

October 16, 2006  
7:15 P.M.  
Commission Room

The Commissioners of the City of Horton met for a regularly scheduled meeting on Monday, October 16, 2006 at 7:15 p.m. in the City Hall Commission Room.

Mayor White opened the meeting and the prayer was given by Pastor Chris Conklin of the First Christian Church.

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

Two executive sessions were added to the agenda and the discussion of Tri-County Manor was added after the audit contract discussion. Motion by Commissioner Davies to approve the agenda as amended. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to approve the minutes of the October 2, 2006 regular meeting. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2892 (Payroll) \$29,829.95. Seconded by Commissioner K. Stirton. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2893 (Disbursements) \$95,499.30. Seconded by Commissioner K. Stirton. All aye.

### **Executive Session**

Motion by Commissioner K. Stirton to go into executive session for 30 minutes to discuss non-elected personnel to include the Commission and the City Attorney. All aye. Motion by Commissioner K. Stirton to extend the executive session for 10 minutes to discuss non-elected personnel to include the Commission and the City Attorney. No action was taken in executive session.

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

Motion by Commissioner K. Stirton to go into executive session for 15 minutes to discuss non-elected personnel to include the Commission, City Attorney, City Administrator and Rex West, Street Foreman. Seconded by Commissioner Davies. All aye. No action was taken in executive session.

Motion by Commissioner K. Stirton to go into executive session for 10 minutes to discuss non-elected personnel to include the Commission, City Attorney, City Administrator, Rex West and John Isaacs, Equipment Operator. Seconded by Commissioner Davies. All aye. No action was taken in executive session.

## **Public Hearing for CDBG Application**

Mayor White opened the public hearing for the CDBG application at 8:40 p.m. City Administrator, Levi Henry, explained the project for which funds were being requested from the Department of Commerce. The City is applying for a Community Facilities grant to move and replace water lines and sewer lines, repair curbs, gutters and sidewalks and to replace the street on Central from 10<sup>th</sup> to 15<sup>th</sup>.

The total cost of the project is \$862,500. Core drilling was done to determine the condition of the street. The recommendation of the City Administrator and Harold Arnold is to tear up the street and replace with 8" of asphalt due to the heavy traffic on the street. The water lines will be moved to the easement to get them out of the street and the sewer lines that are under the street will be replaced. The sidewalks will be replaced and made ADA accessible. The entrances to existing driveways will be included in the grant. It is estimated there will be 180 days of construction time involved.

There were no comments from the public. The public hearing was closed at 8:47 p.m. Motion by Commissioner Davies to adopt Resolution 06-014, A RESOLUTION CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE 2007 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FROM THE KANSAS DEPARTMENT OF COMMERCE AND AUTHORIZING THE MAYOR TO SIGN AND SUBMIT SUCH AN APPLICATION. This resolution showing that the City dedicates \$259,066.00 in cash funds and \$203,434.00 in in-kind material and labor for this project. Seconded by Commissioner Krug. All aye.

Motion by Commissioner K. Stirton to adopt Resolution 06-015, A RESOLUTION ASSURING THE KANSAS DEPARTMENT OF COMMERCE THAT FUNDS WILL BE CONTINUALLY PROVIDED FOR THE OPERATION AND MAINTENANCE OF IMPROVEMENTS TO CENTRAL AVENUE FROM 10<sup>TH</sup> TO 15<sup>TH</sup> STREETS TO BE FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS. This resolution showing that the total project is approximately \$862,500.00 and that \$126,860.00 from the 2007 street and special highway budgets is adequate to fund the operation and maintenance of the improvements to Central Avenue. Seconded by Commissioner Krug. All aye.

## **Discussion of Police Action**

David Allen was present to discuss the action of a police officer towards his son David H. Allen. Mr. Allen accused an officer of following his son and "dogging" him trying to catch him doing something wrong. The officer accused the son of taking medals off the wall and throwing them at the officer and threatening to hit her. Mr. Allen stated this was not true and therefore a false police report. The City Attorney advised the Commission that this issue was already addressed in court and Mr. Allen's son was represented by counsel and pled guilty or no contest to the charge of assault. The Commission cannot overrule the court's decision or sentence. Mr. Allen can appeal if he desires to through the court system.

### **Discussion of Request by Tim Lentz for Rocking 6<sup>th</sup> Ave. West**

A survey of the street has been conducted. The minutes of the March 20, 2006 meeting were reviewed by the City Administrator and he thought that a building permit was required before the road would be rocked. Mr. Lentz advised that he just needs access to the property for the hay ground. He stated that he is paying property tax and needs 130' of gravel about 25' wide. Due to some obstacles in the platted street area the rock would need to go on the farthest east side of the street. Mr. Henry asked Mr. Lentz if there were any plans to subdivide the area and Mr. Lentz stated no it is just for my use.

Motion by Commissioner Davies to rock the east ½ of the street for 130' to allow access to the property and to complete it by December 1. Seconded by Commissioner B. Stirton. All aye.

