

December 29, 2008
5:15 P.M.
Commission Room

The Commissioners of the City of Horton met for a regularly scheduled meeting on Monday, December 29, 2008 at 5:15 p.m. in the City Hall Commission Room.

Mayor Lentz called the meeting to order and the prayer was given by Candy Schmitt, City Clerk.

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

Motion by Commissioner Davies to adopt the agenda as presented. Seconded by Commissioner Krug. All aye.

Motion by Commissioner Davies to approve the minutes of the December 15, 2008 regular meeting. Seconded by Commissioner Luscombe. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #3005 (payroll) \$30,669.31. Seconded by Commissioner Luscombe. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #3006 (Disbursements) \$29,887.48. Seconded by Commissioner Luscombe. All aye.

Public Hearing for 2008 Budget Amendment

Mayor Lentz opened the public hearing on the amendment of the 2008 budget. The City Clerk explained that the amendments were due to the costs of the Central Avenue Project, ice storm costs, increase in some salaries and power costs for the electric department were much higher than expected. The amendments will not affect the taxes as revenues are available to cover the amendments. There was no public comment and Mayor Lentz closed the public hearing at 5:20 p.m.

Motion by Commissioner Krug to approve the 2008 amended budget. Seconded by Commissioner Luscombe. All aye.

Bids for Farm Ground

Bids for farming the ground north of the City that was formerly the Rodvelt property were opened and read.

Compton Brothers	\$190/acre
T & S Farms	\$1/acre over the highest bid received

The City Attorney reviewed the publication for the bids and noted that the Commission reserved the right to award one or several contracts, reject any and/or all bids, and waive any irregularities or informalities of bids.

There was discussion about the bid from T & S Farms and the type of precedent it might set if allowed.

Motion by Commissioner Forkenbrock to accept the bid from Compton Brothers in the amount of \$190 per acre. Seconded by Commissioner Krug. All aye.

Approval of Cereal Malt Beverage Licenses

Documents from the Alcohol Beverage Control Division of the State were presented showing that if the Licensee were not an employee they would have to list the manager or agent and that person has to be able to meet all the requirements for a license as well. The application for the Super Store answered yes to the question of whether or not there was a manager or agent but then did not list the name of that person. The Commission directed that this question be answered correctly before a license is issued to them.

Motion by Commissioner Krug to approve a Cereal Malt Beverage License for Lyle Kirlin, The Super Store contingent on item number 10 being filled out correctly. Seconded by Commissioner Luscombe. Aye—Commissioners Krug, Forkenbrock, Davies and Luscombe. Abstain—Mayor Lentz.

Motion by Commissioner Krug to approve Cereal Malt Beverage Licenses for Jim Gormley, Horton Pool Hall and Chris DuPuis, Wagon Wheel Bar and Grill. Seconded by Commissioner Forkenbrock. All aye.

Amendment to City Administrator Ordinance

The Commission received the first reading of the ordinance dealing with allowing the City Administrator to hire and fire employees except the department heads and appointed employees, which requires Commission approval. This ordinance will be on the next agenda for action.

Amendment to Grant Administrator Contract on CDBG for Harvest Fuel, Inc.

Amendments were made to the contract with Rural Development Association for administrating the CDBG grant. These amendments deal with required language from the Department of Commerce. Motion by Commissioner Forkenbrock to approve the amendment to the contract. Seconded by Commissioner Krug. All aye.

Resolution on Financing for Fire Truck

In the process of obtaining financing for the purchase of the new fire truck it was discovered that there is a Kansas Statute that requires a 60 day protest period when the City is issuing bonds for fire equipment. The intent notice has to be published two weeks in a row and then wait for 60 days for any protest that may be made. If no protest is received then the City can proceed with the USDA/RD funding.

