CITY OF FORT SCOTT
CITY COMMISSION MEETING

Minutes of August 16, 2011 **Regular Meeting #16**

The regular meeting of the Fort Scott City Commission was held August 16, 2011 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 Rooks, Grace Baptist Tabernacle said a prayer asking God for guidance for the city and all government and city officials.

AUDIENCE IN ATTENDANCE: Eric W. Bailey, Paul Ballou, Kathy McGehee, Ron McGehee, Audra Young, Ron Puterbaugh, Richard Cook, Darrell Parker, Kenny Howard, Randall Handley, Lucille Arnold, Jim Cox, Bill Boge, Paul Rooks, Janet Braun, Jan Boge, Pat Jackson, Debbie Jackson, Jim Pitts, Joe Johnson, and representing the press, Michael Pommier, Fort Scott Tribune and Larry Gazaway, Fort Scott Broadcasting..

PROCLAMATIONS/RECOGNITIONS:

American Legion Poppy Day Proclamation – September 10th, 2011 – City Clerk read a proclamation which proclaims September 10th, 2011 as American Legion Auxiliary #25 Poppy Day in the City of Fort Scott.

Recognition of Woodland Hills Golf Course Name Winner – City Manager presented Jan Boge with a Certificate of Recognition and a $50.00 downtown shopping gift certificate to honor her for submitting the winning name of the Golf Course.

Recognition of APAC – Susan Brown, Assistant City Manager recognized five (5) employees of APAC-Missouri for their help in helping a young boy by providing some clothing needs and encouragement to him.

APPROVAL OF MINUTES AND APPROPRIATIONS/CONSENT AGENDA:

A. Approval of minutes of the regular meeting of August 2nd, 2011.

B. Approval of Appropriation Ordinances 692, 968-A, 969-A, and 970-A totaling $520,536.44.

C. Re-appointment of Daniel Meara, Fort Scott Housing Authority – 4 year term

D. Change Order #1 – Midland Restoration, Inc. – Wastewater Treatment Plant - $200.00

E. Request to Pay #1 – Midland Restoration, Inc. – Wastewater Treatment Plant - $10,590.00

F. Certificate of Substantial Completion – Midland Restoration, Inc. – Wastewater Treatment Plant

G. July financials

H. Request to Pay Estimate #1 – Sludge Technology, Inc. - $22,500.00

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

APPROVED CONSENT AGENDA.

APPEARANCE/COMMENTS/PUBLIC HEARING:

A. APPEARANCE: None

B. CITIZEN COMMENTS (Concerning Items Not on Agenda – 3 minute limit per citizen) - Pat Jackson appeared before the Commission regarding golf carts on city streets. He has looked at the Standard Traffic Ordinance book and he cannot see where it is prohibited. He asked for clarity from the Commission or City Attorney.

City Attorney informed him that it was illegal to drive a golf cart on a city street, but there can be exceptions to the law. There would need to be regulations stipulated in any exception.

Chief Puterbaugh agreed with the City Attorney that regulations would need to be checked into.

City Attorney asked the Commission to allow City Staff to check into what other cities are doing and report back to them at the next meeting.

City Manager said he would have Chief Puterbaugh do this.

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

<u>CONSIDERATION</u>:

1. Adoption of 2011 Standard Traffic Ordinance (2nd and Final Reading) – City Manager asked the Commission to approve the 2nd and final reading of the Standard Traffic Ordinance which allows the City to enforce all traffic stops.

   Mason moved to approve Ordinance No. 3398 approving the 2011 Standard Traffic Ordinance. Bartelsmeyer seconded. All voted aye.

   APPROVED ORDINANCE NO. 3398 AMENDING CHAPTER 10.04 OF THE FORT SCOTT MUNICIPAL CODE TO INCORPORATE STANDARD TRAFFIC ORDINANCES.

2. Consideration of County resident for Golf Course Advisory Board – City Manager said that four (4) names were submitted for the County resident on the Golf Course Advisory Board. They are as follows:

   Doug Nickelson
   Don Flanner
   Matt Noll
   Jeff Collier

   A show of hands was given with Matt Noll receiving five votes by hand.

   Parker moved to approve Matt Noll to the Golf Course Advisory Board. Mason seconded. All voted aye.

   APPROVED MATT NOLL TO THE GOLF COURSE ADVISORY BOARD.

   City Manager asked that terms be set for the Golf Course Advisory Board Members. He recommended terms be set according to the votes they were given when appointed. The following terms were recommended:

   2 year terms Kenny Felt, David Shepherd, and Jim Regan
   1 year term Don Gulick, Elizabeth Nuss, and Matt Noll

Mason moved to approve the above terms for the Golf Course Advisory Board. Mason seconded. All voted aye.

