

November 5, 2007
6:15 P.M.
Commission Room

The Commissioners of the City of Horton met for a regularly scheduled meeting on Monday, November 5, 2007 at 6:15 p.m. in the City Hall Commission Room.

Mayor Lentz called the meeting to order and the prayer was given by Pastor Chris Conklin of the Christian Church.

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

An executive session was added to the agenda under Commissioner Forkenbrock's agenda. Motion by Commissioner Davies to approve the agenda as amended. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Davies to approve the minutes of the October 15, 2007 regular Commission meeting. Seconded by Commissioner Luscombe. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2945 (Payroll) \$29,953.75. Seconded by Commissioner Luscombe. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #2946 (Disbursements) \$35,108.23. Seconded by Commissioner Luscombe. All aye.

Executive Session to discuss possible acquisition of land

Motion by Commissioner Davies to go into executive session for 10 minutes to discuss the possible acquisition of real estate to include the Commission, City Attorney, City Administrator and Tom Kidwell. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Davies to extend the executive session for 10 minutes to discuss the possible acquisition of real estate to include the Commission, City Attorney, City Administrator, Tom Kidwell and Rod Gerdes. Seconded by Commissioner Forkenbrock. All aye. Motion by Commissioner Davies to extend the executive session for 15 minutes to discuss the possible acquisition of real estate to include the Commission, City Attorney, City Administrator, Tom Kidwell and Rod Gerdes. Seconded by Commissioner Forkenbrock. All aye. No action was taken in executive session.

Discussion of Police action concerning a parked vehicle

Dixie Westervelt appeared before the Commission to discuss something that happened on October 12th. She parked her vehicle in the 1100 block of 4th Avenue East in order to be able to watch the Homecoming Football game later that evening and then went to a doctor's appointment. Before she could return a couple of hours later her vehicle had been towed. When she called the police she was told that the car had been towed because

it was an abandoned vehicle. When the vehicle was returned there was a ticket on the window for being illegally parked. After some discussion with the officer and the Chief of Police the ticket was dismissed. Ms. Westervelt was advised that this was a personnel issue that would be handled by the City Administrator.

Discussion of Police Reserve Program

Chief Luzier reported to the Commission that in order to begin a Police Reserve Program a committee would need to be formed and the program has to be self funding. The Commission inquired if there were any grants available for this type of activity. Mr. Henry will research grants. Mr. Henry expressed concern about Article 12 Section 2 because the administration has no authority to remove members but it is decided by a committee that could be biased. The City Attorney stated that a grievance procedure needs to be in place for reasons other than just employment. The City Administrator, City Attorney, Chief of Police, Police Commissioner and the City Attorney will meet to review and update the by-laws.

Discussion of Enforcement of Speed Limits in School Zones

Chief Luzier reported that issuing tickets for speeding is at the officers discretion whether in a school zone or not. There is no set policy concerning this topic. Mayor Lentz stated he wanted a zero tolerance for speed in a school zone. Mr. Henry will attend training in January for applying for a grant through KDOT for school safety. Chief Luzier will gather information on digital radar signs for the next meeting.

The Commission directed that KDOT be contacted about permission to move the flashing sign on E. 15th farther east.

The Commission recessed for 5 minutes.

Executive Session

Motion by Commissioner Forkenbrock to go into executive session for 20 minutes to discuss personnel to include the Commission, City Attorney and Chief Luzier. Seconded by Commissioner Davies. All aye. No action was taken in executive session.

Discussion of Proposed Interlocal Agreement with Brown County Concerning Yates Avenue

According to the agreement presented to the Commission the City of Horton would have to bring any part of the road not already in the City limits into the City limits. The Commission still would like to have some further information and clarification of some areas. They would like a comparison of the maintenance costs for chip and sealing and the grading and rocking that is currently done. They would also like to have the cost of relocating utilities. There was some discussion of de-annexing the road. Mr. Henry will meet with the County Commission to get some answers.

Approval of Cereal Malt Beverage License for Michael Fetty for Wagon Wheel Bar and Grill

Motion by Commissioner Davies to approve a Cereal Malt Beverage License for Michael Fetty for the Wagon Wheel Bar and Grill. Seconded by Commissioner Krug. All aye.

City Administrator's Agenda

Motion by Commissioner Krug to authorize Mayor Lentz to sign a contract with EMG, Inc for electric consulting services not to exceed \$8,250. Seconded by Commissioner Luscombe. All aye.

Mr. Henry reported that there is enough volume and pressure to furnish water service to Tom Stirton on Mallard Road. Motion by Commissioner Davies to adopt Resolution 2007-015 to allow Mr. Stirton to receive water service from the City of Horton. Seconded by Commissioner Forkenbrock. All aye.

The City has to get a geo-technical engineer to study the soil around the Community Building before the KANSTEP project can continue.

Motion by Commissioner Krug to hire Tanking Survey to do the surveying for the Mission Lake Project confined disposal site. Seconded by Commissioner Forkenbrock. All aye.

Several proposals for financial advisory services were received. Motion by Commissioner Forkenbrock to hire Piper-Jaffery who had the lowest cost. Seconded by Commissioner Luscombe. All aye.

It was decided to send out request for qualifications for the design engineering phase of the Mission Lake Dredging project rather than to use the submittals received during the preliminary engineering phase. All of the Commissioners will serve on the selection committee.

Commissioner Luscombe left the meeting at 9:22 p.m.

Commissioner's Agenda

Commissioner Krug

No report.

Commissioner Forkenbrock

No report.

Commissioner Luscombe

Not present.

Commissioner Davies

Commissioner Davies reported on the senior projects.

The trees in the spillway need to be marked and let the citizens of the community cut them down.

The dock owners will be notified if the docks have to be moved when the final design has been submitted. And the City will provide an area to place them during the dredging process if it needs to be done.

Mayor Tim Lentz

Mayor Lentz inquired about the Luminaries for this year. There is some concern about traffic control on the new route that was put in place since Central Avenue is not in service. A meeting has been scheduled between the Chief of police and the ministerial alliance.

Motion by Commissioner Forkenbrock to go into executive session for 10 minutes to discuss personnel to include the Commission and the City Attorney. Seconded by Commissioner Krug. All aye. No action was taken in executive session.

Motion by Commissioner Forkenbrock to adjourn at 9:50 pm. Seconded by Commissioner Davies. All aye.

Candy Schmitt, City Clerk

Tim Lentz, Mayor