

**CITY OF FORT SCOTT
CITY COMMISSION MEETING**

Minutes of August 4th, 2022

Regular Meeting #16

The regular meeting of the Fort Scott City Commission was held August 4th, 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, S. Walker, and M. Wells were present with Mayor K. Harrington.

INVOCATION: Bill Downey, Sergeant, Fort Scott Police Department, said a prayer asking God for guidance for the City, our Government and City officials.

AUDIENCE IN ATTENDANCE: Travis Shelton, Dave Bruner, Lisa Lewis, Rob Harrington, Jackson Tough, Susan Bancroft, Patty LaRoche, Jason Dickman, Michael Hoyt, Destry Brown, Bill Downey, Jr., Ray Babb, James Brackett, Pete Allen, Amanda Goltra, and representing the press, Tammy Helm, Fort Scott Tribune.

PROCLAMATIONS/RECOGNITIONS: None

CONSENT AGENDA:

- A. Approval of minutes of the regular meeting of July 19th, 2022 and special meeting of July 26th, 2022.
- B. Approval of Appropriation Ordinance 1317-A totaling \$378,639.54.
- C. Request to Pay – Nuss & Farmer, P.A. – (June) - \$892.50
- D. Request to Pay – J. Richardson Construction - \$47,383.81 – 17th & Eddy Project
- M. Wells moved to approve the Consent Agenda. S. Walker 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)

Michael Hoyt – Mr. Hoyt said he wished to make two comments. The first comment is that he commended Kelley Zellner, City Manager, in providing him budget work session documents. He will have comments at the budget hearing for the Commission.

His second comment was concerning the petition for the ladder fire truck to have this go to a public vote. There were 525 signatures on the petition, and he considers this voter suppression as this did not go to a vote of the public. This had nothing to do with financing of the fire truck. He said that the grant money should have been used to pay off the pumper truck and not purchased the ladder truck.

Old Business:

1. Consideration for the demolition of 722 S. Heylman Street (progress report) – Bill Downey, Codes Manager, passed out photos of the demolition. There has been no progress made on this structure.

T. Van Hoecke moved to award the bid in the amount of \$1,800.00 to Dave's Demolition. J. Jones seconded. All voted aye.

APPROVED TO AWARD THE DEMOLITION BID IN THE AMOUNT OF \$1,800.00 TO DAVE'S DEMOLITION FOR THE PROPERTY AT 722 S. HEYLMAN.

Appearances:

Patty LaRoche – Lake Advisory Board Report – Mrs. LaRoche said that the Lake Advisory Board met on July 9th, 2022 and made the following recommendations to the City Commission:

Approved to recommend to the City Commission a guideline for the future sales of City-owned property at the lake which includes the following policies and procedures:

1. Smart Growth Coordination with the Lake Advisory Board to determine which lots are to be sold.
2. Deed Restrictions such that:
 - a. Any lots sold by the City of Fort Scott are to be used solely for single family residential use, whether year round or seasonal, as are related garages or outbuildings. All commercial, industrial, retail, and multi-family housing uses are prohibited. The property may also not be subdivided in any way without the express approval of the City of Fort Scott City Commission. These property and findings on purchaser and successors or assigns of the purchaser.
 - b. Must be a stick frame home.
3. Accurate survey of lots.
4. Market analysis and timing recommendations.
5. Sale Structure, which deals with how the lots would be sold (auction, listing, etc.).
6. Listing, sale, and title document preparation.
7. Document review by City Attorney.
8. Document acceptance by the City Attorney and buying parties, including realtors, etc.
9. Sale review by the City Commission.

10. Sale Acceptance by the seller and buyer.

The Lake Advisory Board understands it is important to be aware that Lake Fort Scott is the emergency water supply for the City of Fort Scott. We also understand that the City has a responsibility to its water source to do the things that pertain to monitoring and ensuring that the water source is clean, which is the bathymetric survey and the evaluation of water quality. Given the importance of those issues to the citizens of Fort Scott, and to ensure an adequate and safe water supply in the case of drought, the Lake Advisory Board recommends the following to be funded in the next budget cycle.

Recommendation to the City Commission that the bathymetric survey the water course, wetlands, and lake evaluation and the water quality study should happen under the next budget cycle and be funded by any source other than the Lake fund.

It is also their recommendation that these studies be completed by surrounding universities as course work as they have been in the past.

Aaron Foxworth – Tacos & Tailgates Temporary Street Closure Request – J. Jones said that this is the Tacos and Tailgates event to be held on September 3rd, 2022 at Riverfront Park. He asked that it be blocked off for a truck show from 9:00 a.m. to 4:00 p.m. They will use the River Loop road section.

J. Jones moved to approve the temporary street closure request for Riverfront Park on September 3rd, 2022 for Aaron Foxworth for the Tacos and Tailgates event. M. Wells seconded. All voted aye.

