

June 6, 2005
6:15 P.M.
City Hall Commission Room

The Commissioners of the City of Horton met for a regularly scheduled meeting on Monday, June 6, 2005 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 and Commissioners Krug, B. Stirton, Davies and K. Stirton.

The agenda was amended to add a discussion of the recent power outages and to add two more executive sessions to discuss non-elected personnel. Motion by Commissioner Davies to adopt the agenda as amended. Seconded by Commissioner B. Stirton. All aye.

Motion by Commissioner Davies to adopt the minutes of the May 16, 2005 regular meeting. Seconded by Commissioner Krug. All aye.

Motion by Commissioner Davies to adopt the minutes of the May 20, 2005 special meeting. Seconded by Commissioner Krug. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2823 (Payroll) in the amount of \$30,395.59. Seconded by Commissioner Krug. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2824 (Disbursements) in the amount of \$72,493.05. Seconded by Commissioner Krug. All aye.

Public Hearing on Carson Communications Franchise Ordinance

Mayor White opened the public hearing on the Franchise Ordinance with Carson Communications at 6:20 p.m. Jesse Bottorff was present and inquired about the possibility of getting worship.net on the cable lineup. Mr. Carson advised that they would look into it. Commissioner B. Stirton asked about the channels losing their signal at different times of the day. It was noted that the company had experienced interference from Doppler radar systems but thought they had this problem under control. There were no further comments and Mayor White closed the public hearing at 6:26 p.m.

Motion by Commissioner Krug to adopt Ordinance 1062, AN ORDINANCE SETTING FORTH REGULATIONS, TERMS AND CONDITIONS UNDER WHICH CABLE COMMUNICATION SYSTEMS SHALL BE CONSTRUCTED AND OPERATED IN THE CITY OF HORTON, KANSAS; GRANTING TO CARSON COMMUNICATIONS, L.L.C. A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE COMMUNICATIONS SYSTEM WITHIN THE CITY OF HORTON, KANSAS; AND REPEALING CITY OF HORTON ORDINANCE NO. 789. Seconded by Commissioner K. Stirton. All aye.

Power Outages

Mr. Smith reported that the recent power outages experienced in Horton were caused because Westar had problems with their lines. There were questions as to why the City did not start generating during the outage to get the power on more quickly. Bill Delzeit, electric supervisor, explained that he had started the generator but it died and there was no backup air supply to engage the air starters. The second outage we were unable to generate due to a wrong setting on one of the relays. Mr. Delzeit advised that there is a need for a gas powered air compressor with approximately a 25 hp motor in order to have a backup air supply. He also advised that the City should have a planned outage in order to test the relays once they have been reset to the proper settings.

The Commission decided to have Mr. Delzeit determine the size of air compressor and get pricing so that it could be budgeted in the 2006 budget year and the money could be used from the project fund. They also approved a scheduled shut down of power for testing purposes in the next 2 weeks. The paper and radio will be notified so citizens will be aware of what is going on.

Landscaping & Memorial Park at City Hall 120th Anniversary Preparations

Mr. Smith reported that September 2006 will be the 120th birthday of the City of Horton. A pride and appearance task force has been formed to look into a landscaping project at City Hall. A possible way to finance this project would be to sell memorial bricks to be used in the landscaping. The Commission wants a list of who is on the committee and a written plan of what they are proposing for the project.

Directives on Safety Clothing; Police Uniforms

A directive on proper radio usage for safety purposes was presented for review by the Commission. They suggested that some changes be made and that the directive be brought back at the next meeting.

A second directive concerning uniforms and equipment for the police department was presented for review. There were questions about the policy concerning wearing of bulletproof vests. Kevin Hill, the City Attorney, stated that usually if the city provides the vest it is made mandatory that they be worn. If it isn't made mandatory the city could be held liable for injuries that could have been prevented by wearing the vests.

There was some question as to whether the Chief of Police agreed with this directive and the Commission directed that Mr. Smith, Commissioner B. Stirton and Chief Luzier meet and discuss the policy. Commissioner B. Stirton will set the time for the meeting.

After discussion about the terminology of safety vest versus ballistic vest, a motion was made by Commissioner B. Stirton that the term safety vest be changed to ballistic vest. Seconded by Commissioner Davies. All aye.