APPROVED THE FOLLOWING TERMS FOR THE GOLF COURSE ADVISORY COMMITTEE:

2 YEAR TERMS: KENNY FELT, DAVID SHEPHERD, AND JIM REGAN
1 YEAR TERM: DON GULICK, ELIZABETH NUSS, AND MATT NOLL

3. Adoption of 2012 Budget – Susan Brown, Assistant City Manager informed the Commission that she and Dave had met with the Library Board and they have determined they do not need a mill increase for the library. She went back and looked at keeping the mill levy for the City flat without an increase. This amounted to a $5,000 reduction. Ms. Brown said that this amount could come from the Public Safety Fund which has a reserve built up so if an emergency arose, it would not be affected greatly. The City had a better than expected year which resulted in a higher cash carryover than was anticipated. She did inform the Commission that an increase will be likely for the 2013 budget as a result of the Street and Sidewalk improvement program. This program projects an annual increase of 1.5 mills every year but has not happened the last three years. She asked the Commission to either approve a no increase or a .1 increase for the 2012 budget.

   Mayor Adams said he was proud of all the efforts made by City staff.

   Bukowski moved to keep the mill levy flat with no increase for the 2012 Budget and approve the Budget. Mason seconded. All voted aye.

   APPROVED 2012 BUDGET WITH NO INCREASE IN THE MILL LEVY.

4. KDOT Project 6 U-0040-01 – Improvements and surfacing of intersection of US-69 and 23rd Street Agreement - Susan Brown, Assistant City Manager informed the Commission that this agreement is through Kansas Department of Transportation and the City of Fort Scott for the 23rd Street improvement. It is a 100% grant funded by K.D.O.T. Approval was recommended.

   Parker moved to approve the K.D.O.T. Agreement for the 23rd Street Improvement. Mason seconded. All voted aye.

APPROVED KDOT PROJECT 6 U-0040-01 – IMPROVEMENTS AND SURFACING OF INTERSECTION OF US-69 AND 23RD STREET AGREEMENT.

5. KDOT Project 6 U-0041-01 – Improvements and surfacing of intersection of US-69 and 18th Street Agreement - Susan Brown, Assistant City Manager informed the Commission that this agreement is through Kansas Department of Transportation and the City of Fort Scott for the 18th Street improvement. It is a 100% grant funded by K.D.O.T. Approval was recommended.

   Parker moved to approve the K.D.O.T. Agreement for the 18th Street Improvement. Mason seconded. All voted aye.

   APPROVED KDOT PROJECT 6 U-0041-01 – IMPROVEMENTS AND SURFACING OF INTERSECTION OF US-69 AND 18TH STREET AGREEMENT.

6. KDOT Project 6 U-2254-01 – Supplemental Agreement #1 – National Street from Wall to Linker – replacement of wording in contract - Susan Brown, Assistant City Manager informed the Commission that this project is completed but the some of the wording needed replaced in the contract according to K.D.O.T. Approval was recommended.

   Bartelsmeyer approved the K.D.O.T. Supplemental Agreement #1 on the National Street from Wall to Linker project. Bukowski seconded. All voted aye.

   APPROVED K.D.O.T. PROJECT 6 U-2254-01 – SUPPLEMENTAL AGREEMENT – NATIONAL STREET FROM WALL TO LINKER – APPROVAL OF REPLACEMENT OF WORDING IN CONTRACT.

7. K.D.O.T. Agreement – Airspace Protection Program – Height & Hazard Regulations – Susan Brown, Assistant City Manager informed the Commission that this is another contract with K.D.O.T. This is a 95/5% grant with the City amount being $1,825.

   Kenny Howard, Airport Manager informed the Commission that this grant is to help protect the airspace south of the airport. Currently there is nothing in place to prohibit cell phone towers from being constructed in that area. This F.A.A. grant can prohibit that from happening. It is a $34,675 grant with the City share being $1,825. This will guarantee

airspace 10 miles south of the airport which results going two (2) miles into Crawford County. Approval was recommended.

Parker moved to approve the K.D.O.T. Height & Hazard K.D.O.T. Agreement for Height and Hazard. Mason seconded. All voted aye.

APPROVED THE K.D.O.T. KANSAS AIRPORT IMPROVEMENT PROGRAM HEIGHT AND HAZARD GRANT AGREEMENT WITH THE CITY MATCH BEING $1825.00.

