

**CITY OF FORT SCOTT  
CITY COMMISSION MEETING**

**Minutes of June 7<sup>th</sup>, 2022**

**Regular Meeting #11**

The regular meeting of the Fort Scott City Commission was held June 7<sup>th</sup>, 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 K. Harrington, T. Van Hoecke, S. Walker, and M. Wells were present with President J. Jones presiding.

**INVOCATION:** City Commissioner, Matthew Wells, said a prayer asking God for guidance for the City, our Government and City officials.

**AUDIENCE IN ATTENDANCE:** Travis Shelton, Jason Dickman, Brad Matkin, Jackson Tough, Kevin Allen, Megan Smith, Dallas Smith, Ann Rawlins, David Saker, Claudia Wheeler, Jody Hoener, Clayton Miller, Steve Anthony, Harold Martin, Rob Harrington, Emily Bolt, Tayton Majors, and representing the press Tammy Helm, Editor, Fort Scott Tribune.

**PROCLAMATIONS/RECOGNITIONS:** State Farm Insurance 100<sup>th</sup> Anniversary Proclamation – President Jones read a proclamation proclaiming June 7<sup>th</sup>, 2022 as State Farm Day in the City of Fort Scott. He called upon the residents of the City to observe this day by demonstrating what being a good neighbor is all about through acts of kindness and making people feel welcome.

Josh asked that Rob Harrington be added under Appearance.

**ELECTION OF PRESIDENT OF THE CITY COMMISSION** – Josh said that the next item is to elect a President of the Commission.

T. Van Hoecke said that he has checked into it and the State Statutes on replacing the President position as well as the Mayor position. He would like to replace both positions. He cited Kansas State Statutes and the City ordinances and said that we can take this time to put new faces on the Commission in leadership positions.

T. Van Hoecke made a motion to take nominations for Mayor at this time since there are no guidelines in place for the President to automatically move up to the Mayor position. Shane Walker seconded.

J. Jones states that K.S.A. 13-513 sets the guidelines on how to fill the Mayor's position and read the following: "When any vacancy shall happen in the office of Mayor by death, resignation, absence from the City, removal from office, refusal to qualify or otherwise, the president of the council for the time being shall exercise the duties of the office of Mayor with all rights, privileges, and jurisdiction of the Mayor until such vacancy is filled or such disability is removed,

or in the case of such vacancy, other than a temporary absence of disability, the president of the council shall become Mayor. Thereupon the council shall elect from its membership a new president of the council. Whenever a vacancy shall occur in the office of councilman, the governing body shall appoint an elector of the word where the vacancy occurs to be councilman for the balance of the unexpired term.”

T. Van Hoecke said that he was looking at K.S.A. 12-184a which states: “Form of government continued. A) A city shall continue to operate under its current form of government whether established at an election, or by adoption of a charter ordinance or ordinance until such time that the City’s form of government is changed as provided by law. B) All existing ordinances and charter ordinances relating to a city’s form of government, except those provisions relating to the time if city primary and general elections, shall remain in effect until amended or repealed by such city.”

J. Jones said that the protocol set in the past has been that the president moves up to Mayor and cited a situation where this occurred in the past. He said that he was just pointing out what has happened in the past.

T. Van Hoecke said that a liaison needs to be appointed to the Lake Advisory Board to replace Kevin Allen.

T. Van Hoecke said that the current ordinance needs changed.

City Attorney said that you can change your current ordinance. There is an ordinance to replace a Commissioner. The replacing of the President to the Mayor position has not come up since he has been City Attorney. He said they can change the ordinance however they wish.

Back to the previous motion to take nominations for Mayor at this time, roll call was taken with T. Van Hoecke, S. Walker, M. Wells, and K. Harrington voting aye. J. Jones abstained. Motion carried 4-1.

**APPROVED TO TAKE NOMINATIONS FOR MAYOR.**

J. Jones moved to nominate Katie Harrington for Mayor. M. Wells seconded. M. Wells and J. Jones voted aye. S. Walker and T. Van Hoecke voted no. K. Harrington abstained.

