

July 15, 2010  
3:00 p.m.  
Commission Room

The Commissioners of the City of Horton met for a special meeting on Thursday, July 15, 2010 at 3:00 p.m. in the City Hall Commission Room.

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

Mayor Lentz called the meeting to order.

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

### **Discussion of Lease Agreement on National Guard Armory**

City Attorney, Kevin Hill, presented the Commission with the latest draft of the lease agreement that was agreed to by the National Guard. He added a statement to the end of section 4 which reads "nor create a liability to LESSEE for any environmental issues created by LESSOR prior to the effective date of this lease." Mr. Hill advised that he had tried to contact Col. Silsby about this addition and he had not been able to talk to him. Mr. Hill's recommendation was for the Commission to sign the lease if they agree and to send it on to the Military Board for their action.

It was also noted that any alterations become the property of the Kansas Military Board and the City will have to insure the building for replacement value.

Motion by Commissioner Davies to approve the lease agreement with the Kansas Military Board for the Armory. Seconded by Commissioner Edwards. All aye. Kevin Hill will check to make sure that the Head Start program will be able to use the building.

### **Executive Session to Discuss Non-Elected Personnel**

Motion by Commissioner Edwards to go into executive session for 15 minutes to discuss non-elected personnel to include the Commission and the City Attorney. Seconded by Commissioner Davies. All aye. No action was taken in executive session.

Motion by Commissioner Edwards to terminate the employment of the City Administrator, Jim Whisenant, immediately pursuant to our agreement that allows for termination of the City Administrator immediately without cause as an at-will employee. Seconded by Commissioner Davies. All aye.

Motion by Commissioner Edwards that pursuant to our agreement with the City Administrator to direct the City Clerk to prepare a final check to include work through today, 90 days severance pay and accumulated vacation pay through today. Further to ask that the City Administrator return his keys and other city property to the City clerk, leave city hall immediately after meeting with the Chief of Police to go through his office and pickup personal property. Then to return tomorrow morning at 9:00 am to pick up his final check. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Edwards to appoint Candy Schmitt as the interim City Administrator. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Davies to adjourn the meeting at 3:36 p.m. Seconded by Commissioner Krug. All aye.

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Candy Schmitt, City Clerk

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Tim Lentz, Mayor