

July 5, 2005
6:15 P.M.
City Hall Commission Room

The Commissioners of the City of Horton met for a regularly scheduled meeting on Tuesday, July 5, 2005 at 6:15 p.m. in the Commission Room at City Hall.

Mayor White opened the meeting and the prayer was given by Pastor Richard Crooks of the First Baptist Church.

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

A statement by Mayor White was added to the agenda and an executive session was added at the end of the agenda. Motion by Commissioner Davies to adopt the agenda as amended. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to adopt the minutes of the June 20, 2005 regular meeting. Seconded by Commissioner Krug. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2827 (Payroll) in the amount of \$34,951.62. Seconded by Commissioner Krug. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2828 (Disbursements) in the amount of \$37,777.13. Seconded by Commissioner Krug. All aye.

Statement by Mayor White

Mayor White read a prepared statement to address an item in the "Our Thoughts" column of the Horton Headlight. "As Mayor of Horton I am the designated 'spokesperson for the city'. I therefore wish to express on behalf of the Horton City Council our grave disappointment in the 'Our Thoughts' comments by 'The Staff'. We believe that as newspaper reporters 'The Staff' has a duty to report in a responsible manner. It is the paper's policy to have 'Letters to the Editor' signed and although we may not always like what we read in 'Letters to the Editor' it is one person's opinion, and we can see clearly by their signature who they are. We also do not suppose that they are in a position of responsibility to accurately and completely report the news. The information concerning the dismissal of the City Administrator seems to us to be nothing more than gossip. Since the discussion took place in Executive Session with our attorney present, no one outside of the Council, our Attorney and myself knows what exactly the reason(s) for our decision were. Suffice to say that the decision was difficult, heart breaking, necessary, and unanimous. We do feel we are owed an apology. It is time to move on."

LEAPS Program

Mark Tomb, from the League of Municipalities, was present to give the Commission and overview of the process of advertising for a City Administrator and the services the League provides in reviewing resumes, setting up interviews, developing a job description and writing letters to the candidates that are not chosen. The cost of the services is \$3,166. It was noted that the Commission had received a letter from a citizen objecting to the hiring of a City Manager, stating it was not legal. It was noted that the City of Horton could not hire a City Manager but did have an ordinance allowing the hiring of a City Administrator. The Commission decided to discuss the matter further at a later time and make a decision then whether or not to use the League's services.

Discussion of Energy Assistance Fund

Pastor Richard Crooks presented the Commission with a set of recommendations for setting up a voluntary donation to assist the needy on their utility bills. This program would allow residents to add a designated amount on their monthly utility bill that would be put in a fund for assistance to those who make

application and meet specific guidelines. The recommendation is to create an advisory committee to the Commission. This committee would be made up of members from the ministerial alliance, USD 430 and the Kickapoo Social Services. Pastor Crooks will speak to USD 430 and the Kickapoo Social Services and will bring information back to the Commission at the next meeting.

Update on Generation

Ken Fairchild reported that they have solved the problem with the breakers when taking the generator off line. A black start test has been scheduled for early Saturday morning. Bill Delzeit reported that he was getting information on a larger air compressor.

Interlocal Agreement for Fire Truck

Kevin Hill presented the agreement between Horton and Everest for the purchase and maintenance of an aerial fire truck. Because of the terms, it is not necessary for the approval of the Attorney General's office. There were some questions about the insurance coverage. The City Clerk will check on the coverage and will bring the agreement back at the next meeting.

Auto Aid Dispatch and Response Plan

This agreement will be county wide. Kevin Hill will review the plan and it will be discussed at the next meeting. Gary Behrnes, Fire Chief, reported that the City could decide to opt out of the agreement at a later date if they find problems with it. There is a possibility that when this plan is in place it could lower the ISO rating for the City.

Discussion of Lake Project RFP and Election Procedures

The City Attorney made some recommendations for changes in the request for proposals for the lake project. The Commission will review the document and will make a decision at the next meeting. Mayor White reported that Representative Sloan is still trying to get funds from the State in this session.

The City Clerk reported that the bond counsel stated that a new election would not be necessary if the cost to the city is \$4 million or less. If a special election is needed, the county clerk will need 90 days to prepare the election and the cost would be approximately \$5,000.

Discussion of Extension Contract on Pool Repairs

The City Attorney made some corrections to the contract. Motion by Commissioner K. Stirton to approve the contract, pay Bottorff Construction \$24,246, and withhold \$6,000 until all the work is completed to the satisfaction of the Commission. Seconded by Commissioner Krug. All aye.