8. 2012 Kansas Airport Improvement Program Grant – Airspace Protection Planning – Kenny Howard said these documents provide for the funding of the grant. Approval was recommended.

   Parker moved to approve the 2012 Kansas Airport Improvement Program Grant. Mason seconded. All voted aye.

   APPROVED 2012 KANSAS AIRPORT IMPROVEMENT PROGRAM GRANT.

9. Consideration of Bids – Demolition of Airport Hangar - Kenny Howard, Airport Manager informed the Commission that bids were taken for the demolition of the old hangar at the airport. It was built in 1947 and is in bad shape. There were three bids received. Greg Schick's bid showed he would pay the City $1,000 for the removal of the hangar; Johnny Walker's bid showed he would pay the City $1.00; and Harold Fritter asked the City to pay him $800.00 to remove the hangar. City Manager tried twice to contact Greg Schick to get his insurance into the City before the meeting time but it was not received. It was recommended to award the demolition of the hangar to Johnny Walker who has all of his insurance in place with the City.

   Mason moved to approve the $1.00 bid from Johnny Walker for demolition of the hangar at the Airport within 15 days. Bartelsmeyer seconded. All voted aye.

   APPROVED $1.00 BID FROM JOHNNY WALKER FOR DEMOLITION OF THE HANGAR AT THE FORT SCOTT MUNICIPAL AIRPORT.

10. Consideration of Bids – Golf Cart Path – City Manager informed the Commission that bids were taken for 4,200' of concrete golf cart path installation at the Woodland Hills Golf Course. The $63,000 funding for this project came from a group of bankers who had donated the money to

the Carney's for a parking lot. The Carney's never moved forward with the parking lot and when the sale of the property occurred, it transferred to the City. The parking lot will be repaired with millings. This money is not tax payer dollars. Since the bid came in lower than anticipated, he called the low bidder, Mr. Hurd to see if he could add an additional 925 square feet of concrete cart path to the bid which he was agreeable to. Approval to award the low bid was recommended.

Parker moved to approve the low bid from Ron Hurd Construction in the amount of $51,625.00 with an additional 925 square feet of concrete cart path added to amount to $63,000. Bartelsmeyer seconded. All voted aye.

APPROVED LOW BID FROM RON HURD CONSTRUCTION IN THE AMOUNT OF $51,625.00 WITH AN ADDITIONAL 925 SQUARE FEET OF CONCRETE CART PATH ADDED TO AMOUNT TO $63,000 FOR THE WOODLAND HILLS GOLF COURSE.

11. Demolition of Bathhouse – Fort Scott Municipal Pool – Susan Brown, Assistant City Manager informed the Commission that bids were taken for the demolition of the bathhouse at the swimming pool. It has asbestos in the roof which prohibited the amount of bids received due to the contractor being certified in asbestos removal. Only one bid was received from Performance Abatement Services in the amount of $11,500. They also quoted a bid at $1,200 for air quality testing in the area. It was discussed if the contractor was bonded there would be no need for any additional air testing.

    Mason moved to approve the bid from Performance Abatement Services in the amount of $11,500 for removal of the bathhouse at the pool. Parker seconded. All voted aye.

    APPROVED BID FROM PERFORMANCE ABATEMENT SERVICES IN THE AMOUNT OF $11,500 FOR REMOVAL OF THE BATHHOUSE AT THE FORT SCOTT MUNICIPAL SWIMMING POOL AS THEY ARE CERTIFIED IN ASBESTOS REMOVAL.

COMMISSION/STAFF:

A. Director Updates:

Eric Bailey, Public Works Director gave the Commission an update on several projects:

Horton Street – Completed with the asphalt with the exception of manhole and water valve cutouts
Arthur Street – Completed
18th Street from Horton to the west city limits – Completed
Alley behind City Hall – Will be completed next week
Brick Street – 7th Street – Crawford to Eddy – Should be completed this week
Golf Course Tennis Courts – Painted light poles and updated conduit.

Paul Ballou, Fire Chief updated the Commission on a floor gas monitor with Homeland Security funds. It was estimated to cost $4,000 but the City received it free through the grant money. This floor gas monitor checks for gas readings, confined space readings, or gas leaks in areas.

B. City Commission:

Bartelsmeyer – Remarked that she appreciated the nice smooth surfaces on Horton Street and 18th Street as she drives them on a regular basis. She commended Dave and Susan on a great job with the budget and remarked that they are doing a wonderful job!

Bukowski – Remarked that he was glad Horton Street was completed and it looks great!

