

May 7, 2007
6:15 P.M.
Commission Room

The Commissioners of the City of Horton met for a regularly scheduled meeting on Monday, May 7, 2007 at 6:15 p.m. in the City Hall Commission Room.

Commissioner Krug called the meeting to order and the prayer was given by Pastor Richard Crooks of the First Baptist Church.

Oath of Office for Mayor

City Clerk, Candy Schmitt, administered the oath of office to Mayor Tim Lentz.

Present: Mayor Lentz, Commissioners Krug, Madere, Luscombe and Davies.

An executive session was added under Commissioner Madere's agenda, an executive session was added after David Penny. Motion by Commissioner Davies to adopt the agenda as amended. Seconded by Commissioner Krug. All aye.

Motion by Commissioner Davies to approve the minutes of the April 16, 2007 regular commission meeting. Seconded by Commissioner Madere. All aye.

The minutes of the April 30 special meeting were corrected to state "in the event of default, Kevin Hill explained that the City could potentially lose the entire \$250,000 advanced to pay off the bondholders with the banks being able to purchase the manor from the City for \$10.00 plus \$250,000 minus the principal balance of the loan". Motion by Commissioner Davies to approve the minutes of the April 30, 2007 special commission meeting as corrected. Seconded by Commissioner Madere. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2919 (Payroll) in the amount of \$29,910.01. Seconded by Commissioner Madere. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2920 (Disbursements) \$59,638.95. Seconded by Commissioner Madere. All aye.

Discussion of issues concerning the Mission Lake dredging project

David Penny and Claude Attebury were present to discuss with the Commission information they felt would save the City money on the dredging project. They expressed the opinion that a design build project would be less costly for the City. Mr. Henry informed Mr. Penny that the State Conservation Commission has determined to use the traditional process of design-bid-build and our receiving state funds is contingent on following their rules. Mr. Penny was advised to talk to the State agencies to get the rules changed.

Preliminary Engineering Selection

Mr. Henry presented the selection committee's recommendation for the preliminary engineering of the Mission Lake project. Three companies were chosen to be interviewed and they were ranked by the selection committee. Those chosen in the order of preference were Black & Veatch of Kansas City; Olssen & Associates of Overland Park, Kansas and Flat Water Group of Lincoln, Nebraska. Mr. Henry disclosed that Dick Kaufman from Black & Veatch is a friend of his future in-laws.

Motion by Commissioner Davies to proceed to hire Black & Veatch to do the preliminary engineering report for the Mission Lake project. Seconded by Commissioner Krug. All aye.

Discussion of Water Department Wages

Motion by Commissioner Davies to go into executive session for 10 minutes to discuss personnel to include the Commission, City Administrator and City Attorney. All aye.

Motion by Commissioner Davies to go into executive session for 5 minutes to discuss personnel to include the Commission, City Administrator, City Attorney and Jerry Stewart. Seconded by Commissioner Madere. All aye. Motion by Commissioner Madere to extend the executive session for 10 minutes to include the same parties to discuss personnel. Seconded by Commissioner Krug. All aye. Motion by Commissioner Davies to extend the executive session for 10 minutes to discuss personnel and to include the same parties. Seconded by Commissioner Madere. All aye.

No action was taken in executive session.

Motion by Commissioner Krug to go into executive session for 20 minutes to discuss personnel to include the Commission, City Administrator, City Attorney and Rex West, Street Foreman. Seconded by Commissioner Davies. All aye. No action was taken in executive session.

Appointment to Library Board

Motion by Commissioner Madere to appoint Donna Patry and Mary McLenon to the Library Board. Seconded by Commissioner Davies. All aye

Appoint Delegate to the KMEA Board of Directors

Motion by Commissioner Davies to appoint Levi Henry as Director #1 and Bill Delzeit as Director #2 to the KMEA Board of Directors. Seconded by Commissioner Krug. All aye.

Request to have City remove Mission Lake sign so it can be repaired

Paul McLenon requested that the sign that was put up by the boy scouts several years ago be removed so that he can have it repaired and then replaced in the same position.

Motion by Commissioner Madere to have the city crews pull the sign. Seconded by Commissioner Krug. All aye.

Requests for items in preparation for the fair

The Chamber of Commerce made requests through the City Clerk to have the streets closed for the fair parade, traffic control, and permission for loud sound amplification. Motion by Commissioner Davies to allow whatever is needed for preparation and during the fair. Seconded by Commissioner Krug. All aye.

