

June 2, 2008
5:15 P.M.
Commission Room

The Commissioners of the City of Horton met for a regularly scheduled meeting on Monday, June 2, 2008 at 5:15 p.m. in the City Hall Commission Room.

Mayor Lentz called the meeting to order and the prayer was given by Candy Schmitt, City Clerk.

Present: Mayor Lentz, Commissioners Krug, Forkenbrock, Davies and Luscombe.

The Chamber of Commerce was added to the agenda as well as an executive session after the City Administrator's agenda. Motion by Commissioner Davies to adopt the agenda as amended. Seconded by Commissioner Krug. All aye.

Motion by Commissioner Davies to approve the minutes of the May 19, 2008 regular meeting. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Davies to approve the minutes of the May 28, 2008 special meeting. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2975 (payroll) \$31,816.20. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2976 (Disbursements) \$352,753.07. Seconded by Commissioner Forkenbrock. All aye.

Mike Rieschmann from Meadows Construction Company

Mayor Lentz requested that a representative from Meadows Construction Company come and present a proposal to complete the sidewalks on the Central Avenue Improvement Project. This would include cutting to grade, forming and pouring the sidewalks, adjusting the meter lids and removing the forms. The cost was \$6.75 a square foot for a total of \$120,386.25 for both sides of Central Avenue. To do just the east side of Central it would be a cost not to exceed \$60,193.

Motion by Commissioner Krug to go out for bids to be opened on June 16 and presented at the Commission meeting that night for the East side of Central Avenue. Seconded by Commissioner Davies. All aye.

Request for Water Service Outside City Limits

Kirk Gaskell appeared to request City water service be run to a residence at 18371 US 159 Hwy. The residence has a poor quality well. The City is in the process of testing the volume/pressure on the line that would be used to service this residence. The results will be ready by the next meeting.

Resolution to Sell Temporary Notes

The City needs to refund the temporary notes that were issued in 2007 in the amount of \$200,000 and would like to issue an additional \$300,000 to pay for engineering costs on the Mission Lake Project. There would be a bid opening for these temporary notes on June 16.

Motion by Commissioner Krug to adopt Resolution 2008-002, A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION IMPROVEMENT AND RENEWAL NOTES, SERIES 2008-3, OF THE CITY OF HORTON, KANSAS. Seconded by Commissioner Davies. All aye.

Chamber of Commerce discussion of City Flag

Rita Higley and Mary Brown were present representing the Chamber of Commerce. Several cities have a city flag and the Chamber of Commerce would like to sponsor a contest to design a city flag for Horton. They would like permission to use the City logo as part of the design requirements. Motion by Commissioner Davies to support the idea of a City flag. Seconded by Commissioner Forkenbrock. All aye.

Ambulance Agreement

Motion by Commissioner Davies to approve the ambulance agreement for 2008 in the amount of \$5,000. Seconded by Commissioner Krug. Aye—Mayor Lentz and Commissioners Krug, Davies and Luscombe. Abstain—Commissioner Forkenbrock—because he works for the ambulance service.

Water meter testing results

The meter for the Klamm residence was tested and was found to be under registering by 21.9%. The meter was changed and no further action will be taken.

The meter at the Knudson business tested 99.9% accurate. Motion by Commissioner Krug to forgive the water and sewer charges for the water leak at Knudson's. Seconded by Commissioner Forkenbrock. Aye—Mayor Lentz, Commissioners Krug, Forkenbrock and Davies. Nay—Commissioner Luscombe.

Tax and Research Agreement

A company that gets tax rebates for cities on fuel purchases presented a contract to perform services for the City of Horton. Motion by Commissioner Davies to table this matter so the City Attorney can investigate the company. Seconded by Commissioner Krug. All aye.

Appointment of Public Building Commission

Charter Ordinance #20 is now in effect. It was decided to advertise for people to submit a letter of interest to serve on the Recreational Facility Public Building Commission. Motion by Commissioner Forkenbrock to establish a 7 member public building commission. Seconded by Commissioner Davies. All aye.

Request for Loud Sound Amplification for Horton National Bank Customer Appreciation at Hickory Point

Horton National Bank will be holding their customer appreciation at Hickory Point on June 20 from 5-8:30 p.m. and will be having a band playing. Motion by Commissioner Davies to allow outdoor loud sound amplification at Hickory Point on June 20 from 5-8:30 p.m. Seconded by Commissioner Forkenbrock. All aye.

