

April 5, 2004
6:15 P.M.
City Hall Commission Room

The Commissioners of the City of Horton met for a regularly scheduled meeting on Monday, April 5, 2004 at 6:15 p.m. in the Commission Room at City Hall.

Mayor White opened the meeting and the prayer was given by Candy Schmitt.

Present: Mayor White, Commissioners Smith, Stirton, Lentz and McClain.

An executive session was added to the agenda prior to the City Administrator's Agenda. The agenda was approved as amended.

The minutes were corrected as follows; the Commission did not request that KRWA check the plugged well, insert after the first sentence on the second page "The issue was clarified this applies to ordinances, the previous action was not an ordinance but it was felt everyone should have the opportunity to vote on the matter. Commissioner Smith, being on the prevailing side, made a motion to revisit the issue."; under Commissioner Stirton's agenda add "the City Attorney concurred with Commissioner Smith"; under Commissioner Lentz's Agenda after the first paragraph state "if there is a new hire the commission should be informed but if a new position is created the commission must approve first". Motion by Commissioner Smith to approve the minutes of the March 29, 2004 regular meeting as corrected. Seconded by Commissioner Lentz. All aye.

Motion by Commissioner Smith to approve Appropriation Ordinance #2763 (Payroll) in the amount of \$28,670.51. Seconded by Commissioner McClain. All aye.

Motion by Commissioner Lentz to approve Appropriation Ordinance #2764 (Disbursements) in the amount of \$114,080.13. Seconded by Commissioner Smith. All aye.

Report on Electric Generation Project

Ken Fairchild from Olsson Associates was present to report on the electric project. He explained that a letter was written to INCO, Inc. giving them until March 31, 2004 to respond on the request to come to Horton and startup the engine and run the analysis. The company wanted the balance of the contract paid before they would perform the startup. INCO did not respond to the letter. The City needs to proceed with getting the engine on line. Bill Delzeit, electric supervisor, found three companies willing to bid on the remaining tasks. The recommendation of the engineer was to issue a letter to let INCO know the City would be holding the remainder of the money owed to them, would be notifying their bond company of the situation, and would be expected to be reimbursed for additional expenses. Mr. Fairchild would be able to get quotes by the April 19 meeting.

Motion by Commissioner McClain to accept the recommendation of the engineer to proceed with notification to INCO and the bond company and seek quotes from other companies to get the engine on line. Seconded by Commissioner Lentz. All aye

Discussion of Contract with Potts Backhoe

Mr. Potts was not able to be present. Commissioner Stirton informed the Commission that Mr. Potts had contacted him and expressed that he was not happy with the letter that was sent to him by the City Administrator. He felt it wasn't handled properly.

The contract between the City of Horton and Potts Backhoe and Trenching says written notice of 30 days is required for termination of the contract unless there was unsatisfactory service. It was reported that Mr. Potts was asked to separate the top soil from the clay when digging graves. Mr. Potts refused to do so stating it was not in his contract.

Motion by Commissioner Smith to terminate the contract with Potts Backhoe and Trenching immediately based on failure to provide satisfactory services. Seconded by Commissioner McClain. Aye—Commissioners Smith, Lentz and McClain and Mayor White. Nay—Commissioner Stirton.

Homestead Committee

A list of interested candidates for the homestead committee was presented to the Commission. Motion by Commissioner Smith to appoint Michelle Anschutz, Carl Gasper, Greg Rodvelt, Steve Handke, Mici McClaskey, Kathy Madere, Teresa Sanderson, Matt Howell, Emmett Labes, Pat Scott, Faye Baker to the homestead committee and Gary Satter as an ex-officio member. Seconded by Commissioner Lentz. All aye. Commissioner Smith will serve as Chairman of the committee.

Ordinance for Director of Economic Development

Motion by Commissioner Smith to adopt Ordinance 1050, AN ORDINANCE REPEALING SECTION 1-301 OF THE CODE OF THE CITY OF HORTON, KANSAS AND ADOPTING AN AMENDED CODE 1-301 AND ADOPTING 1-301a. Seconded by Commissioner Lentz. Aye—Commissioners Smith and Lentz and Mayor White. Nay—Commissioners McClain and Stirton.

This ordinance makes the position of Economic Development Director an appointed position.

Director of Economic Development Applications

It was determined that the applications will be reviewed in approximately 4-6 weeks.

Ambulance Agreement

The new ambulance agreement was presented and the City Clerk explained that a previous commission had voted to increase the payment for the ambulance agreement the same percentage as any increase from Brown County. There was no increase in Brown County's payment this year. The City's payment would be \$1,617.98. Mayor White requested that this be tabled so that the EMS Director could be present to explain why they would need more. Motion by Commissioner Smith to table to the next meeting. Seconded by Commissioner McClain. All aye.