The Commission would like to have an inventory of the vests that are available. Mr. Smith will bring back the directives with revisions.

Sealed Bids; East 5th Property

One bid for the property on E. 5th Street was received. The bid was from Randy Nadeau in the amount of \$205.00. Motion by Commissioner Krug to accept the bid and release any in interest in the property by quitclaim deed. Seconded by Commissioner K. Stirton. All aye.

It was explained that the City was only selling its quitclaim interest in the property.

Sealed Bid Opening; Brush Truck and Bed

One bid was received on the 1998 Chevrolet truck bed and tailgate. The bid was from Bob Stirton in the amount of \$200.00. Motion by Commissioner Davies to accept the bid from Mr. Stirton. Seconded by Commissioner Krug. Aye—Mayor White and Commissioners Krug and Davies. Abstain—Commissioners B. Stirton and K. Stirton. The motion passed.

Bids for the 1989 Chevrolet 4X4 Truck were as follows:

B & B Farms (Ray Becker)	\$1,860.00
Terry Baker	\$1,651.01
Joshua White	\$150.00

Motion by Commissioner Davies to accept the bid from B & B Farms in the amount of \$1,860. Seconded by Commissioner Krug. All aye.

Update on Mission Lake Project

The State funding for the Small Lake Restoration project is in question at this time. A possible alternative would be for the City to pay the \$4 million and ask the state to provide in-kind services such as permits, surveys, etc. Mr. Smith was instructed to check with the bond attorney to see if this would meet the requirements of the question that was put to the voters in April. If it does not meet those requirements then another vote would need to be taken. The staff will get the cost of a special election. Dave Penney will be at the next meeting to discuss this option with the Commission.

Request for Summer Hours

The employees requested that they be allowed to work 7-4 during the summer because of the heat. It was the consensus of the Commission to continue to work the regular 8-5 hours.

Requests for the Fair Parade on July 12

A request was received from the Chamber of Commerce for permission to block the streets for the Brown County Fair Parade on July 12. They also asked that the police department assist in removing vehicles if needed before the parade. A flat bed trailer will be parked in the intersection of 8th and Central and they will be using sound amplification. Motion by Commissioner Davies to assist the Fair Parade Committee in all of these areas. Seconded by Commissioner Krug. All aye.

Ordinance for Rezoning

Motion by Commissioner Krug to adopt Ordinance 1063, AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF HORTON, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF HORTON, KANSAS. Seconded by Commissioner K. Stirton. All aye.

This ordinance rezones Lots 25 thru 31 of Block 31 in the Kansas City Addition of the City of Horton from R1 to C1.

Report on Easement Issue at Tom Stirton's

The Code Enforcement Officer, City Administrator, 2 Commissioners and a lineman met with Tom Stirton concerning the issue of whether or not an electric guide wire is placed on city easement or on Stirton's property. Mr. Stirton had a survey completed by a licensed surveyor. There is some question that the survey is correct. The survey shows a road being vacated but there is no record of it at the county or in the city records. The Commission requested that the Code Enforcement Officer meet with the surveyor and advise him of our question of the survey and work together to solve the problem.

The Commission took a 7 minute break

Executive Session (Non-elected Personnel)

Motion by Commissioner K. Stirton to go into executive session for 10 minutes to include the City Administrator, City Attorney and Commission to discuss non-elected personnel. Seconded by Commissioner Krug. All aye. When the Commission reconvened there was no action taken.

Motion by Commissioner Davies to go into executive session for 20 minutes to include the City Administrator, City Attorney and Commission to discuss non-elected personnel. Seconded by Commissioner K. Stirton. All aye. Motion by Commissioner Davies to extend the executive session for

another 20 minutes. Seconded by Commissioner K. Stirton. All aye. No action was taken when the Commission reconvened.

Mr. Smith presented proposed job descriptions for the Assistant Chief's position. After some discussion it was decided to have the Chief of Police review the job descriptions and to bring it back to the Commission at a later date.

Motion by Commissioner K. Stirton to go into executive session for 10 minutes to include the City Attorney and the Commission to discuss non-elected personnel. Seconded by Commissioner Davies. All aye. Motion by Commissioner K. Stirton to extend the executive session 15 minutes. Seconded by Commissioner Davies. All aye.

