

March 1, 2010  
5:15 P.M.  
Commission Room

The Commissioners of the City of Horton met for regular meeting on Monday, March 1, 2010 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 Alice Purvis of the United Methodist Church.

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

An executive session to discuss personnel was added to the end of the agenda. Motion by Commissioner Davies to approve the agenda as amended. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner Forkenbrock to approve the minutes of the February 16, 2010 regular meeting. Seconded by Commissioner Davies. All aye.

Motion by Commissioner Forkenbrock to approve appropriation ordinance #3070 (Payroll) in the amount of \$32,421.41. Seconded by Commissioner Davies. All aye.

Motion by Commissioner Forkenbrock to approve appropriation ordinance #3071 (Disbursements) in the amount of \$109,422.88. Seconded by Commissioner Davies. All aye.

### **Public Comments**

Dean Tollefson was present to advise the Commission that there is a soldiers and sailors relief act that speaks to closing facilities but it does not address National Guard Armories. Mr. Tollefson will be proposing to the legislators a soldiers and armories security act that will address future closing of armories.

### **Report on Community Kitchen Facility**

Gary Satter from Glacial Hills RC&D gave the Commission an update on the community kitchen facility. It has officially been approved by his board to proceed with the project. This will be a food based business development program. The building was donated to Glacial Hills by the Horton Community Hospital. It will be remodeled to meet the needs of the program. K-State will assist with the program. They are looking at a June 1 beginning date.

Mr. Satter advised that the equipment costs will be approximately \$70,000 and he requested that the City donate \$15,000 toward the purchase of equipment. He also inquired about a discount on utilities through the program the City has established to reduce utilities to businesses that create new jobs. The Commission advised they would like to have some time to review the information.

### **Resolution and Contract Amendment on Electric Power Purchase agreement for GRDA Power**

City Attorney Kevin Hill advised the Commission that the resolution and contract amendment for the purchase of electric power that was presented by KMEA essentially would have the City

pledge revenues from their electric department as security to pay for the purchase of power. There were no legal changes in the agreement.

Motion by Commissioner Edwards to adopt Resolution 2010-005 and to approve the contract amendment. Seconded by Commissioner Davies. All aye.

### **Approval of Agreement with Local Landowner for Placement of Sludge**

A proposed agreement between the City and Daryl Molt was presented that would set guidelines for the placement of sludge on Mr. Molts property. There has been a verbal agreement with Mr. Molt for several years but the contract operator, Dave Grimm, suggested that the agreement should be in writing and certain conditions should be met for safety and liability reasons. KDHE does not require signage that states sludge is in the area but say it could be handled with “No Trespassing” signs.

Commissioner Krug had talked with Mr. Molt before the meeting and he said Mr. Molt will not sign an agreement. Commissioner Krug called Mr. Molt on the phone during the meeting and placed him on speaker phone. He was asked if he would sign an agreement for placement of sludge on his property and he stated “no, I will not sign anything”.

The Commission directed that Rex West find out how much land is needed and then to look for other land to be used. Mr. Whisenant was directed to proceed with developing an agreement to be used when land is found.

### **Staff Report**

Mr. West reported that the street crews are patching on the streets and alleys. The mowers have been inspected and are in good condition. There are a few parts to be replaced. The no parking signs will be put up this week on E. 17<sup>th</sup> Street. The water department will be locating the valves for the flow testing and they have a water leak on East 8<sup>th</sup> Street. Training sessions with all departments on electric generation will take place this month or next.

### **City Administrator’s Agenda**

Mr. Whisenant reported he received an e-mail from the national retailer that is locating in Horton and they are moving forward with KDOT to get information on right of ways.

Employee evaluations will be completed this week and Mr. Whisenant will have information on wage costs on the next agenda so the Commission can decide on wage increases.

Mr. Whisenant attended the KPP meeting and the agreement is still a 2 year agreement not a 10 year agreement as they proposed.

The City is waiting on technical information from the Kickapoo Tribe so they can discuss the sale of water to them. It is recommended that a backflow prevention device be installed. There is still a need for a 40 year contract with the City of Willis in order to be eligible for funding from USDA/RD. Kevin Hill will have the new contract at the next meeting.

Rainbow Communications donated \$2,035.22 in labor and materials for the Blue Building project. There is still a good turnout of volunteers on the work nights at the Blue Building.

The flow testing needed to complete the preliminary engineering report on the water system was postponed due to the water plant operator going on vacation. This will mean that the PER will not be done by the next meeting and will necessitate a special meeting the last part of March.

Mr. Whisenant conducted a survey of other cities charges for use of their community buildings. He presented this to the Commission and it will be discussed at the Park Board meeting next week for recommendations.

