

April 18, 2005
7:15 P.M.
City Hall Commission Room

The Commissioners of the City of Horton met for a regularly scheduled meeting on Monday, April 18, 2005 at 7:15 p.m. in the Commission Room at City Hall.

Mayor White opened the meeting and the prayer was given by Pastor Tom Stone who then led everyone in the Pledge of Allegiance to the flag.

Present: Mayor White and Commissioners B. Stirton, Davies and K. Stirton.

Absent: Commissioner Krug.

Tom Stirton was added to the agenda before the Consent Agenda and an executive session to discuss personnel was added after the City Administrator's agenda. Motion by Commissioner B. Stirton to approve the agenda as amended. Seconded by Commissioner Davies. All aye.

Tom Stirton

Tom Stirton was present to discuss an incident involving the police department and request a copy of the incident report. The City Attorney, Kevin Hill, explained that incident reports are generated in the police department when an officer is sent on a call. Mr. Hill advised the Commission that an incident report would constitute a criminal investigative record and is not considered an open record. The information could be subpoenaed by a court. At that time, the City Attorney would review the situation and determine whether or not to make a motion to quash.

Mr. Stirton asked if the City Commission could over rule the City Attorney's advice. It was explained that the reason for a City Attorney is to solicit and take his advice. Mr. Stirton then asked if the minutes of the meeting are an open record and he was told that they are. Mr. Stirton inquired about the chain of command for the police department and was advised that the chain consists of the City Commission, City Administrator, Chief of Police, Code Enforcement Officer and Police Officers.

Mr. Stirton asked if the City Administrator had contacted the Jackson County Sheriff's Office or if they had contacted him. Mr. Smith advised he had not contacted them but had asked the Chief of Police to call them. Mr. Stirton asked if the Commission could tell him who sent the officers to his house. He was advised that was part of the incident report.

Mr. Stirton inquired about the process for filing a complaint against an officer. He was advised of the procedure.

Motion by Commissioner Davies to approve the minutes of the April 4, 2005 regular meeting. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2817 (Payroll) in the amount of \$29,751.17. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2818 (Disbursements) in the amount of \$96,331.78. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to adopt Water Department directives 05-Water-01 and 05-Water-02. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to authorize reimbursement to Otho Stevens in the amount of \$88.00 for a water bill and plumber's bill related to a leak in a part supplied by the City. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to approve the proclamation designating May 1 through May 7 as Municipal Clerk's Week. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to approve the proclamation designating April as Fair Housing Month. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to appoint Kevin Hill, City Attorney, Mike Riley, Municipal Judge and Shirley Hosford, City Treasurer. Seconded by Commissioner K. Stirton. All aye.

Carson Communications—Franchise Agreement

Bob Carson was present to give the Commission a copy of a proposed franchise agreement. The current agreement expires in November of 2005. The proposed franchise agreement is for 10 years and the amount is changed from 1% of gross revenues to 1.25% of gross subscriber revenues. The public hearing on the proposed franchise agreement was set for June 6, 2005. A notice of the public hearing has to be published at least 10 days in advance.

Changes in Demolition Bid Specs for 726-728 Central

A new bid sheet incorporating the changes requested from the last meeting was presented for approval by the Commission. The Commission has a question about liability issues and wants to know if there is a way that the City can own the property when the project is completed. Rodney Paden was present and stated that if the City had a contractor tear down the building then he would haul off the debris at no cost to the city but the city would have to pay the landfill costs. The city employees could load the dumpsters. The City Administrator was instructed to bid the job in sections and that the household debris needs to be separated from the demolition debris.

Further Discussion, Mission Dam response letter

Mr. Smith presented a letter to the state concerning the items that need to be accomplished at Mission Lake Dam before the next inspection. Some of the items will need to be included in the 2006 budget.

Approval of Ordinance #1059—Franchise Agreement with RSP, Inc.

Motion Commissioner Davies to adopt Ordinance 1059, AN ORDINANCE GRANTING TO RSP, INC., A CORPORATION OPERATING A SOLID WASTE DISPOSAL SYSTEM, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO OPERATE AND PROVIDE A SOLID WASTE DISPOSAL SERVICE IN THE CITY OF HORTON, BROWN COUNTY, KANSAS, AND GRANTING TO SAID RSP, INC. THE RIGHT TO USE THE STREETS AND ALLEYS OF THE CITY IN THE PROVIDING OF SUCH SERVICE. Seconded by Commissioner K. Stirton. All aye.