Motion by Commissioner K. Stirton to go into executive session for 20 minutes to include the City Administrator, City Attorney and Commission to discuss non-elected personnel. Seconded by Commissioner B. Stirton. All aye. Motion by Commissioner K. Stirton to extend the executive session for 10 minutes. All aye. Upon reconvening there was no action taken.

Motion by Commissioner K. Stirton to go into executive session for 5 minutes to include the City Administrator, City Attorney and Commission to discuss non-elected personnel. Seconded by Commissioner Davies. All aye. No action was taken in executive session.

City Administrator's Agenda

There was damage at the UV building at the sewer plant over the Memorial Day weekend caused by an accidental shooting. The Chief of Police conducted an investigation and talked with the individuals involved. It was noted that the Chief should involve Atchison County in the investigation.

The department heads will be meeting with Mr. Smith to develop the Capital Improvement Plan and Mr. Smith informed the Commission that any input from them would be appreciated.

Scott Lowe has stated that he would remove the cattails on the NE corner of the Little Lake for a \$300 fee. The Commission asked that Mr. Smith check with the Department of Wildlife and Parks to see if there is any reason not to remove the cattails, then to check with the Street Department to see if they have time to remove the cattails if they don't then the project should be bid out.

A letter was received from Westar terminating the present contract in 3 years. The contract will then be renegotiated. Mr. Smith and Bill Delzeit will be talking to KMU to see if they will provide assistance in developing a request for proposals for engineering services to study the best options for purchase of power.

Applications for the part time position in administration were due today.

The City received 8 applications for part time dispatcher and will interview 5 of them on Wednesday.

An extension contract with Bottorff Construction will be reviewed by the City Attorney before payment is made on the project.

It was decided to apply for an extension of 6 months on the CLAP grant through the Department of Wildlife and Parks.

Tom Reed is cleaning up the building next to the Library. Debris was placed in the street in the parking area and Mr. Reed requested assistance from the City to pick it up and place it in the dumpster. Commissioner K. Stirton advised he would personally help Mr. Reed. The Commission instructed the City Administrator to see if the dumpster could be moved to the back of the building during the special event at the Library.

Commissioner's Agenda

Commissioner Krug

Commissioner Krug requested that whenever curbs are put in by the City that they be the rounded type instead of the square curbs to match the surrounding area.

Commissioner Krug asked for clarification on the procedure when a new residence puts in a driveway. There have been some in the past that were told they could not pour a concrete apron to match up to the street but rock was put in instead.

Commissioner B. Stirton

Commissioner B. Stirton reported that a cracked rim on the patrol truck needs to be replaced.

Commissioner Davies

Commissioner Davies reported that Mr. Smith is putting together a format for running the pool.

Commissioner Davies thanked the Rex West and Lane Tawzer for repairing the pool over the holiday weekend.

Several white fiberglass chairs were donated by Drew and Raven Davies for the swimming pool. The benches have been moved to the ball fields.

The park board recommends that Oswalds be allowed to move one of the City docks south of where it is located only if they repair the dock. The Commission agreed.

It was noted that the city needs to check for building permits when any building is being done.

Commissioner K. Stirton

The Lion's Club asked for a donation towards the fireworks program for this year. Motion by Commissioner K. Stirton to donate \$500 to the Lion's Club for fireworks. Seconded by Commissioner B. Stirton. All aye.

The Fish and Game Club would like to have as many portable toilets as they can at the Mud Run this weekend.

Someone is coming to look at the Grader on Wednesday. If he doesn't buy it then the city will trade it in on a used skid steer loader.

There are foxes and skunks at the vacant residence in the 400 block of E. 13th Street.

Commissioner K. Stirton would like the Street Department to clean out the ditches so that the drainage is working properly.

Robert Rork has a set of smaller flotation tires for the City's sludge truck. It was agreed that if the tires are in good shape then they city should trade the larger tires for the smaller ones.

Mayor White

Motion by Commissioner Davies to appoint Sharon McVay to the Library Board to replace Wanda Stoltenberg on the recommendation of the Library Board. Seconded by Commissioner Krug. All aye.

The Blue Building is leaking water in the kitchen area. This will be looked into by the City employees.

Mayor White would like a report at the next meeting on the ball park lights and the possible donation of poles.

The meeting adjourned at 11:20 p.m.

Candy Schmitt, City Clerk

Dale A. White, Mayor