J. Jones asked the City Attorney if the abstained vote counts as an affirmative vote and he said it did.

**APPOINTED KATIE HARRINGTON AS MAYOR.**

S. Walker moved to nominate Matthew Wells to serve as the Lake Advisory Board liaison. J. Jones seconded. J. Jones, T. Van Hoecke, K. Harrington, and S. Walker voted aye. M. Wells abstained. Motion carried 4-1.

**APPOINTED MATTHEW WELLS AS THE LIASION OF THE LAKE ADVISORY BOARD.**

S. Walker moved to nominate Tim Van Hoecke as President of the Commission. M. Wells seconded. All voted aye.

**APPOINTED TIM VAN HOECKE AS PRESIDENT OF THE CITY COMMISSION.**

**CONSENT AGENDA:**

- A. Approval of minutes of the regular meeting of May 17<sup>th</sup>, 2022 and special meeting of June 1<sup>st</sup>, 2022.
- B. Approval of Appropriation Ordinance 1313-A totaling \$583,514.00.
- C. Request to Pay – Nuss & Farmer – April Invoice - \$2,155.00
- D. Request to Pay – HDR Engineering – River Intake Project - \$7,124.16
- E. Request to Pay #2 – Nowak Construction Co., Inc. – Manhole 148 Project - \$94,116.15
- F. Consideration to Pay – Brightly Software - \$7,677.09
- K. Harrington asked that the payment to Bourbon County R.E.D.I. be removed from the Appropriation Ordinance as she has a conflict.
- S. Walker moved to approve the Consent Agenda with the removal of the Bourbon County R.E.D.I. payment. J. Jones seconded. All voted aye.

**APPROVED CONSENT AGENDA WITH THE REMOVAL OF THE PAYMENT TO BOURBON COUNTY R.E.D.I.**

Bourbon County R.E.D.I. Payment of \$5,416.67:

J. Jones moved to approve the payment to Bourbon County R.E.D.I. T. Van Hoecke seconded. J. Jones, S. Walker, M. Wells, T. Van Hoecke voted aye. K. Harrington abstained. Motion carried 4-1.

**APPROVED PAYMENT TO BOURBON COUNTY R.E.D.I. IN THE AMOUNT OF \$5,416.67.**

**Public Comment:**

(Sign up required. Comments on any topic not on the agenda and limited to 5 minutes per person, at Commission discretion)

Ann Rawlins – Ms. Rawlins appeared before the Commission regarding the Old Fort Genealogical Society. She is the librarian. She has an exciting project regarding the Katy Railroad project. They had an exhibit in Texas, and they want

to move it to Fort Scott. Documents to be housed are accounting records, maps, annual reports, etc. They need to be available to the public. Their museum will donate these items to a research library. They would like to take over the lower half of Memorial Hall for these items. She asked them to consider their putting Memorial Halls repairs on the front burner.

T. Van Hoecke said that he thinks all of the Commission would like the building repaired.

Steve Anthony – Mr. Anthony asked permission to use the tennis court lights at the Golf Course on July 30<sup>th</sup> for their Special Olympics tournament.

M. Wells moved to allow the Special Olympics tournament to use the tennis court lights at the Golf Course for their event on July 30<sup>th</sup>, 2022. J. Jones seconded. All voted aye.

**APPROVED TO ALLOW THE SPECIAL OLYMPICS TOURNAMENT TO USE THE TENNIS COURT LIGHTS AT THE GOLF COURSE FOR THEIR EVENT ON JULY 30<sup>TH</sup>, 2022.**

**Old Business:**

1. Consideration of Impound Yard for Codes vehicles – City Manager said that he passed out information to the Commission regarding an impound yard for Codes vehicles and Land Bank vehicles that are acquired. We need a place to hold them and companies to pick them up. He has had three interested parties. These vehicles would be picked up at no cost and held at no cost, but they would get the vehicles once the titles are acquired in payment of the holding and picking up and hauling. The City would have to comply with the State of Kansas Salvage Control Act. He asked that the vehicles would not be held in a blight area where they could be viewed. The regulations would need to be gone over with the interested party.

J. Jones said that this needs to be looked at yearly and make sure all interested parties are considered.

Clayton Miller said that they want to make sure they are up to City codes on the property for the salvage yard.

City Manager said that we can get an ordinance in place also. It will take a little while to get this developed and started.

