

June 1, 2009  
5:15 P.M.  
Commission Room

The regularly scheduled meeting for the Horton Commissioners was held on Monday, June 1, 2009 at 5:15 p.m. in the City Hall Commission Room.

Mayor Lentz called the meeting to order and Pastor Richard Crooks of the First Baptist Church offered the prayer.

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

The executive session for possible litigation was moved to right after the Manor discussion and another executive session was added at the end of the meeting. Motion by Commissioner Davies to adopt the agenda as amended. Seconded by Commissioner Forkenbrock. All aye.

Commissioner Davies requested the minutes be corrected to read he had presented a "written complaint by a local organization". Motion by Commissioner Davies to approve the minutes of the May 18, 2009 regular meeting as amended. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #3030 (Payroll) \$31,944.36. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #3031 (Disbursements) \$93,241.14. Seconded by Commissioner Forkenbrock. All aye.

### **Appointment to Library Board**

Motion by Commissioner Forkenbrock to appoint Betty Wellman to the Library Board. Seconded by Commissioner Edwards. All aye.

### **Request to Allow Liquor Sales on Holidays**

The Commission received a request from the owner of Northend Liquor Store to consider passing an ordinance to allow the sale of liquor on Holidays. The City Attorney advised that an ordinance could be written but it would require a 60 day protest period before it became effective, therefore it would not be in effect by July 4<sup>th</sup> of this year. The consensus of the Commission was to have the City Attorney draft an ordinance for the next meeting.

### **Discussion of Tri-County Manor Utility Bill**

The City sent a letter to the Tri-County Manor suggesting that the utility bill that has been delinquent since before 2004 be adjusted to \$14,000 from the \$31,433 owed. Dale White and Mary Brown were present to represent the Manor. Mr. White advised the Commission that the Manor employees are working with no benefits and the Manor is currently paying monthly payments of \$1,400 on the lease to the City and \$2,700 to the bank on the loan. Mr. White stated he would like to discuss the responsibility of the lessee to the lesser for repairs to the building. They have repaired the roof and installed a new furnace. The City Attorney pointed out that the lease agreement stated the Tri-County Manor would be responsible for all repairs and maintenance on the building.

Motion by Commissioner Davies to adjust the bill to \$10,000. Seconded by Commissioner Forkenbrock. All aye.

### **Executive Session to Discuss Potential Litigation**

Motion by Commissioner Forkenbrock to go into executive session at 5:47 p.m. for 10 minutes to discuss possible litigation to include the Commission, City Administrator and City Attorney. Seconded by Commissioner Edwards. All aye. No action was taken in executive session.

**Bids on Sandblasting Swimming Pool**

Three bids were received for sandblasting the swimming pool.

Advanced Protective Coating, Inc.	Sandblasting	\$3,995	
	Sandblasting & Painting		\$5,100
May Sandblasting & Painting, Inc	Sandblasting	\$15,000	
	Sandblasting & Painting		\$22,000
Torrey Bros. Construction, Inc	Sandblasting		\$5,700

Motion by Commissioner Davies to award the project to Advanced Protective Coating, Inc. for sandblasting and painting the pool and sandblasting the bad areas on the deck. Seconded by Commissioner Forkenbrock. All aye.

**Discussion of Additional Insurance on Equipment at the Electric Plant**

Motion by Commissioner Edwards to approve the purchase of insurance on the generators and switchgear for a premium of \$15,000. Seconded by Commissioner Davies. All aye.

**Discussion of Obligations for Pool**

Commissioner Davies advised he had been asked why the pool doesn't pay for itself. He wanted to ask the Commission what their expectations for the pool were and if they felt it should pay for itself. The Commission all agreed that the swimming pool would never be able to support itself but it is a service provided by the City for the citizens of Horton.

**Direction on Central Avenue Follow-up**

Several items from the Central Avenue Project were discussed. Some of the residents complained about asphalt and rocks in their yards and Mr. West assured the Commission that the fill dirt had been brought in from the cemetery dirt pile and the new property north of town. The yards have been seeded twice. The Commission felt the project was completed and no further work needed to be done.