There was some discussion about event insurance and what it covers. The Commission would like to have a representative from the City's insurance carrier to explain and answer questions.

Selection of Grant Administrator for ED Grant for Harvest Fuel/Sweet Pro

One proposal was received for the administration of the ED grant. RDA proposed to do the grant administration at a cost not to exceed \$12,000. Motion by Commissioner Forkenbrock to accept the proposal from RDA. Seconded by Commissioner Krug. Aye—Mayor Lentz and Commissioners Krug, Forkenbrock and Luscombe. Abstain—Commissioner Davies—because he is on the board for RDA.

City Administrator's Agenda

The Commission agreed that the policy for obtaining deposits for utilities should be to require a new deposit when a customer moves and use the old deposit when finalizing the bill at the old residence. The deposits should not be transferred as has been done in the past.

Motion by Commissioner Davies to contract with Waters Edge Aquatic Design for concept planning for a new pool at a cost not to exceed \$6,900 and expenses not to exceed \$1,000. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Davies to accept Exhibit B and amendment to the original contract with EMG. Seconded by Commissioner Krug. All aye. City Attorney, Kevin Hill, suggested that section 6.1 of exhibit C state "provided that consultant has received written authorization to perform such additional work prior to commencement of the same." Motion by Commissioner Forkenbrock to approve Exhibit C as amended. Seconded by Commissioner Davies. All aye.

Motion by Commissioner Davies to approve the contract with BG Consultants to conduct an inspection of the dam at a cost not to exceed \$23,000. Seconded by Commissioner Forkenbrock. All aye.

The report from BG Consultants on the site plan for the Blue Building was presented. The Commission agreed that Option 1 was the best layout for the building site.

On health insurance it was decided that the City should get a health benefits advisor to help in evaluating the plans. Commissioner Davies will give Mr. Henry examples of what the school district used when soliciting proposals.

Tri-County Manor would like the City to repair a pot hole in their parking lot. No action was taken.

Commissioner's Agenda

Commissioner Krug

Commissioner Krug reported that the Mud Run will be held east of the old house on the new property and those in charge are JT Strube, Bryan Stirton and Mike Williams.

Commissioner Krug would like to see the balance of ground bid out for cash rent and that the bids be due by June 9th to be opened at a special meeting held at noon. The Commission agreed.

Mr. Henry reported that he still needs to meet with the department heads on the budget.

There is illegal dumping going on at the tree dump. If it continues the City will have to make a decision on whether to keep the site or close it down.

Commissioner Forkenbrock

Commissioner Forkenbrock asked Mr. Henry where the City was on the Lake Project. Mr. Henry advised that he is scaling down the scope of services on the contract with Black and Veatch for the engineering.

Commissioner Davies

Commissioner Davies reported the school will paint the baseball bleachers, the scouts had a camp out below the dam, the park board will supply a list of sites for trees, and the 4-way stops need to be marked.

Commissioner Luscombe

Commissioner Luscombe asked that the ordinance on trash containers be enforced. He also stated he still felt the City should purchase a chipper.

Mayor Tim Lentz

No report.

The Commission went into recess for 5 minutes

Motion by Commissioner Forkenbrock to go into executive session for 20 minutes to discuss non-elected personnel to include the Commission and City Attorney. Seconded by Commissioner Davies. All aye. No action was taken in executive session.

Motion by Commissioner Forkenbrock to go into executive session for 10 minutes to discuss non-elected personnel to include the Commission, City Attorney and City Administrator. Seconded by Commissioner Luscombe. All aye. Upon reconvening, a motion was made by Commissioner Davies to suspend City Administrator, Levi Henry, for 3 days with pay, effective immediately, pending a special meeting/due process hearing to determine whether the City Administrator should be terminated for cause. He may have an attorney present at the hearing on June 4, 2008 at noon. Also to authorize the City Commission to execute the written notice for termination for cause as prepared. Seconded by Commissioner Forkenbrock. All aye. All members of the Commission signed the written notice and it was delivered to Mr. Henry. Mr. Henry objected to June 4 being the date for the hearing because there is not sufficient time to prepare and get counsel.

The Commission adjourned at 9:23 p.m.

Candy Schmitt, City Clerk

Tim Lentz, Mayor