M. Wells moved to moved to move forward with an impound yard for the City of Fort Scott for Codes vehicles. J. Jones seconded. All voted aye.

**APPROVED TO MOVE FORWARD WITH AN IMPOUND YARD FOR THE CITY OF FORT SCOTT FOR CODES VEHICLES.**

**Appearances:**

Dallas Smith – Wedding reception venue request – Dallas and Megan Smith appeared before the Commission to ask for the use of the Airport hangar for a wedding reception and for the City to waive the alcohol consumption on this property for this event on October 29<sup>th</sup>, 2022. This would be from 12:00 p.m. to 12:00 a.m.

T. Van Hoecke moved to allow Dallas Smith to use the hangar at the Fort Scott Municipal Airport for the wedding reception on October 29<sup>th</sup>, 2022 and to waive the alcohol consumption on the property for this date. S. Walker seconded. All voted aye.

**APPROVED TO ALLOW DALLAS SMITH TO USE THE HANGAR AT THE FORT SCOTT MUNICIPAL AIRPORT FOR THE WEDDING RECEPTION ON OCTOBER 29<sup>TH</sup>, 2022 AND TO WAIVE THE ALCOHOL CONSUMPTION ON THE PROPERTY FOR THAT DATE.**

Jody Hoener – Healthy Bourbon County Action Team – Consideration of Memorandum of Understanding – 3<sup>rd</sup> Street Park upgrades – Downtown Arch placemaking – Jody stated that in their packets is the Memorandum of Understanding. She had the City Attorney review it and he gave a suggestion or two which she included in the MOU. There is \$70,000 in grant funds in the 3<sup>rd</sup> Street project and \$70,000 in grant funds for the Downtown Arch project. She also asked for approval for the Pledge.

M. Wells moved to accept the Memorandum of Understanding between the Healthy Bourbon County Action Team and the City of Fort Scott to outline the implementation of the 3<sup>rd</sup> Street Park project and Downtown Arch project and the pledge. J. Jones seconded. All voted aye.

**APPROVED THE MEMORANDUM OF UNDERSTANDING BETWEEN THE HEALTHY BOURBON COUNTY ACTION TEAM AND THE CITY OF FORT SCOTT TO OUTLINE THE IMPLEMENTATION OF THE 3<sup>RD</sup> STREET PARK PROJECT AND THE DOWNTOWN ARCH PROJECT AND THE PLEDGE.**

Jody gave an update on the T-Mobile grant project also to the Commission. They are meeting with Fort Scott National Historic Site personnel on this project.

Lake Advisory Board Representative – Harold Martin, Lake Advisory Board member, informed the Commission that their Board met on June 4<sup>th</sup>, 2022, and they would like the City to wait two to three years before the sale of any additional Lake property. There were complications with the sale of the first four lots. The Lake Advisory Board would like a Comprehensive Plan established before the sale of any additional lake lots. Their Board voted that all boat licenses be shown on the actual vessels. All boat licenses expire on December 31<sup>st</sup> of each year. They should be displayed on the right side of the vessel. They asked for a change in this ordinance to reflect this.

Two recommendations were made at their meeting in May which remains unanswered. The Board recommended that legal counsel determine whether

Lake Fort Scott falls under the State of Kansas Boating Regulations. Their board has not heard a reply.

City Attorney said that he and the City Manager discussed this. The Lake Patrol Officer always consults the State and complies with what they require.

Mr. Martin said that their other issue is regarding anchors and proper maintenance and protocol for the anchors and for the City to invest in what is needed. This should not be designated to the Lake Patrol Officer but a City employee. He asked for a status on this.

City Manager said that he would look into the cost of that.

J. Jones apologized for the swimming ropes not being in place for Memorial Day. The fish feeders were not up yet either.

Mr. Martin said that they are up now.

Rob Harrington – Rob introduced his new grant writer Emily Diebolt, and the new intern for Bourbon County R.E.D.I, Tayton Majors. They each stood up and gave a little of their background.

Rob said that he prepared a policy and procedures and handed the City Attorney a copy.

He said a year ago he stood before the Commission and addressed a couple of items on behalf of a couple of businesses. He addressed the road by Peerless and El Charro. The road needs to be repaired.