**Approval of Renewing Lease on Skid Steer Loader**

Motion by Commissioner Krug to enter into a renewal lease with White Star for a Bobcat skid steer loader. Seconded by Commissioner Davies. All aye.

**Approval of Crane Rental for Blue Building Project**

There are several options for the use of a crane for erecting the steel structure on the Blue Building Project. Hammersmith's may have one that the City can use, Ken Babcock charges \$100 per hour and a company in Atchison will provide a crane and operator for \$60 per hour. It will take approximately 4 hours. Motion by Commissioner Davies to allow up to \$300 for the rental of a crane. Seconded by Commissioner Forkenbrock. All aye.

**Executive Session**

Motion by Commissioner Davies to go into executive session at 6:52 p.m. for 5 minutes to discuss personnel to include the Commission, City Administrator, City Clerk and City Attorney. Seconded by Commissioner Forkenbrock. All aye. No action was taken in executive session.

Motion by Commissioner Davies to go into executive session at 7:00 p.m. for 5 minutes to discuss personnel to include the Commission, City Administrator, and City Attorney. Seconded by Commissioner Forkenbrock. All aye. No action was taken in executive session.

### **Staff Report**

Rex West reported that the second half of the blue building floor is being worked on. Soden's will bore under the street for the water line. The electric department is organizing and cleaning the plant. The street department is patching and getting ready for chip and sealing.

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

Mr. Whisenant reported the staff is working on the budget.

Arlen Whitebird has been contacted to set a meeting with the City, the Tribe and the Indian Health Services.

The hospital is waiting on financing for their project.

The City is still waiting to hear from the USDA/RD on possible financing for Mission Lake and during a meeting on mitigation several sites owned by the City were identified for action.

Mr. Whisenant is working on a CLAP grant through the Department of Wildlife and Parks for funding piers, ramps and fish kill agent for the Lake.

The City was not funded for the \$632,000 applied for from stimulus monies to construct a wetland. We may have another opportunity at a later date.

A town hall meeting will be held June 2.

### **Commissioner's Agenda**

#### **Commissioner Krug**

Commissioner Krug asked about the electric study. Scott Shreve is supposed to be setting up a meeting with the Commission.

#### **Commissioner Forkenbrock**

Commissioner Forkenbrock reported that the Communications Department lost a part time dispatcher and they will be conducting an interview on Tuesday.

The complaint that was received at the last meeting was investigated and it was found to have been properly handled. The person involved paid their fine.

Commissioner Forkenbrock asked about the progress of gathering information on recycling bins. Mr. Whisenant has not had time to get the information.

The quarterly Code Enforcement report was in the Commission packets. Commissioner Forkenbrock would like a year to date total to be added to the report.

#### **Commissioner Edwards**

Commissioner Edwards had some questions concerning the revenue and expense reports. He will get with the City Clerk.

**Commissioner Davies**

Commissioner Davies mentioned that no request has been made to use the baseball fields for the July 4<sup>th</sup> tournaments.

Mary Brown watered the trees at the cemetery last year and would like to do it again this year.

The cemetery looked good on Memorial Day.

**Mayor Lentz**

Mayor Lentz stated that the cemetery looked good for the holidays.

Motion by Commissioner Davies to go into executive session at 7:46 p.m. to discuss potential acquisition of real estate to include the Commission, City Administrator and City Attorney. Seconded by Commissioner Edwards. All aye. No action was taken in executive session.

Mr. Whisenant reported that the staff is working on the performance appraisals for the employees.

City Attorney Kevin Hill reported that the tax sale was held on May 21 and out of 8 properties in the City of Horton, only one sold. The next sale will be in approximately 1 ½ years. Mr. Hill will send Mr. Whisenant a list of the properties and taxes owed.

Motion by Commissioner Davies to go into executive session at 7:59 p.m. for 10 minutes to discuss personnel to include Commission, City Attorney, City Clerk and City Administrator. Seconded by Commissioner Forkenbrock. All aye. No action was taken in executive session.

Motion by Commissioner Davies to adjourn at 8:10 p.m. Seconded by Commissioner Krug. All aye.

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Candy Schmitt, City Clerk

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Tim Lentz, Mayor