Update on Sewer Plant

A letter was received from Fort Scott Community College advising the City they had been chosen to receive an operational study through a grant from KDHE. They will be here this week to gather information and will make the report available shortly thereafter.

The City Clerk reported that the trickling filter parts are in and that the employees are hauling sludge.

Contract for Lift Station Maintenance

A bid for repair to the lift station was received from ACS Pumping Equipment in the amount of \$708.80. Motion by Commissioner K. Stirton to accept the bid for repairs. Seconded by Commissioner Davies. All aye.

Contract for Audit Services

Motion by Commissioner Krug to enter into a contract with Lowenthal, Singleton, Webb and Wilson for audit services not to exceed \$6,900. Seconded by Commissioner K. Stirton. All aye.

City Clerk's Agenda

Ron Smith offered to sell a library table to the City for the administrator's office. Motion by Commissioner Davies to purchase the table for \$150. Seconded by Commissioner K. Stirton. All aye.

The City had been in contact with Bob Wandel, a retired engineer, concerning preparing an emergency evacuation plan for Mission Lake Dam and to evaluate the spillway and prepare a plan of action to repair. Motion by Commissioner Krug to hire Mr. Wandel at \$30 an hour and \$20 an hour travel time. Seconded by Commissioner Davies. All aye.

Ray Meyers, a former operator at the sanitation plant, was inquiring if the City would use him on a consulting basis at a cost of \$20 an hour and if so would they pay for the classes to renew his operator's license. The City Clerk will find out more information and bring back to the next meeting.

Brown-Atchison Electric has a digger truck for sale at a cost of \$30,000. Commissioner K. Stirton, Bill Delzeit and John Isaacs will look at the vehicle and report back at the next meeting.

The Commission would like to meet with the department heads on July 19 or 20 to go over budgets. A meeting will be set.

Mr. Smith had been working with a law student from Washburn University to codify the ordinances. It was decided to have the student finish the project and submit a copy. A letter of appreciation will be sent when the project is completed.

Commissioner's Agenda

Commissioner Krug

Commissioner Krug requested that a copy of the Willis Contract be placed in the packets.

Several issues came up concerning the water tower. Fuses have been blowing and there is a question as to whether or not the gauge at the tower is working properly. The proper people will be contacted to gather information and report back to the Commission.

Commissioner B. Stirton

Commissioner B. Stirton asked for an update from Chief Luzier on the purchase of bulletproof vests. Chief Luzier reported the officers had been fitted and the vests are ordered.

Commissioner Davies

Commissioner Davies reported that the dock is fixed, the curves have been marked at the lake, the diving board has been repaired but still looks like it has a crack, the depths have been marked, hot water is installed and he is working on written pool procedures.

Commissioner K. Stirton

Commissioner K. Stirton reported that dirt work needs to be done at the new building.

Mayor White

Mayor White read a letter from the library requesting \$40,000 for the 2006 budget. Ms. Higley, librarian, also requested that the City budget to do some repairs needed on the concrete walls in the basement. She will get an estimate for the Commission.

Tom Reed was present and inquired as to the reason for firing the City Administrator. The Mayor reiterated that no reason will be made public.

The Commission took a 10-minute recess.

Executive Session for Non-elected Personnel

Motion by Commissioner B. Stirton to go into executive session for 5 minutes to discuss non-elected personnel to include the Commission and the City Attorney. Seconded by Commissioner Krug. All aye. Upon reconvening, no action was taken.

Motion by Commissioner B. Stirton to go into executive session for 15 minutes to discuss non-elected personnel to include Commission, City Attorney, City Clerk and Chief of Police. Seconded by Commissioner Krug. All aye. Upon reconvening, no action was taken.

Motion by Commissioner Davies to go into executive for 10 minutes to discuss non-elected personnel to include the Commission and City Attorney. Seconded by Commissioner B. Stirton. All aye. Motion by Commissioner Davies to extend the executive session for 15 minutes to discuss non-elected personnel to include the Commission and City Attorney. No action was taken.

Motion by Commissioner Davies to go into executive session for 13 minutes to discuss non-elected personnel to include the Commission, City Attorney and the City Clerk. Seconded by Commissioner B. Stirton. All aye. No action was taken in executive session.

Motion by Commissioner Krug that Candy Schmitt be placed as City Clerk/Interim City Administrator for a 6-month trial basis and that her pay be increased to range 19 step D of the wage schedule. At the end of 6 months, if either the Commission or Ms. Schmitt feel this isn't working Ms. Schmitt will revert back to the City Clerk position and her pay will also revert back. Seconded by Commissioner Davies. All aye.

The meeting was adjourned.

Candy Schmitt, City Clerk

Dale A. White, Mayor