Appointment for Housing Authority Board

Motion by Commissioner Lentz to re-appoint Evelyn Ramirez to the Housing Authority Board. Seconded by Commissioner Stirton. All aye.

Update on Blue Building

Mr. Leighton reported that he had received verbal estimates on the blue building from Kreider Construction. They are as follows; 1.) HVAC--\$20,000; 2.) Painting the exterior—3.) \$13,000; installing insulation, walls and rewiring--\$17,000. Mr. Leighton is still waiting on estimates to repair the drainage problem.

Bill Delzeit volunteered to check on prices for renting a portable air conditioner for the fair.

Motion by Commissioner Smith to put the work out for bids in three individual sections. Seconded by Commissioner McClain. All aye.

Update on Firing Range

Mark Compton is to start placing bridge planking on the sides of the firing range this week. The City's proposal was accepted by the State. The State will pay for the additional work.

Update on Recycling

Mr. Leighton received information on a recycling grant. The City has been contacted by an individual who has a building.

Update on Library

Mr. Leighton reported he had received a cost estimate of \$7860. They advised the work would not require a membrane on the exterior basement walls. The Commission requested that bids be solicited from other companies.

Update on High School Projects

The concrete work at the baseball field is progressing very well. It is ADA accessible. Painting will be completed soon. The pool area will be completed in about one week. The City will be putting down pea gravel around the playground equipment. Mr. Leighton reported the City would have to put a hold on the balance of the planned concrete work on the other parks until next year.

Commissioner Lentz will check with the Park Board about changing the tennis court into a basketball court.

Update on Mission Lake Study

A report from BG Engineering was presented explaining the process that has been completed. A letter from KDHE was received outlining some ideas to help enhance or protect the water quality of Mission Lake.

Update on Water Well Project

The old collapsed well has been capped. The new well was bailed and tested today. The work on the inside of the building is completed.

Update on Metal Building

The City Administrator is still reviewing alternatives for the use and placement of this building. The Park Board would like to have ½ of the building used in place of the dilapidated sheds by the Caretaker's house. Mayor White recommended that the cost to erect this building be budgeted for next year and that the City check into the integrity of the building after being stored for so long. The Commission requested that the company be called to ascertain the proper way to store the building. This matter was tabled to the next meeting.

Executive Session

Motion by Commissioner Smith to go into executive session for 15 minutes to discuss personnel and possible litigation and to have the Commission and City Attorney present. Seconded by Commissioner Lentz. All aye. Upon reconvening, motion by Commissioner Smith and seconded by Commissioner Lentz to go back into executive session for 10 minutes to discuss personnel and possible litigation with the City Attorney present.

Motion by Commissioner Smith to go back into executive session for 10 minutes to discuss personnel and possible litigation with Mike Leighton and John Fresh to be included along with the City Attorney. Seconded by Commissioner Lentz. All aye. Upon reconvening, no action was taken.

Motion by Commissioner Smith to go into executive session for 10 minutes to discuss personnel. Seconded by Commissioner McClain. All aye. Upon reconvening, Commissioner Smith stated that based on discussions in the executive session and according to section 4a of the contract he made the motion that

Mike Leighton be terminated and be paid 3 months severance pay. Seconded by Commissioner Lentz. All aye.

City Administrator's Agenda

No report

Commissioner's Agenda

Commissioner Smith

Based on comments heard at the town meeting Commissioner Smith reiterated that code enforcement issues need to be addressed.

Commissioner Stirton

Motion by Commissioner Stirton to approve a cereal malt beverage license for Lesa Bratton, Charger Stop. Seconded by Commissioner McClain. All aye.

Commissioner Stirton reported that the new patrol cars have been received. They are burgundy in color.

Commissioner Lentz

Commissioner Lentz expressed thanks to Rodney Paden for his work on the project at the ball fields.

The carpports are in at hickory point and the City needs to put chat around the tables.

It was decided to have the Commission meet with the Department heads on Tuesday at 1:00 p.m.

The City Clerk was instructed to advertise for a position at the sewer plant and for a City Administrator. It was discussed to have the League of Municipalities search for an Administrator.

It was decided that Commissioner McClain and Robert Coots will conduct interviews for the sewer plant position.

Commissioner Lentz reported that a citizen had donated \$5,000 towards the cost of new lights at the baseball field. The total cost of the project will be about \$25,000; the infield alone will be \$15,000.

The City Clerk was asked to contact the soccer association and determine if they had any needs the City could help with.

Commissioner McClain

Commissioner McClain reported that he had attended a Wind Energy Conference put on by RC&D Glacial Hills.

Mayor White

Mayor White read a letter from Representative Bruce Larkin stating that senate bill 257 had been voted down. This bill concerned the issue of eminent domain.

The meeting adjourned at 9:30 p.m.

Candy Schmitt, City Clerk

Dale A. White, Mayor