Corporate authorization resolutions

Motion by Commissioner Davies to adopt Resolution 2007-007 and 2007-008, RESOLUTIONS DESIGNATING THE SIGNERS FOR THE BANK ACCOUNTS. Seconded by Commissioner Madere. All aye.

City Administrator's Agenda

- a. KMU Conference. Mr. Henry and Jim Martin attended the KMU Conference last week and the power pools met during that time. Mr. Henry submitted for a study for an additional 1 megawatt of power for 2010-2026. He will be looking at dual fuel generation to save costs. The consensus of the Commission was to proceed with an RFP for an energy management consultant to assist with the best options for the interim from 2008 to 2010.
- b. Wetlands grant. A grant application has been submitted in the amount of \$200,000 to \$250,000 to develop a wetland program.
- c. Greensburg Kansas Tornado. Mr. Henry reported that he would like to send 4 men and 2 trucks as mutual aid if needed to the City of Greensburg since they have had a devastating tornado.

Commissioner's Agenda

Commissioner Krug

Commissioner Krug requested an update on the Autos 4 U new building project. There have been some calls from citizens concerned about whether or not a building permit was issued. Mr. Henry advised there was some question about the owner, Rick Clement, meeting the setback requirements with his new building. After a meeting with Mr. Clement an agreement was met to move the building back farther and a building permit was issued. It was agreed that the ordinances dealing with building permits, demolition permits and other requirements should be republished and the penalties put in bold print. Notices will be sent to all contractors showing the requirements for building. Mr. Henry will order signs stating that building permits are required in the City limits to place at the entrances to the City.

Commissioner Madere

Commissioner Madere thanked the street department for fixing his alley. He noted that it had needed repair for several years.

Commissioner Luscombe

Commissioner Luscombe inquired about the licenses required for businesses. The City Clerk reported that contractors are required to have a copy of their liability insurance on file with the City but no licenses are required. There is an ordinance on the books that requires a business license at a cost of \$25 a year for all businesses but this has not been enforced since at least 1988 and probably before that.

A complaint was received on the cemetery mowing. The grass is extremely tall. Motion by Commissioner Davies to contract out the mowing of the cemetery. Seconded by Commissioner Madere. All aye.

Commissioner Davies

Commissioner Davies inquired about the status of the Tree Board. He is concerned that the City will lose the donation of trees and funds to maintain them at the cemetery. Commissioner Davies will meet with the donor to work out the details.

There was a reminder that the area below the spillway needs to be cleaned up by April 2008.

Mayor Tim Lentz

Mayor Lentz reported that he had been approached by the Brown County Commission concerning the road on the East side of Mission Lake. The City Commission agreed that they would be willing to meet with the County Commission to discuss the issue.

A vendor approached Mayor Lentz about the light poles that the City of Hiawatha ordered and then exchanged. There are 24 of the 14' poles. The City can purchase them for \$550 each or \$1500 each with lanterns. These poles could be used on the Central Avenue Project to enhance the looks of the street. The Commission requested that the funds be solicited from members of the Chamber of Commerce because they did not feel the City had the funds at this time.

Executive Session

Motion by Commissioner Madere to go into executive session for 30 minutes to discuss personnel, to include the Commission, City Attorney and City Administrator. Seconded by Commissioner Luscombe. All aye. Motion by Commissioner Davies to extend the executive session for 30 minutes to discuss personnel to include the Commission, City Attorney and City Administrator. All aye. No action was taken in executive session.

City Attorney, Kevin Hill, reported to the Commission that the Tri-County Manor would be meeting on May 8 to execute a management agreement with NEK Center for Health and Wellness. The title requirements are in the process of being met. The closing has been set for May 11. Mr. Hill believes a request will be made to leave the receivership open for at least 60 days after the City pays the bondholders in order for negotiations with the vendors on outstanding invoices. The consensus of the Commissioners is to request quarterly financial statements from the Manor instead of monthly.

The discussion of the Lake Caretaker position will be postponed until the next meeting.

Motion by Commissioner Davies to adjourn at 11:10 p.m. Seconded by Commissioner Madere. All aye.

Candy Schmitt, City Clerk

Tim Lentz, Mayor