAC-Missouri has satisfactorily completed work for the City in the past and it is recommended their bid be approved.

   Susan Brown, Assistant City Manager pointed out that the sidewalk Program is not included as easements are still being secured for 12th Street and will be bid at a later date.

Adams moved to approve the low bid from APAC-Missouri in the amount of $263,955.83 for the 2011 Street Program. Mason seconded. All voted aye.

APPROVED THE LOW BID FROM APAC-MISSOURI IN THE AMOUNT OF $263,955.83 FOR THE 2011 STREET PROGRAM.

2. Consideration of Bids – Mid-Mount Mower – Airport – City Manager informed the Commission that bids were taken to replace a mower at the Airport. The mower they are replacing is a 1980's International Tractor and parts cannot be found. It will be moved into the Parks Department. The F.A.A. has requirements for mowers at airports and purchase of a mower was needed to be in compliance. There were three (3) bids received with the low bid from R & R Equipment in the amount of $20,789.00. Approval was recommended.

   Bukowski moved to approve the low bid from R & R Equipment in the amount of $20,789.00 for purchase of a New Holland Boomer 40 Mid Mount Mower for the Airport. Adams seconded. All voted aye.

   APPROVED THE LOW BID FROM R & R EQUIPMENT IN THE AMOUNT OF $20,789.00 FOR PURCHASE OF A NEW HOLLAND BOOMER 40 MID MOUNT MOWER FOR THE AIRPORT.

3. Request for Street Closing – 100 Block of 1st Street – Beans & Cornbread Feed – Civil War Encampment – City Manager informed the Commission he had received a request to close the 100 Block of 1st Street from 4:00 p.m. to 8:00 p.m. on April 16, 2011 for a bean and cornbread feed in conjunction with the Civil War Encampment for the Fort Scott National Historic Site. Approval was recommended.

   Adams moved to approve to close the 100 block of 1st Street on April 16th, 2011 from 4:00 p.m. to 8:00 p.m. for a bean and cornbread feed in conjunction with the Civil War Encampment for the FSNHS. Parker seconded. All voted aye.

   APPROVED TO CLOSE THE 100 BLOCK OF 1ST STREET ON APRIL 16TH, 2011 FROM 4:00 P.M. TO 8:00 P.M. FOR A BEAN AND CORNBREAD FEED IN CONJUNCTION WITH THE CIVIL WAR ENCAMPMENT FOR THE FSNHS

4. Skate Park Design Engineering Agreement and Request for Funding – Susan Brown, Assistant City Manager informed the Commission that the Skate park Committee has held several fundraising drives, applied for several grants and been successful in raising close to $50,000. They are requesting an allocation from the Special Recreation and Parks fund in the amount of $15,000. This contribution will allow the vision to possibly become a reality in the fall of 2011. The cash balance in this fund is $40,242 with annual revenues of approximately $14,000. Additional programs for 2011 will be improvements to Gunn Park Shelter Houses of $20,000 and improvements to the Gunn Park 2nd Lake which will be a grant match through Kansas Department of Wildlife and Parks. The anticipated cash balance at the end of the year will be $14,000.

   Nate Lyons, President, Fort Scott Skate Park Committee informed the Commission that approximately 480 kids would use the skate park. If broadened to Bourbon County it could increase to over 800 kids. He said they plan on using local vendors to purchase construction items. Their goal is to raise $100,000. He asked approval also for the design engineering agreement from Hardcore Design Studios, Inc. of Joplin, Missouri in the amount of $5,000.

   The Commission thanked the Skate Park Committee for their hard work in raising funds for this project.

   Adams moved to approve the design engineering agreement from Hardcore Design Studios, Inc. of Joplin, Missouri in the amount of $5,000 for design of a skate park. Parker seconded. All voted aye.

   APPROVED THE DESIGN ENGINEERING AGREEMENT FROM HARDCORE DESIGN STUDIOS, INC. OF JOPLIN, MISSOURI IN THE AMOUNT OF $5,000 FOR DESIGN OF A SKATEPARK.

   Mason moved to approve the allocation of $15,000 from the Special Recreation and Parks fund for the Skate park Committee. Adams seconded. All voted aye.