City Attorney is working on this issue to get easements on this road known as 25<sup>th</sup> Street. He has quit claim deeds from all property owners except for Peerless.

Rob will check with Peerless on this.

Rob also brought up the ditch in front of Niece Products and if the road is City or County property. There is a water issue there. The ditch needs cleaned out.

Shane said that the roads are the County, but the ditch is the City's.

City Manager will check into this issue.

**Public Hearings:**

J. Jones moved to open the Public Hearing at 7:06 p.m. T. Van Hoecke seconded. All voted aye.

**OPENED PUBLIC HEARING AT 7:06 P.M.**

6:00 p.m. – Notice of Hearing of de-annexation of the property more commonly known as 2142 Jayhawk Road –

Katie asked if there was any public comment and there was none.

M. Wells said that the City promised to get them water some time ago. He cannot find any information on this issue. He said that there are two houses close in proximity that do have City water.

M. Wells moved to table this de-annexation at this time until more information can be obtained. T. Van Hoecke seconded. All voted aye.

**TABLED THE DE-ANNEXATION FOR 2142 JAYHAWK ROAD AT THIS TIME.**

J. Jones made a motion to close the public hearing at 7:12 p.m. M. Wells seconded. All voted aye.

**CLOSED PUBLIC HEARING AT 7:12 P.M.**

**New Business:**

1. Acceptance of K.D.O.T. Grant – Horton Street - \$949,000.00 – Resurfacing, new sidewalks, crosswalks, and ADA ramps on Horton Street between 6<sup>th</sup> Street and 18<sup>th</sup> Street – City Manager said that the City was awarded this grant.

M. Wells moved to accept the K.D.O.T. Grant for Horton Street in the amount of \$949,000.00. S. Walker seconded. All voted aye.

**APPROVED K.D.O.T. GRANT FOR HORTON STREET IN THE AMOUNT OF \$949,000.00.**

2. Consideration of Change Order #1 – Nowak Construction Co., Inc. – Manhole 148 Project – Increase of \$1,283.50 – due to final quantity reconciliations on project – Jason Dickman, Earles Engineering, Inc. informed the Commission that the increase is due to final quantity reconciliation amounts.

T. Van Hoecke moved to approve Change Order #1 for Nowak Construction Co., Inc. for the Manhole 148 Project in the increased amount of \$1,283.50. M. Wells seconded. All voted aye.

**APPROVED CHANGE ORDER #1 FOR NOWAK CONSTRUCTION CO., INC. FOR THE MANHOLE 148 PROJECT IN THE INCREASED AMOUNT OF \$1,283.50.**

3. Consideration of Memorandum of Understanding between the City and Bourbon County for EMS – City Manager said that the MOU is before them.

Discussion was held on what is charged whether it is per hour or a percentage of time.

M. Wells moved to approve the Memorandum of Understanding between the City and Bourbon County for EMS. K. Harrington seconded. J. Jones, T. Van Hoecke, M. Wells, and K. Harrington voted aye. S. Walker abstained. Motion carried 4-1.

**APPROVED THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND BOURBON COUNTY FOR EMS.**

4. Consideration of Bids for Demolition: City Manager said that there were two bids received. The low bid is as follows for each structure:
- a. 731 S. Heylman – Dave’s Demolition - \$1,100.00 – Skitch’s - \$3,442.00
  - b. 312 S. Heylman - Dave’s Demolition - \$1,200.00 – Skitch’s - \$4,939.00
  - c. 1409 S. Ransom - Dave’s Demolition - \$1,200.00 – Skitch’s - \$3,439.00

Dave Saker said that he had Kevin Russell contact him about getting the rock from these demolitions. He will remove it himself as he has a big hole he is wanting to fill.

City Manager said that he didn’t see any reason why he couldn’t have it. It belongs to the contractor to dispose of.

Dave said that he will have all three structures removed within a five-day period.

