

July 17, 2006
7:15 P.M.
City Hall Commission Room

The Commissioners of the City of Horton met for a regularly scheduled meeting on Monday, July 17, 2006 at 7:15 p.m. in the Commission Room at City Hall.

Mayor White opened the meeting and the prayer was given by Pastor Chris Conklin of the Christian Church.

Present: Mayor White, Commissioners Krug, B. Stirton, Davies and K. Stirton.

Items added to the agenda were a Code Enforcement Report and an Executive Session. Motion by Commissioner K. Stirton to adopt the agenda as amended. Seconded by Commissioner Davies. All aye.

Motion by Commissioner Davies to approve the minutes of the July 3, 2006 regular meeting. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to approve Ordinance #2880 (payroll) \$34,912.84. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to approve Ordinance #2881 (disbursements) \$126,343.32. Seconded by Commissioner K. Stirton. All aye.

Discussion of 101 E. 8th Street

Ruth Lucero and her Attorney, Ed Dunn, were present to answer to a letter they received from the Code Enforcement Officer concerning repairs needed at 101 E. 8th Street. The violations cited were broken windows, rotted wood and an unsafe railing on the fire escape stairway. Ms. Lucero was given 45 days to comply and could request a hearing within 15 days. She requested a hearing which was set for July 17. Mr. Dunn informed the Commission that Ms. Lucero wished to comply with the requests but needed more information and more time. Mr. Dunn will meet with the Code Enforcement Officer to develop a plan of action. The hearing was recessed until August 21 at 7:15 p.m.

Discussion of Issues Related to the Mission Lake Restoration Project

David Penny, Master Dredging Co., reported to the Commission that the cost of the dredging project has increased due to the increase in fuel and interest on future bonds. He stated he felt Horton is still in a prime position to proceed with this project. The State of Kansas does not want to do the project as a design-build which will increase the cost because of engineering.

Mr. Penny spoke to the rumor that he is using the option to purchase land from Ray Foster as leverage to get the job and that is not so. The land will be available to the successful bidder at a nominal charge. Mr. Penny would like to keep the land to develop

for housing after the project is completed or to sell to the City for a little over what he pays for it.

Mr. Penny also reported that his business is looking to expand or relocate and they would like to come to Northeast Kansas. This would mean Horton, Hiawatha or Doniphan County.

The State should be finishing the process in 2 to 3 months and Mayor White would like to wait for that to be completed. The City of Horton will ask for the current designated funds of \$335,000 and request the 2nd year funds as well. Mayor White and Mr. Henry will address the regulations at the hearings on August 2.

The Commission reaffirmed that there will be a bidding process for the dredging of Mission Lake.

Quarterly Report on the Budget

Mr. Henry presented a report on the current budget. The revenues in the water and sewer are lower than were budgeted. Everything else seems to be in line with the amounts budgeted.

Report on Blue Building

The KANSTEP project is on track. Mr. Henry will be meeting with the architect on July 18.

Request to hold a Co-Rec Baseball Tournament on July 29-30

Caleb Clement requested permission to hold a baseball tournament on July 29-30 at the baseball fields. The Commission requested a write-up showing where the people would be camping, that there would be no alcoholic beverages, how many teams, what type of security and showing that they have event insurance. Commissioner Davies will work with Mr. Clement and the City Clerk.

Report on Code Enforcement

Officer Stuart reported that from March of 2005 to the present he has issued 182 weed notices and of those 86 have been mowed by the City; 71 trash and junk notices with 97% complying and 2 going to court; 86 disabled vehicle notices with 88% complying within 10 days and 10 going to court and then complying with court order; 43 unsafe structures notices with 83% compliance and 7 going to court with one of those going to district court.

Officer Stuart does not show favoritism. Not everyone is able to comply financially or physically and Officer Stuart tries to work with them to mitigate the situation.

Discussion of City Lot Southeast of 1565 1st Ave. E. (Sidewalk)

Chris Burger appeared and advised the Commission that he did not think he should have to pay for the sidewalk that he removed and the City replaced in front of his residence. He stated that his sidewalk was not in disrepair but was being reconstructed. He was given 30 days to complete the sidewalk and did not complete it so the City replaced the sidewalk and Mr. Burger received a bill for the materials, equipment and labor. Mr. Burger was advised that his next step would be to go through the court system.

Don't Need City Administrator

Mayor White gave several reasons for needing a City Administrator. Mr. Molt sat down without speaking to the topic.