   APPROVED THE ALLOCATION OF $15,000 FROM THE SPECIAL RECREATION AND PARKS FUND FOR THE SKATE PARK COMMITTEE.

5. Budget Amendment – April 19th, 2011 – 6:15 p.m. – Susan Brown, Assistant City Manager asked the Commission to approve holding a public hearing to

amend the 2011 budget on April 19th, 2011 at 6:15 p.m. This is due to the purchase of the golf course.

Parker moved to approve the Budget Public Hearing for April 19th, 2011 at 6:15 p.m. and for publication in the local newspaper. Mason seconded. All voted aye.

APPROVED THE BUDGET PUBLIC HEARING FOR APRIL 19TH, 2011 AT 6:15 P.M. AND FOR PUBLICATION IN THE LOCAL NEWSPAPER.

6. Approval of 5 year Capital Improvement Plan and 5 year Capital Equipment Plan - Susan Brown, Assistant City Manager informed the Commission that she and the City Manager had sat down with all the Directors and Supervisors and looked at the needs of the City. The 2011 capital improvement plan and equipment plan have already been included in the budget for 2011. One of the biggest items is the extension of the runway at the Fort Scott Municipal Airport and it is still being discussed how that project will be funded. She informed them that items were looked at closely before being put on this list. Approval of both plans is needed.

   Adams moved to approve the 5 year Capital Improvement Plan. Hedges seconded. All voted aye.

   APPROVED 5 YEAR CAPITAL IMPROVEMENT PLAN.

   Adams moved to approve the 5 year Capital Equipment Plan. Parker seconded. All voted aye.

   APPROVED 5 YEAR CAPITAL EQUIPMENT PLAN.

7. Consideration of Bids – Cleaning Supplies - Susan Brown, Assistant City Manager informed the Commission that bids were taken for the purchase of bulk cleaning supplies throughout the City. The low bid is from Staples who has given us a government discount. The bid is $8,523.48 and approval was recommended.

   Bukowski moved to approve the low bid from Staples for purchase of the cleaning supplies for the City. Parker seconded. All voted aye.

   APPROVED THE LOW BID OF $8,523.48 FROM STAPLES FOR PURCHASE OF THE CLEANING SUPPLIES FOR THE CITY.

8. Consideration of Variance – Dollar General sign – 2005 S. Main – Paul Ballou, Fire Chief informed the Commission that the Design Review Board had met recently regarding the signage at the new Dollar General location. The sign is bigger than normally allowed. The Design Review Board recommended approval of this sign as it should conform with other signs at this location.

   Mason moved to approve the Sign Variance for Dollar General at 2005 S. Main. Parker seconded. All voted aye.

   APPROVED SIGN VARIANCE FOR DOLLAR GENERAL AT 2005 SOUTH MAIN.

COMMISSION/STAFF:

A. City Commission:

Adams – Thanked all the various individuals and businesses who have recently donated money towards the golf course, the animal shelter and the skate park. This shows that people believe in this community and he is proud to be in Fort Scott.

Mason – Inquired about naming the golf course "Frontier Golf Course" as Fort Scott was once referred to as the frontier. He also informed all present of the improvements at Gunn Park to the spillway and the first shelter house.

He also asked the City Manager about brick streets and informed him of several locations that need to be looked at.

City Manager said he will be getting a group together to discuss brick streets and the maintenance of them in the near future.

Parker – Remarked that she is proud of the way that people stepped up to the plate and raised funds for their causes. She said it feels good to be part of this town and is proud of the ambition and pride that she sees happening.

Bukowski – Remarked that he would like to recognize Dick Hedges for his 14 years as a City Commissioner and appreciates all his time served in this position.

Hedges – Remarked that in the 14 years he has served that he has seen ups and downs and is glad the future is bright and looking up for Fort Scott and was glad to be a part of it.

B. City Attorney: Nothing to report.

C. Assistant City Manager:

1. Gunn Park 2nd Lake – Susan Brown informed the Commission that the project for the spillway at Gunn Park is a FEMA funded project and there were extra funds to spend. This was funded by FEMA at 85%. They will be seeing a couple of change orders for this project at their next meeting.