Mason – Showed the audience the emails regarding what a good job City employees are doing that individuals have sent in.

Parker – Remarked that she is glad that City employees help others in need. She remarked that the City has a great staff and a great group of employees willing to help others!

Adams – Remarked that City staff should be commended for their efforts with this budget this year.

Asked for a 10 minute executive session to discuss non-elected personnel with action anticipated.

C. City Attorney: Nothing to report.

D. Assistant City Manager:

1. Swimming Pool equipment – City of Joplin – Susan Brown informed the Commission she had met with City of Joplin officials and they are very interested in the pumps, both slides, ladders and lifeguard stands as they lost everything in the May 2011 tornado at one of their pools. They will be here the last week of August to remove these items and were very appreciative of our generosity in donating these items to them.

2. Wall and Main – Burned out area – Susan informed the Commission that there is a company interested in purchasing this area. They only want the grassy area and not the area on Wall Street. If it is sold it has to be for the purchase price which was $36,000 and that money has to be returned to the State of Kansas as it was purchased through an Urgent Need Grant. The adjoining area on Wall was purchased for $28,000. At the present time they do not have a proposal in place, but want to put retail in there. She has informed them they have to be in concordance with all the Design Review guidelines for the downtown area.

   City Attorney informed the Commission that they don't want this property to get away from the City if this deal would happen to not go through. He also informed them that more money can be requested for the purchase of the property and the money exceeding the grant amount would be the City's.

   Commission instructed Dave and Susan to move forward with discussions with the proposed company.

3. Retro Reflectivity Update – Susan updated the Commission that a plan to update our signs has to be in place by 2012. The compliance date for regulatory, warning and ground-mounted guide signs is January 2015. The compliance date for overhead guide and street name signs is January 2018.

4. Grant update – The City has applied for two (2) grants. One is for $1,000,000 and is a 50% grant. This could be used to finish National Street from 13th to 18th Street. It could also help with some drainage issues in that area.

Corridor Grant – Susan said she has applied for a Corridor grant which is a 100% funded grant. Kyle Anderson, Felsburg, Holt, and Ullevig will be in Fort Scott next week. This amount would not include construction or design engineering. More information will be forthcoming.

Highway 69 Widening Grant – Susan has not heard if the City was awarded this grant as of this date.

E. City Manager:

1. League of Kansas Municipalities Annual Meeting – Oct. 8-10 – Wichita – City Manager informed the Commission to let Diane know if you would like to attend.

2. Lynn Jenkins – Meet & Greet – August 29th, 2011 – 8:00 – 9:00 a.m. – City Manager reminded the Commission of this event on Monday, August 29th to be held at City Hall.

3. SRS Update – City Manager said he is still working diligently with officials of SRS to keep the jobs here. Bedco is also involved in this.

4. Public Square Visioning Committee – City Manager asked if one Commissioner would sit on this committee with him and attend the meetings the 4th Monday of the month.

5. Economic Development Business Recruitment and Retention Manager – City Manager announced that Maci Cullison has been hired for this position. She comes to Fort Scott from Lancaster, PA. She has family ties in Fort Scott and is related to the Halsey family. Her first day will be August 29th.

6. Retirements: City Manager announced that Russ Hughes will be retiring on August 26th, 2011 and Julius Jackson will be retiring on September 23rd, 2011. There will be a reception held for each of them on their last day from 2:00 to 3:00 p.m.

7. Riverfront Grant – City Manager announced that the Riverfront Authority has been awarded at $1.5 million grant for parking and trails in the Riverfront area.

EXECUTIVE SESSION:

Mason moved to adjourn into Executive Session for 10 minutes to discuss non-elected personnel with just the City Commission present and action anticipated. Parker seconded. All voted aye.

WENT INTO EXECUTIVE SESSION AT 7:03 P.M.

Parker moved to adjourn from Executive Session at 7:06 p.m. Mason seconded. All voted aye.

ADJOURNED EXECUTIVE SESSION AT 7:06 P.M.

Parker moved to enter into a three (3) year employment agreement with David Martin, City Manager at an annual salary of $71,400.00. Bartelsmeyer seconded. All voted aye.

ENTERED INTO A THREE (3) YEAR EMPLOYMENT AGREEMENT WITH DAVID MARTIN AT AN ANNUAL SALARY OF $71,400.00.

ADJOURNMENT:

Mason moved to adjourn the meeting at 7:08 p.m. Bartelsmeyer seconded. All voted aye.

ADJOURNED MEETING AT 7:08 P.M.

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

RECORDED BY:

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DIANE K. CLAY
CITY CLERK