Approval of Ordinance #1060—Setting the rate for trash service

Motion by Commissioner B. Stirton to adopt Ordinance 1060, AN ORDINANCE SETTING THE RATE FOR TRASH COLLECTION AT \$10.75 PER MONTH. Seconded by Commissioner Davies. All aye.

Approval of Ordinance #1061 setting times for the Commission Meetings

Motion by Commissioner B. Stirton to table this matter for further investigation. This has to be a charter ordinance. Seconded by Commissioner K. Stirton. All aye.

Discussion/action of Dog Pound Volunteer Liability

A citizen has volunteered to clean the dog pound and take the animals for walks while they are in the pound in the city. Motion by Commissioner K. Stirton to allow the volunteer to perform these duties. Seconded by Commissioner B. Stirton. All aye.

Discussion/action interest rate of final sewer bond

The consensus of the Commission is to finance the sewer improvements with 15-year bonds instead of 20-year bonds. Motion by Commissioner Davies to adopt Resolution 05-04, A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION BONDS, SERIES 2005, OF THE CITY OF HORTON, KANSAS. Seconded by Commissioner B. Stirton. All aye.

Discussion/action on PD Directive 05-HPD-01

A directive on handling the issue of child visitations. It was noted that the police department should not get involved without a court order. Motion by Commissioner B. Stirton to adopt the directive but delete the reference section. Seconded by Commissioner Davies. All aye.

Bids for Sandblasting Pool and Solid Contacts Basin at the Water Plant

One bid was received from Redding Enterprises in the amount of \$38,280. Motion by Commissioner K. Stirton to find a local contractor who could possibly do the job for less. Seconded by Commissioner Davies. All aye. Motion by Commissioner K. Stirton to reject the bid from Redding Enterprises. Seconded by Commissioner B. Stirton. All aye.

Discussion of New Position in Dispatch/Administration

Motion by Commissioner Davies to hire 2 part time people, one for each department. Seconded by Commissioner B. Stirton. All aye.

City Administrator's Agenda

The Library landscaping project will begin in May and the city crews will tear out and replace the sidewalk on the south side.

The Contractor started on the tear out of the deck at the swimming pool.

A retirement reception will be held on April 22 from 2p.m. to 4 p.m. at City Hall.

The Commission took a 5-minute recess

Executive Session to Discuss Personnel

Motion by Commissioner B. Stirton to go into executive session for 30 minutes to discuss non-elected personnel to include the City Administrator and the City Attorney, Don Cashman. Seconded by Commissioner Davies. All aye.

Motion by Commissioner B. Stirton to extend the executive session for 10 minutes. Seconded by Commissioner K. Stirton. All aye. Motion by Commissioner B. Stirton to extend the executive session for another 15 minutes. Seconded by Commissioner K. Stirton. All aye.

Upon reconvening, Mayor White stated that a job description for Police Officer I had been reviewed. The Commission would like to strike paragraph 2, subsection 2, numbers 5, 6, and 8 and replace with a 5 & 10-year longevity to be addressed at a later time. Motion by Commissioner B. Stirton to adopt numbers 1, 2, 3, 4, 9, and 10 effective May 1. Seconded by Commissioner Davies. All aye.

Commissioner's Agenda

Commissioner Krug

Not present.

Commissioner B. Stirton

Commissioner B. Stirton complimented the police department on their traffic stops.

Commissioner Davies

Commissioner Davies reported the painting of the picnic tables and that the small dugout has been raised.

Commissioner Davies asked that the packets be delivered by Thursday nights before the meetings. The rest of the Commission agreed.

Upon the recommendation of the Park Board a motion by Commissioner B. Stirton to appoint Tim Lentz to the Park Board. Seconded by Commissioner K. Stirton. All aye.

Commissioner Davies thanked the Park Board for their support and input.

Commissioner K. Stirton

Commissioner K. Stirton stated the police department was doing a good job of stopping speeders. The city crews are doing a fantastic job on the ball fields.

Interviews for the sanitation department position will take place this week.

Mayor White

Mayor White read a letter of support for the Oliver Heights Apartment Complex. The Commission agreed the letter should be sent.

The Mayor requested that a letter be sent to Chris Burger explaining that his complaint concerning a mosquito problem is being addressed by the Code Enforcement officer.

The Commission requested that a policy be adopted to set a time frame for someone to get on the agenda...

Motion by Commissioner Davies to adjourn the meeting at 10:44 p.m. Seconded by Commissioner K. Stirton. All aye.

Candy Schmitt, City Clerk

Dale A. White, Mayor