

July 21, 2008  
5:15 P.M.  
Commission Room

The Commissioners of the City of Horton met for a regularly scheduled meeting on Monday, July 21, 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 Pastor Richard Crooks of the First Baptist Church.

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

Motion by Commissioner Forkenbrock to adopt the agenda as presented. Seconded by Commissioner Davies. All aye.

Motion by Commissioner Davies to approve the minutes of the July 7, 2008 regular meeting. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2983 (payroll) \$38,828.18. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2984 (Disbursements) \$365,380.61. Seconded by Commissioner Forkenbrock. All aye.

#### **Quarterly Report on Tri-County Manor**

Mary Brown, Administrator, from Tri-County Manor was present to give a report to the Commission. The Manor currently has 34 residents and the staffing number is where it needs to be. The Manor has raised its rates effective August 1, 2008 based on the payment allowances from Medicare. They also have added new cabinets in the kitchenette that will be used by residents and visitors.

#### **Request to Waive Penalty on Utility Bill**

Jim O'Neal, owner of Horton Thriftway, was present to request that the Commission waive the penalty on his utility bill or possibly cap the amount of the penalty. The penalty was in excess of \$600. Motion by Commissioner Forkenbrock to waive the penalty for the Horton Thriftway since they had never been late before. Seconded by Commissioner Krug. Aye—Mayor Lentz and Commissioners Krug, Forkenbrock and Davies. Nay—Commissioner Luscombe.

#### **Request for Reimbursement for Damages to Residence**

Kristin Dean was present to explain to the Commission that her finished basement was flooded by a sewer backup on May 22 causing \$21,174.27 worth of damages. Ms. Dean submitted a claim to the City's insurance carrier and they denied the claim stating it appeared that the cause of the sewer backup was an excessive volume of water in the sewer lines due to runoff of heavy rains. Ms. Dean felt there were other reasons for the backup since it took City crews from Horton, Hiawatha and Sabetha several hours to clear the line.

Mr. Evans stated that it should be a policy to require residents to have back flow preventers so this type of damage could not occur. The City Attorney stated that the next step after the insurance company denies a claim is to file a claim in district court and the insurance company will defend the claim on the City's behalf.

No action was taken by the Commission.

#### **Review of Bucket Truck Specifications for Bidding Process**

Mr. Evans presented bids from three companies on a bucket truck for the electric department. The Commission stated that they wanted a specification sheet for their review before going out for bids. This will be presented at the next meeting for approval.

#### **Purchase Request for Transformers**

A request for the purchase of transformers was presented. The prices were for aluminum and one of the companies also bid copper. The Commission requested that the transformers be re-bid for rebuilt copper transformers and bring back to the next meeting.

#### **Change Order on Central Avenue Project**

A change order was presented from Meadows Construction Company for a deduction of \$6,631 on the Central Avenue Project. Motion by Commissioner Davies to approve Change Order #2. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Krug to pay the final pay request of \$34,504.19 to Meadows Construction. Seconded by Commissioner Davies. All aye.

#### **Resolution and Agreement with BIA for Fire Assistance**

The City Attorney had some questions on the agreement that was presented and would like for a representative from BIA to be at the next meeting as well as the Fire Chief from Horton. The matter was tabled to the next meeting.

#### **Mutual Aid Agreement with Whiting Fire Department**

This matter was tabled because the City Attorney would like the Fire Chief from Whiting to be present at the next meeting.

#### **Automatic Aid Agreement with Powhattan Fire Department**

This matter was tabled because the City Attorney would like the Fire Chief from Powhattan to be present at the next meeting.

#### **Ordinance for Solid Waste Rates**

Motion by Commissioner Davies to adopt Ordinance 1085, AN ORDINANCE AMENDING THE INDIVIDUAL HOUSEHOLD RATE FOR RESIDENTIAL TRASH COLLECTION EFFECTIVE AUGUST 1, 2008 AND REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF. Seconded by Commissioner Krug. All aye.

#### **City Administrator's Agenda**

Several applications have been received for the position of City Administrator. Mr. Evans inquired if the City would be paying for travel expenses to the interviews. The Commission agreed to pay the travel expenses.

Mr. Evans presented an application to USDA/RD for a grant/loan to purchase 2 storm sirens and a brush truck for the fire department. A public hearing will be held on August 4. The Commission approved the application.

A company associated with Rainbow Communications is requesting to be allowed to install a mono-pole at City Hall and place our antennae and theirs on the pole. The Commission requested that the company's representatives come to a meeting.

A meeting with the Engineer and a representative from Uretek will meet on Wednesday about the Blue Building structure.

A meeting will be held with the Department of Commerce, Sweet Pro and the City on July 28 to go over paperwork for the Economic Development Grant.

A meeting with the Planning Commission and John Riggs will be held on July 31 at 6:00 pm to complete the Comprehensive Plan.

The Stormwater Pollution Prevention Plan has been submitted to KDHE.

### **Commissioner's Agenda**

#### **Commissioner Krug**

Commissioner Krug inquired if anyone had sign up on the local bidder's list. The City Clerk advised that she had received one request to be on the list from Thieme Construction from Sabetha.

#### **Commissioner Forkenbrock**

Chief Luzier and Commissioner Forkenbrock interviewed 3 candidates for officer. They were Mike Williams, Jessica Merz and Aaron Beach. They would like to hire one of these candidates. This will be discussed in an executive session later in the meeting.

Chief Luzier is working on a maintenance program for the vehicles.

Commissioner Forkenbrock reported that the boat ramp grade is steep and he thinks more rock is needed.

Commissioner Forkenbrock inquired if the City would be repairing or replacing the retaining wall along Central Avenue. It was the consensus of the Commission that this would be the property owner's responsibility.

#### **Commissioner Davies**

Commissioner Davies inquired about the radar sign. Chief Luzier reported that it was too heavy to move from one place to another without mounting it on a trailer instead of sign posts. A trailer is being prepared.

There will be a meeting with Water's Edge Aquatic concerning the planning of the new pool on July 29.

Trees at Mission Lake need to be trimmed.

#### **Commissioner Luscombe**

Commissioner Luscombe was glad to see work had started on replacing the 2400 line.

#### **Mayor Tim Lentz**

Mayor Lentz inquired about the 117 hours overtime at the pool during the last pay period. Commissioner Davies reported that supervision had been changed at the pool and this should fix the problem.

Commissioner Krug and Mayor Lentz will meet with the State about the Mission Lake project on July 30.

Rex West reported that the chip and sealing will be started Wednesday or Thursday. The crews are working on a water leak at 1<sup>st</sup> Ave. West and West 8<sup>th</sup> Street.

Motion by Commissioner Forkenbrock to go into executive session for 10 minutes to discuss non-elected personnel to include the Commission, City Attorney and Chief Luzier. Seconded by Commissioner Davies. All aye. No action was taken in executive session.

Motion by Commissioner Davies to go into executive session for 10 minutes to discuss non-elected personnel to include the Commission, City Attorney and Rex West. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Davies to approve the proposed contract for the Director of Streets and Public Utilities. Seconded by Commissioner Forkenbrock. All aye.

### **Budget Workshop**

The 2009 proposed budget was discussed with the Commission and they instructed that the mil levy remain the same as 2008.

Motion by Commissioner Davies to approve a 3% COLA for all employees effective January 1, 2009. Seconded by Commissioner Krug. All aye.

The meeting adjourned at 8:30 p.m.

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Candy Schmitt, City Clerk

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Tim Lentz, Mayor