Scott Cowley took the podium to speak about an issue concerning the Lake bank by his residence. Mr. Cowley had cleared the bank and put in a boat ramp and mulch along the bank. A citation was issued for destruction of property since there is an ordinance prohibiting cutting of trees and brush without the approval of the Governing Body. Mr. Henry rescinded the citation and met with Mr. Cowley to resolve the issue. It was noted that if anyone wants to make changes along the lake shore it should be taken to the Park Board who would then in turn make a recommendation to the Commission.

Mr. Henry reported that Mr. Cowley will maintain the area and will reseed with grass when the mulch goes back to dirt and rip rap will be put in on the boat ramp.

Mr. Cowley asked about the other residents in the area mowing and weed eating the bank. A policy will be put together but until then the residents should continue as they have been but should not do more than is being done at the present time.

City Administrator's Agenda

There is no ordinance that specifies the quality of fencing for dogs. Mr. Henry and the City Attorney recommended that Sec.4 article 4 of the City Codes be amended to be more specific. An amendment will be presented at the next meeting.

The electric plant generated on July 13 and a load of diesel fuel had to be ordered at a cost of approximately \$19,000.

The reception on the handheld radios is not very efficient. Haug Communications advised it would cost approximately \$3,500 to install a repeater on City Hall. The Commission requested that Mr. Henry obtain 3 bids and bring back at a later meeting.

Mr. Henry was directed to get cost details on dust control for the road on the east side of Mission Lake and to check with the State to see if they had any contracts that the city could use.

The police officers are requesting to be allowed to stop wearing their bullet proof vests in the hot weather. After some discussion Commissioner B. Stirton moved that a policy should be written that when the temperature is 95° or above it will be at the officer's discretion whether or not to wear a vest. But a raid vest will be available in both vehicles. Seconded by Commissioner Krug. All aye. The City Attorney will write the policy and present it to the Commission.

Motion by Commissioner Davies that the employees work on a summer schedule of 6 am to 3 pm during the remainder of the week due to the above 100° weather. Seconded by Commissioner B. Stirton. All aye.

Commissioner's Agenda

Commissioner Krug

Commissioner Krug stated that it is healthy to have citizens attend the meetings. He wanted those in attendance to know that the Commission has the good of the community at heart.

Commissioner B. Stirton

Commissioner B. Stirton announced the Mud Run on July 22 to raise funds to purchase equipment for the Fire Department.

Commissioner Davies

Commissioner Davies reported that the pool is running well. He will be meeting with Larry Pottroff to determine a landscaping plan for the blue building. An outline of a lake tree plan is being prepared. The new building at the caretaker's house is being used. Commissioner Davies is working with the School District on lights for the baseball fields. Soccer field nets are up and ready for the fall season. A water fountain has been installed at the football field as an Eagle Scout project done by Drew Davies. It is ADA accessible and made of aluminum and stainless steel.

Commissioner K. Stirton

Commissioner K. Stirton thanked those that attended the meeting.

Mayor Dale White

Motion by Commissioner Davies to appoint Wanda Stoltenberg to the Library Board to replace Sharon McVay who resigned. The term will expire on April 30, 2009. Seconded by Commissioner Krug. All aye.

There was a power outage over the weekend and the crews handled it as quickly as possible during the storm.

Mayor White reminded those in attendance that there is a difference between constructive and destructive criticism and he thanked them for attending the meeting. Mayor White apologized if he had hurt Kenny Molt's feelings.

Motion by Commissioner K. Stirton to adopt Charter Ordinance 19, which changes the quorum of the Commission from 3 to 4. Seconded by Commissioner Krug. All aye.

The Commission recessed for 10 minutes

Motion by Commissioner Davies to go into executive session for 15 minutes to discuss personnel to include the Commission, City Administrator and City Attorney. Seconded by Commissioner K. Stirton. All aye. Motion by Commissioner K. Stirton to extend the executive session for 15 minutes to discuss personnel to include the Commission, City Administrator and City Attorney. Seconded by Commissioner Davies. All aye. Motion by Commissioner K. Stirton to extend the executive session for 10 minutes to discuss personnel to include the Commission, City Administrator and City Attorney. Seconded by Commissioner Davies. All aye. There was no action taken in executive session.

The meeting adjourned at 10:50 p.m.

Candy Schmitt, City Clerk

Dale A. White, Mayor