APPROVED THE TEMPORARY STREET CLOSURE REQUEST FOR RIVERFRONT PARK ON SEPTEMBER 3RD, 2022 FOR AARON FOXWORTH FOR THE TACOS AND TAILGATES EVENT.

Rob Harrington – Visioning Session for Bourbon County R.E.D.I. – 8/23/2022 – Mr. Harrington stated that in Proverbs 29, it states “where there is no vision, the people perish”. He announced that Bourbon County R.E.D.I. is hosting a visioning session for all Bourbon County entities. This will include cities in Bourbon County as well as all school districts, the college, and the County. This will be held on April 23rd, 2022 at 5:30 p.m. There will be a meal served to all elected officials. Discussion on moving the county forward will be held. He invited all City Commissioners to attend this event to be held at the River Room.

Public Hearing – None

New Business:

1. Consideration of a Change in Zoning from C-2 (Commercial) to C-3 (Commercial) for property at 6 E. 13th Street and Conditional Use permit to allow a small animal hospital – Bill Downey, Codes Manager, informed the Commission that the Planning Commission met on July 11th, 2022 and voted unanimously to approve this zoning change and

Conditional Use Permit. The property has been purchased by Amanda Goltra, DMV, who will open and operate a small animal hospital.

J. Jones moved to approve Ordinance No. 3614 changing the zoning from C-2 to C-3 and the Conditional Use Permit to allow a small animal hospital at 6 E. 13th Street. T. Van Hoecke seconded. All voted aye.

APPROVED ORDINANCE NO. 3614 CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF FORT SCOTT, KANSAS, UNDER THE AUTHORITY GRANTED BY K.S.A. 1973 SUPP. 12-708 – CHANGE OF ZONING FROM C-2 (COMMERCIAL) TO C-3 (COMMERCIAL) AND A CONDITIONAL USE PERMIT TO OPERATE A SMALL ANIMAL HOSPITAL FOR THE PROPERTY AT 6 E. 13TH STREET.

2. Consideration of a Change in Zoning from C-2 (Commercial) to C-3 (Commercial) for property at 2204 S. Main – GO Car Wash – Approval of lot split - Bill Downey, Codes Manager, informed the Commission that the Planning Commission met on July 11th, 2022 and voted unanimously to approve this zoning change at 2204 S. Main Street as well as the lot split.

Fred Merrill, GO Car Wash representative stated that there is 7 acres they have purchased between Dollar Tree and Sekan Printing. He said that they will use a shared entrance with Dollar Tree. Mr. Merrill said that the car wash will use 1.2 acres of the property with remainder for expansion of 5.8 acres behind it.

T. Van Hoecke moved to approve the zoning change from C-2 to C-3 and also the Lot Split for the property at 2204 S. Main Street. M. Wells seconded. All voted aye.

APPROVED ORDINANCE NO. 3615 CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF FORT SCOTT, KANSAS, UNDER THE AUTHORITY GRANTED BY K.S.A. 1973 SUPP. 12-708 – CHANGE OF ZONING FROM C-2 (COMMERCIAL) TO C-3 (COMMERCIAL) FOR THE PROPERTY AT 2204 S. MAIN STREET – GO CAR WASH

APPROVED ORDINANCE NO. 3616 CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF FORT SCOTT, KANSAS, UNDER THE AUTHORITY GRANTED BY K.S.A. 1973 SUPP. 12-708 – LOT SPLIT AT 2204 S. MAIN STREET – GO CAR WASH – CONSISTING OF ONE PARCEL OF 5.9 ACRES AND ONE PARCEL OF 1.2 ACRES.

3. Consideration of a Change in Zoning from C-2 (Commercial) to C-3 (Commercial) for property at 12th & Clark Streets - Bill Downey, Codes Manager, informed the Commission that the Planning Commission met on July 11th, 2022 and voted unanimously to approve this zoning

change at 12th & Clark Streets. The prospective owner would like to build a mechanic shop at this location.

M. Wells moved to approved Ordinance No. 3617 changing the zoning from C-2 to C-3 for the property at 12th & Clark Streets. S. Walker seconded. All voted aye.

APPROVED ORDINANCE NO. 3617 CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF FORT SCOTT, KANSAS, UNDER THE AUTHORITY GRANTED BY K.S.A. 1973 SUPP. 12-708 – CHANGE OF ZONING FROM C-2 (COMMERCIAL) TO C-3 (COMMERCIAL) FOR THE PROPERTY AT 12th & CLARK STREETS.

4. Ordinance filling a vacancy in office of City Commissioner – Ordinance No. 3618 – City Manager said that this Ordinance pertains to the vacancy in the office of City Commissioner.

Discussion was held to table this until the next meeting so they can review it more.