Mr. Whisenant reported that an electric lineman resigned and the City would be advertising for a replacement. In the police department, one of the dispatchers has requested to go part-time until her husband returns from his deployment to Egypt this summer. The other part-time dispatchers will cover the hours needed.

There are several rehabilitation issues at the pool with the doors, windows, roof and concrete.

Mr. Whisenant has been asked to serve on the Glacial Hills Board as a representative from Brown County. They only have 1 representative from Brown County at this time. The Commission agreed to allow Mr. Whisenant to serve on the board.

### **Commissioner's Agenda**

#### **Commissioner Krug**

Commissioner Krug inquired about the airport insurance and what coverage the City had there. He was advised it was for liability insurance and terrorism insurance that is now required for airports.

#### **Commissioner Forkenbrock**

Commissioner Forkenbrock asked for a report on the collections of delinquent accounts. It was noted that since the beginning of 2010 the City had received \$4,518.68 from the State Setoff and \$877.69 from TekCollect. The utilities amount is \$4,484.61 and the court fines are \$911.76.

Commissioner Forkenbrock discovered there had been a meeting between the police department and the Brown County Sheriff's department on use of the 911 funds. Commissioner Forkenbrock was not informed of this meeting and felt he should have been notified.

#### **Commissioner Edwards**

Commissioner Edwards asked the City Attorney about the access to the armory during Head Start hours. Mr. Hill said he would have to check further on the regulations.

Commissioner Edwards reported he had been working with the City Attorney, City Administrator and City Clerk on administrative policies for collecting delinquent utility accounts. In that process it was noted that the City needs to make sure the policies match the ordinances. There will need to be an amended ordinance to accomplish this. Mr. Hill will have something for the next meeting.

Commissioner Edwards stated he thinks the incentives for new businesses coming to town should be broadened to include the existing businesses.

### **Commissioner Davies**

Commissioner Davies reported that the students will be working on the Blue Building through the month of March. This means that some of the projects at the lake might not get done.

Mr. West was asked to put rock in the parking lot east of City Hall.

The shop class at the high school is designing a cover for the storm drain by the elementary school.

It was noted that the summer mowers need to be 18 years of age. Commissioner Davies will submit names of some good workers that the school used last year but they are unable to hire again due to budget costs.

### **Mayor Lentz**

Mayor Lentz reported he met with Gary Behrnes and Lamar Shoemaker from the Horton Fire Department and Eric Ward from the Forestry Servicer concerning the ISO rating for Horton. Mr. Ward inspected the building, records and equipment and gave recommendations on improving the rating.

The Blue Building is ready for painting and then cabinets will be installed. The ceiling grid will be next. Mayor Lentz checked on tables and chairs at Sam's Club. The Commission discussed the type and number of tables and chairs that would be needed. Mayor Lentz was given permission to price 20 rectangle and 20 round tables and chairs to surround them.

Steve Stoltenberg received notice that the Union State Bank's application for the Brownsfield Assessment was approved. Mayor Lentz thanked Mr. Whisenant for helping in the preparation and process.

Tom Stirton is requesting to be reimbursed for ½ of his cost for boring a water line under the road to the meter. The meter was later moved to his side of the road. He stated that the bill was approximately \$700. There was some concern by the City because Mr. Stirton had used PVC pipe that was rigid and had joints. This can create a problem with leaks and maintenance. The Commission directed that the City staff get a copy of the invoice for the boring and present it to the Commission for a decision.

### **Executive Session—Non-elected Personnel—Evaluation of Director of Streets and Utilities**

Motion by Commissioner Edwards to go into executive session to discuss personnel for 10 minutes to include the Commission and City Attorney. Seconded by Commissioner Krug. All aye. No action was taken.

Motion by Commissioner Forkenbrock to go into executive session to discuss personnel for 10 minutes to include the Commission and City Attorney and Rex West. Seconded by Commissioner Davies. All aye. No action was taken.

### **Executive Session—Non-elected Personnel—Evaluation of City Administrator**

Motion by Commissioner Davies to go into executive session to discuss personnel for 30 minutes to include the Commission and City Attorney. Seconded by Commissioner Krug. All aye. No action was taken.

Motion by Commissioner Forkenbrock to go into executive session to discuss personnel for 5 minutes to include the Commission, City Attorney and Candy Schmitt. Seconded by Commissioner Edwards. All aye. No action was taken.

**Executive Session—Non-elected Personnel**

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

Motion by Commissioner Davies to adjourn the meeting at 8:23 p.m. Seconded by Commissioner Forkenbrock. All aye.

---

Candy Schmitt, City Clerk

---

Tim Lentz, Mayor