2. 2010 Audit – Susan Brown informed the Commission that Terry Sercer, Diehl, Banwart & Bolton will be at the City office next week to conduct their yearly audit.

3. Safety Audit – Susan Brown informed the Commission that a Safety Audit was completed on Monday with our workers compensation carrier, Kansas Municipal Insurance Trust (KMIT). There are three types of awards given for audits: gold, silver and bronze. The City strives for gold and was awarded the Gold award again this year. There are some procedures and policies that need updated that will be forthcoming in the near future.

D. City Manager:

1. Hazmat Equipment Audit – Paul Ballou, Fire Chief informed the Commission that they were recently audited by the Kansas Highway Patrol on funds allocated from a grant received in 2008. Some of the grant funds were used for the purchase of a trailer, a Ford Pickup, night vision equipment and radio equipment. They also received an excellent audit.

2. Arthur Street Update – Richard Cook, Public Utilities Director informed the Commission that this project is very close to being completed. He said he was proud of Bill Lemke, Supervisor and his crew of four (4) guys and the great job they have done. He will have amounts on what was

saved in costs from the City completing the work at the next meeting.

3. Mayor Hedges – City Manager thanked Mayor Hedges for all his help and support he has given him since becoming City Manager.

4. Brick Streets – City Manager said he will be getting a group together to discuss how to maintain brick streets and do it correctly.

5. Public Works Personnel Changes – City Manager informed the Commission that he recently made some changes at Public Works. He has moved Russ Hughes who was Supervisor over Parks to Supervisor over the Golf Course as he has knowledge of irrigation systems and mowing. He moved Todd Farrell from Street Supervisor to Parks Supervisor as he has knowledge in mowing, and he promoted Chad Brown from Lead Foreman, Street Department to Street Supervisor.

6. Water Plant Changes – Richard Cook informed the Commission that they are getting ready to implement changes in hours at the Water Plant and move to two 10 hour shifts with shifts from 6:00 a.m. to 4:00 p.m. and 4:00 p.m. to 2:00 a.m. The plant will shut down from 2:00 a.m. to 4:00 a.m. which is normal, but there are alarms if any incidents would occur.

7. 2011 Spring Clean-Up – Eric Bailey, Public Works Director informed the Commission that Spring Clean-Up will occur in April again this year and a press release will be issued tomorrow. The landfill will waive fees again this year for the City during this clean-up time.

8. Golf Course – City Manager informed the Commission that there are workers that are working on the golf course installing collars around the greens. They worked this weekend due to the nice weather.

9. Transient Guest Tax – City Manager said he and Lindsay Madison met regarding the Transient Guest Tax that was recently discussed with the City Commission regarding the

allocation of $5,000 to the Fort Scott National Historic Site. Lindsay feels that the Chamber can assist with advertising for the Fort which is what these funds were needed for. Approval to release the $50,000 Transient Guest Tax funds was recommended as needed.

Parker moved to allocate the $50,000 Transient Guest Tax funds. Adams seconded. All voted aye.

APPROVED ALLOCATION OF THE $50,000 TRANSIENT GUEST TAX FUNDS AS NEEDED.

10. Prairie Pride – City Manager said he had met recently with the new owners who have purchased Prairie Pride. He had hoped to have their press release but does not have it yet. They are projecting 20-30 new jobs.

11. Economic Development – City Manager informed the Commission that he is working with current businesses regarding expansion and new businesses to try and bring business to Fort Scott.

12. Thank You Letter – City Manager read a Thank You email he received from a lady who was trying to load a lawn mower into the back of a truck by herself. Two of our Public Works employees stopped and assisted her and she was very thankful. He thanked Rick Hurd and Buzz Hawpe.

ADJOURNMENT:

Adams moved to adjourn the meeting at 7:18 p.m. Parker seconded. All voted aye.

ADJOURNED MEETING AT 7:18 P.M.

The next regularly scheduled meeting is to be held on April 19th, 2011 at 6:00 p.m.

RECORDED BY:

_____

DIANE K. CLAY
CITY CLERK