T. Van Hoecke moved to table Ordinance No. 3618 until the August 16th, 2022 meeting. S. Walker seconded. All voted aye.

APPROVED TO TABLE ORDINANCE NO. 3618 UNTIL THE AUGUST 16TH, 2022 MEETING.

5. Consideration of Resolution No. 32-2022 – Convention and Tourism Resolution in accordance with Charter Ordinance No. 34 – City Manager said that this Resolution will work in conjunction with Charter Ordinance No.34 concerning the oversight of the Convention and Tourism Committee with Bourbon County R.E.D.I. providing that oversight.

M. Wells moved to approve Resolution No. 32-2022. J. Jones seconded. All voted aye.

APPROVED RESOLUTION NO. 32-2022 OF THE CITY OF FORT SCOTT HEREBY ESTABLISHING BY THE POWER OF CHARTER ORDINANCE NO. 34 THE OVERSIGHT OF THE COMMITTEE TO MAKE RECOMMENDATIONS CONCERNING THE PROGRAMS AND EXPENDITURES FOR PROMOTION OF CONVENTIONS AND TOURISM WHICH SHALL BE AUTHORIZED BY THIS RESOLUTION.

6. Approval of Budget Hearing Date and Revenue Neutral Hearing Date – August 23, 2022 at 5:00 p.m. – City Manager asked about changing the budget hearing date due to the Visioning Session which will be held that same night.

T. Van Hoecke moved to approve to hold the budget hearing and the revenue neutral hearing on September 14th, 2022 at 5:00 p.m. J. Jones seconded. All voted aye.

APPROVED TO HOLD BUDGET HEARING AND REVENUE NEUTRAL HEARING ON SEPTEMBER 14TH, 2022 AT 5:00 P.M. AT CITY HALL.

Reports and Comments:

A. City Manager Comments:

1. Consideration of Memorandum of Understanding for School Resource Officers – City Manager stated that he is working with USD #234 on a Memorandum of Understanding for the School Resource Officer(s) position.

Josh Jones welcomed Destry Brown, Superintendent, to the Commission meeting.

2. Dispatch Equipment Service & Operational Responsibility – City Manager shared with the Commission that he received a letter from the Bourbon County Commission regarding Dispatch equipment service and operational responsibility.

B. Director Comments: None

C. Engineering Firm Comments: Jason Dickman gave an update on the following projects:

- a. CDBG Sewer Project – ongoing project
- b. Horton Street project - surveying will start next week
- c. 17th & Eddy – under construction
- d. KDOT Access Road – Permit was received – will bid out soon
- e. South Industrial Park Waterline – moving forward
- f. State Revolving Loan Fund – In the first steps in submitting this application to the State

M. Wells asked about the steps to Memorial Hall.

Jason stated that he got the plans from the contractor in Pittsburg and will talk with him next week.

Discussion was held on costs for bathrooms at Lake Fort Scott and estimated costs.

D. Commissioners Reports and Comments:

M. Wells – Matthew thanked all City staff and Every personnel who worked the large power outage from the lightning strike on Wednesday, August 3rd. He thanked all who were involved. He also thanked Buck Run Community Center staff who opened up a cooling facility so residents would have a place to go and get cool and sleep.

He also stated that the Fort Scott National Historic Site has issues with the Healthy Bourbon County Action Team proposed location for the pavilion. Rob Harrington is the City's representative on this committee.

T. Van Hoecke – Tim read from the City adopted Code of Procedures which states that the meeting agenda should usually go out on the Wednesday before the following Tuesday meeting. He said that he regretted that the meeting could not be held on August 2nd, 2022.

Tim also echoed Matthew's comments to all who were involved with the power outage.

J. Jones – Josh read from the Code of Ethics which was also adopted by the Commission that states the City Clerk may fix deadlines for the agenda so that it may be timely compiled and distributed.

Josh thanked Kelley for heading up the team with Evergy and the City on the outage and all working together.

S. Walker – Shane thanked Kelley also for heading up the City staff on the outage.

Shane thanked Stephen Toal for his painting at the Water Plant on the way to Gunn Park. He urged citizens to go and look.

E. City Attorney Reports and Comments: Nothing to report.

Executive Session – If requested, (please follow script in all motions for Executive Sessions)

S. Walker moved to recess into Executive Session for personnel matters of attorney/client privilege exception in reference to possible litigation in K.S.A. 75-4319(b)(2) until 7:29 p.m. This will include City Commissioners, City Attorney, and City Manager. T. Van Hoecke seconded. All voted aye.

T. Van Hoecke moved to come out of Executive Session at 7:29 p.m. K. Harrington seconded. All voted aye.

Adjournment:

J. Jones moved to adjourn the meeting at 7:30 p.m. T. Van Hoecke seconded. All voted aye.

ADJOURNED MEETING AT 7:30 P.M.

Respectfully submitted,

Diane K. Clay, M.M.C.
City Clerk