### **Discussion of the Purchase of a Light Bar for the Patrol Car—Denied by the City Administrator**

Officer James Stuart appeared before the Commission to request the purchase of a new LED light bar for unit 1. The current light bar was purchased in 1998 or 1999 and is working intermittently. A new light bar will cost \$1,600. The electric department looked at the existing light bar and said it could not be repaired. Officer Stuart advised that Mr. Henry had denied the purchase request after looking at the light bar and it was working. He also looked at the budget report and felt the General Fund did not have funds for the light bar. Mr. Henry stated that the supervisor of the electric department said the light bar would be fine until after the first of the year. The Commission asked Mr. Henry to review the purchase request with Officer Stuart.

### **Appointment of Library Board Member**

Motion by Commissioner Davies to appoint Mary Beth McLennon to the Library Board. Seconded by Commissioner B. Stirton. All aye

### **Discussion of the Contract for the 2006 Audit**

A proposed contract for auditing services with Lowenthal, Singleton and Webb was presented for approval. The contract is for an amount not to exceed \$7,200. Mr. Henry advised that the only problem he had with this company was the timeliness of the audit. It was decided that the audit needs to be completed by June 1. Motion by Commissioner Krug to sign the agreement with the stipulation that the 2006 audit be done by June 1, 2007. Seconded by Commissioner Davies. All aye.

**The Commission took a 5 minute recess**

### **Discussion of Tri-County Manor**

Mayor White reported that the Hospital has taken receivership of the Manor. Mayor White met with the 3 local banks, the Chairman of the Kickapoo Tribe and the Treasurer of the Kickapoo Tribe. If the bonds could be cleared for \$250,000 the Tribe may be willing to put up some of the funds to purchase the deed and then the City and the Tribe would have joint ownership. There is a need for \$500,000 line of credit. Two of the banks have agreed to a short term loan of \$100,000.

Mayor White proposed that the City be prepared to purchase the deed for \$250,000 with the possibility that the Tribe may come up with \$125,000 and that the property be leased back to Tri-County Corporation for 5-10 years. The assets need to be secured in order to obtain a long term line of credit. The funds could be taken out of the Electric fund which has \$986,000.

Commissioner Davies clarified that the deed would be the building and land. The equipment, beds, etc. could be used for long term financing. It will take 40 residents to break even. The City will not be liable for other debt owed by the Manor and neither would the hospital.

A member of the audience asked if this action should be put to the voters. Mayor White stated no, this does not require a vote of the public.

Commissioner Krug asked if there would be any conflict of interest since his wife works for the clinic. The City Attorney advised this would not be a conflict of interest. The question was asked if it is a conflict for Mayor White to serve as Mayor, Hospital Administrator and Manor Administrator. The City Attorney advised that this is not a conflict of interest; the Mayor would abstain if issues arise pertaining to these areas.

Motion by Commissioner Krug to enter into negotiations to purchase the deed to Tri-County Manor up to \$250,000. Seconded by Commissioner Davies. Aye-- Commissioners Krug, B. Stirton, Davies and K. Stirton. Mayor White abstained due to a conflict of interest.

### **City Administrator's Agenda**

- a. November Capital Improvement Programming. Mr. Henry reported that in November he would be working with the employees to develop a capital improvement plan. A curb appraisal will be conducted as well as an evaluation of the remaining valves that need to be replaced and a rating on the working sewer lines.
- b. Mr. Henry and Bill Delzeit will attend a meeting on October 23 with several cities whose contracts with Westar expire in 2007 and 2008. This will require real time metering. The City will work with KMEA and KMU to find the best options.

### **Commissioner's Agenda**

### **Commissioner Krug**

Commissioner Krug has received several complaints concerning ATVs and he feels it needs to be addressed and the ordinances enforced. There was a suggestion to amend the Standard Traffic Ordinances to prohibit them in the City limits. The Commission requested that the police department get with the City Attorney to develop an ordinance for review.

### **Commissioner B. Stirton**

No report.

### **Commissioner Davies**

Commissioner Davies reported that the Senior class projects will be brought to the Park Board and to the Commission.

### **Commissioner K. Stirton**

Commissioner K. Stirton requested that a special meeting be called to meet with the City Administrator and employees within the next couple of weeks.

### **Mayor Dale White**

Mayor White read a letter from Ed Dunn, attorney for Ruth Lucero, requesting an extension on the required repairs for her building due to health issues. Ms. Lucero has been hospitalized. Officer Stuart reported that a little bit of progress had been made on the building. Motion by Commissioner Davies to give another extension of 30 days and at the end of that time the City will make repairs and assess the taxes. Seconded by Commissioner B. Stirton. All aye.

### **Executive Session**

Motion by Commissioner B. Stirton to go into executive session for 15 minutes to discuss personnel to include the City Attorney, City Administrator and the Commission. Seconded by Commissioner Krug. All aye. No action was taken in the executive session.

It was announced that the EAP tabletop exercise would be held on October 17 at the School Board Office from 1-5.

The meeting adjourned at 11:27 p.m.

---

---

Candy Schmitt, City Clerk

Dale A. White, Mayor