T. Van Hoecke moved to award all three demolitions to Dave’s Demolition. S. Walker seconded. All voted aye.

**APPROVED TO AWARD THE DEMOLITION FOR 731 S. HEYLMAN IN THE AMOUNT OF \$1,100.00 TO DAVE’S DEMOLITION; 312 S. HEYLMAN IN THE AMOUNT OF \$1,200.00 TO DAVE’S DEMOLITION; AND 1409 S. RANSOM IN THE AMOUNT OF \$1,200.00 TO DAVE’S DEMOLITION.**

**Reports and Comments:**

**A. Commissioner Reports and Comments:**

A. City Manager Comments:

City Manager stated that he and the City Attorney are working on the Bourbon County R.E.D.I. and Tourism Ordinance update.

He stated that they are working on the Land Bank ordinance for mowing and well as preparing an ordinance for a separate fund for the Land Bank.

Josh said that his preference would be to move those funds to a Land Bank account so it can be tracked.

Rob said that there is a Land Bank meeting next week.



B. Engineering Firm Comments:

1. On-Call Sanitary Sewer Manhole Inspection Training Proposal – Jason Dickman, informed the Commission that this proposal is for the On-Call Sanitary Sewer Manhole Inspection in the amount of \$6,500.00. They have been training City staff also on manhole inspections.

No action was taken on this item so it will be on the next agenda.

He stated that he is still looking for Memorial Hall plans.

Jason also updated on three other projects. He also discussed Wall Street. The Commission reminded him that they asked that an impact study be done for the businesses on Wall Street before the project proceeds further.

C. Commissioners Reports and Comments:

T. Van Hoecke – Tim welcomed Katie Harrington to the Commission. He remarked about the opening day at the Aquatic Center and social media comments.

Chief Shelton said that it was handled in house by H.R.

Tim commended all those involved with Good Ol' Days – from the Committee to all the City crews. He thanked all those involved with the parade and the vendors and the organizations that were on display. He thanked Jackson Tough and Lindsay Madison also. He thanked the citizens also for supporting this event.

Tim commended the Golf Course on the serving of food at the Golf Course now. This will be a great profit maker.

K. Harrington – Katie stated that she attended the Good Ol' Days parade and commended the City crews for their hard work for this event.

M. Wells – Matthew thanked the City and Public Works crews on the extra hours worked for Good Ol' Days. We are blessed to have these employees working for the City. He said that the Fort had some Native American dancers. It was an awesome weekend all around.

Matthew asked about the electric hookups in the downtown area and upgrading them.

Matthew asked about the Codes Department and the creation of a Standard Operating Procedure.

City Manager is working on this still.

Matthew asked about Smart Growth America and if the City is still on board with this program and their ideas. He said we need to address this.

Matthew asked about rewriting the boat license for the Lake residents. He also asked about the rewriting of the ordinance for replacement of Commissioners.

City Attorney said that there are only two options: leave it alone or pattern it after a couple of other ordinances.

Matthew asked for an update on the microphone system in the City Commission room so people can hear better.

Shane said that he is having issues getting proposals for it. He has a bid from one company.

Matthew asked if Jason Dickman can look at Niece and the water issue. He said that there are hydrants and signs with issues with tree and brush overgrowth. He said that one is in the City and the other two are in the County.

Jason will look into this issue.

Matthew asked about adding an extra Land Bank member.

Tim said that they are working with Rob Harrington on this issue. Their meeting is next week, and he doesn't want to speak prematurely on this.

S. Walker – Shane remarked that there were lots of vendors at Good Ol' Days this year. He said that there were lots of people. He thanked the Police Officers and Dispatchers and Fire personnel for their assistance.

Shane asked if Jason and the City Manager had looked at 2<sup>nd</sup> and Judson.

Jason said that there are multiple items to be addressed at that location.

J. Jones – Josh said that Cooper Street has started with concrete and looks good.

Josh stated that Pee Wee Button passed away. He served as a Firefighter for many years.

He thanked all the crews for their assistance in Good Ol' Days.

Josh said that over \$750.00 were sold in boat permits at Lake Fort Scott over Memorial Day weekend.

Josh asked Bob to look at Charter Ordinance No. 21 and if it still exists.

D. City Attorney Comments – Nothing to report.

**Adjournment:**

T. Van Hoecke moved to adjourn the meeting at 8:12 p.m. J. Jones seconded.  
All voted aye.

**ADJOURNED MEETING AT 8:12 P.M.**

Respectfully submitted,

Lisa Lewis  
Deputy City Clerk