

March 29, 2004
6:15 P.M.
City Hall Commission Room

The Commissioners of the City of Horton met for a regularly scheduled meeting on Monday, March 29, 2004 at 6:15 p.m. in the Commission Room at City Hall.

Mayor White opened the meeting and the prayer was given by Candy Schmitt.

Present: Mayor White, Commissioners Smith, Stirton, Lentz and McClain.

Commissioner Stirton added a discussion of code 1-110 after the corporate resolution and Commissioner Lentz added and executive session at the end of the agenda. Carson Communications and Better Beef Days were added before the City Administrator's Agenda. The agenda was approved as amended.

Motion by Commissioner Lentz to approve the minutes of the March 15, 2004 regular meeting. Seconded by Commissioner Stirton. All aye.

Motion by Commissioner Smith to approve Appropriation Ordinance #2761 (Payroll) in the amount of \$28,164.49. Seconded by Commissioner Lentz. All aye.

Motion by Commissioner Lentz to approve Appropriation Ordinance #2762 (Disbursements) in the amount of \$22,126.77. Seconded by Commissioner Stirton. All aye.

Corporate Resolution

Motion by Commissioner Smith to adopt the Corporate Authorization Resolution 04-0329, a resolution designating the officers who can sign checks, borrow money on behalf of the City and endorse legal documents for the City. Seconded by Commissioner McClain. All aye.

Discussion of Code 1-110

Commissioner Stirton read section 1-110 from the codebook of the City of Horton. It reads as follows: 1-110. SAME; NOTICE AND PUBLICATION. (a) All major questions to be brought to a vote for adoption by the governing body of the city, shall be provided to and circulated among members of the body, in written form; at least seven days in advance of any final vote begin taken thereon.

(1) Major questions and issues shall include all ordinances, resolutions, and actions changing or adding any written policy, procedure, or rule of the city, including purchasing, personnel, and appointments, except as otherwise mandated by existing ordinances or resolutions; provided, however, that the notice shall not be required for payroll disbursements ordinances, honorary proclamations, bond ordinances, annual confirming ordinances concerning traffic and municipal offenses, and grant ordinances.

(2) In cases where emergency action is necessary before the expiration of the seven days advance notice in written form, a vote may be taken at either a special meeting called specifically for action upon that matter or those matters, or by a vote of not less than three commissioners of the governing body that an emergency exists which requires that immediate action be taken notwithstanding this section.

(b) No ordinance, except those appropriating money, shall be in force until published in the official city newspaper by the city clerk. One publication of any such ordinance shall be sufficient unless additional publications are required by statute or ordinance. The publisher of the newspaper shall prefix such published ordinance by a line in brackets stating the month, day and year of such publication. (K.S.A. 12-3007; Ord. 975, Secs. 1:3)

Commissioner Stirton stated that the subject of hiring a Director of Economic Development was not presented to everyone at least seven days in advance of the vote and he felt the issue should be revisited. The issue was clarified this applies to ordinances, the previous action was not an ordinance but it was felt everyone should have the opportunity to vote on the matter. Commissioner Smith, being on the prevailing side, made a motion to revisit the issue. Seconded by Commissioner Lentz. All aye. Mayor White expressed that because the Planning Committee recommended that a director be hired to carry out the strategic plan that if the plan were adopted then a director needed to be hired. It was decided to separate the issue of the strategic plan and the director position.

Motion by Commissioner Lentz to approve the strategic plan. Seconded by Commissioner Smith. All aye.

Some members of the Planning Committee were present to give their opinions concerning the position of Director of Economic Development. It was stated that the City needs someone to implement the strategic plan who has time and who is as excited about it as the committee is; the director should be accountable to the Commission and show productivity; it should be someone who can lead and direct volunteers and without a director the plan should be trashed.

Some citizens were present to ask if the job could be done by the City Administrator. Mayor White stated that it could be but he doesn't have the time that these duties would add to his workload.

Motion by Commissioner Smith to hire an Economic Development Director at a salary of \$40-\$50,000 with benefits. Seconded by Commissioner Lentz. After some discussion, Commissioner Lentz made a substitute motion to hire an Economic Development Director at a salary of \$35-\$45,000. Seconded by Commissioner Smith. Aye—Commissioners Smith, Lentz and McClain and Mayor White. Nay—Commissioner Stirton.

It was decided that the contract would be negotiated with the final candidate for the position.

An ordinance was presented for the Commissioner's review that would make the position of Economic Development Director an appointed position. This will be discussed at the next meeting

Carson Communications

Mayor White read a letter from Carson Communications stating the rates for cable television will increase 6%-9% beginning May 1, 2004. The increase is due to the rising overhead costs incurred by the company.

Better Beef Days

A letter was read requesting that the City pay the Boy Scouts for cleanup after the Better Beef Days event. Motion by Commissioner Lentz to pay the Boy Scouts to cleanup the Civic Center. Seconded by Commissioner McClain. All aye.

City Administrator's Agenda

In the absence of the City Administrator, the City Clerk requested approval of the purchase of roof fans and the installation of them at the electric plant. The cost of the fans is \$2,754.27 and the installation is \$2,494.00. Motion by Commissioner McClain to purchase the fans and have them installed and to pay for them out of the project fund. Seconded by Commissioner Smith. All aye. The Commission requested that the City Clerk check to see if they would remove the old fan.

A report from Brad Vincent was presented explaining that well #3 had been completed and they would be bailing and testing it as soon as weather permitted. The well that had collapsed was plugged.

Commissioner's Agenda

Commissioner Smith

No report.

Commissioner Stirton

Commissioner Stirton wanted to point out that in a City of the second class the Mayor is considered the same as a Commissioner when determining a quorum and that according to the open meetings act two is considered a majority of a quorum in a five person Commission. Commissioner Smith stated that according to the Attorney Generals opinion two people of a five person Commission could talk outside of the meeting without violating the open meetings act. The City Attorney concurred with Commissioner Smith

Commissioner Lentz

Commissioner Lentz inquired about the summer help. He was informed that the position has been advertised and the City is taking applications until mid-April. Commissioner Lentz stated that the mowing needs to start immediately and not wait until mid-April. It was reaffirmed that if there is a new hire the commission should be informed but if a new position is created the commission must approve first

The City Clerk was asked to contact the Department of Wildlife and Parks concerning a report on the firing range.

Commissioner Lentz inquired about a bill from Kansas Rural Water on the mapping project. A bill was received in the amount of \$3,601.00. Motion by Commissioner Lentz to pay the bill as soon as possible. Seconded by Commissioner McClain. All aye.

It was noted that the Spring Cleanup was moved to east of the Blue Building because of Better Beef Days.

Commissioner McClain

Commissioner McClain requested an update on the situation with INCO at the next meeting.

Mayor White

Mayor White read a proclamation declaring April as Fair Housing Month.

Motion by Commissioner Lentz to go into executive session for 20 minutes to discuss personnel. Seconded by Commissioner Smith. All a ye. Upon reconvening, Mayor White stated that no action was taken.

The meeting adjourned at 8:59 p.m.

Candy Schmitt, City Clerk

Dale A. White, Mayor