Motion by Commissioner Luscombe to adopt Resolution 2008-010, A RESOLUTION DECLARING IT NECESSARY TO ACQUIRE FIRE FIGHTING EQUIPMENT FOR USE BY THE FIRE DEPARTMENT OF THE CITY OF HORTON, KANSAS, AND TO ISSUE GENERAL OBLIGATION BONDS OF SAID CITY TO PAY THE COSTS THEREOF; AND PROVIDING FOR THE GIVING OF NOTICE OF INTENTION TO ACQUIRE SAID PROJECT AND TO ISSUE SAID GENERAL OBLIGATION BONDS THEREFOR. Seconded by Commissioner Davies. All aye.

Resolution Establishing the Boundary of the City of Horton

Kansas Statute requires that if a city has any annexations during a year they must adopt a resolution outlining the new city boundaries. These must be sent to the Register of Deeds, the County Clerk and the Kansas Department of Transportation.

Motion by Commissioner Luscombe to adopt Resolution 2008-011, A RESOLUTION ESTABLISHING THE BOUNDARY LINES OF THE CITY OF HORTON, KANSAS, PURSUANT TO KANSAS STATUTE ANNOTATED 12-517 AND DIRECTING THE CITY CLERK TO FILE CERTIFIED COPIES THEREOF PURSUANT TO K.S.A. 12-518. Seconded by Commissioner Davies. All aye.

The Commission noted that the property that was designated as a possible prison site several years ago was still showing as being annexed into the City. They would like to look into deannexation procedures for that property. The City Attorney will research the process.

Staff Report

Rex West reported that a fire hydrant at 8th and 1st Avenue West was leaking and a new hydrant and valve will be installed this week. The building at the airport was destroyed during the storm over the weekend and there was damage to the roofs of the shelter houses at the lake.

City Administrator's Agenda

Mr. Whisenant will attend a special legislative committee meeting on January 8th in Topeka.

Update on Blue Building—Cold weather is preventing any work being done at the site. The architect is working on the plans to incorporate the changes.

Update on Mission Lake—Meetings have taken place with KDOT about the right-of-way issues, the State representatives and property owners to discuss possible easements and regular meetings with the Topeka Team. Town meeting will be set up to explain some of the things that are happening with the project.

Mayor Lentz stated that in 2009 the City should start focusing on the water treatment facility and some updates to treat the lake water.

The City Attorney presented the Commission with a proposed ordinance dealing with prohibiting vehicles from parking on the front and side yards of the residences. This will be on the next agenda for action.

Commissioner's Agenda

Commissioner Krug

Commissioner Krug reported that sometimes during storms, water leaks and electric outages that take place after regular business hours, he will come to City Hall to see what is happening. When the electric outage occurred last weekend he heard several citizens call in and talk rudely and obscenely to the dispatcher. He would like an article written for the newspaper to inform the public of the procedures that have to be followed in emergencies so they can understand that it might take some time before the outage can be corrected.

He also was informed that sometimes when Department Heads call employees out during these after hours emergencies the employees will not come out to work. This needs to be documented by the Department Head and corrective action taken.

Mayor Lentz and Commissioner Krug stated that they want to make sure that all electric employees are trained to start the generators and put them on line in an emergency.

Commissioner Forkenbrock

Commissioner Forkenbrock would like the public to be reminded that dispatchers handle all emergency calls in addition to the city crews. This means that when there is an outage there could also be 911 calls or ambulance calls as well.

An emergency plan needs to be written for the utilities.

Commissioner Forkenbrock would like the manor put on the list for the electric energy audit.

Commissioner Forkenbrock inquired if the 30 mph speed limit at the north City Limits should be moved to incorporate the annexed property for the hospital. The staff will check with KDOT about the regulations.

Commissioner Davies

Commissioner Davies will get the list of potential pool managers and employees for 2009 season to the City Administrator.

The Senior Class will be working at the base of the dam to cut brush and burn it and to cut the trees out of the creek channel for up to 200 yards.

A decision needs to be made on whether the new Swimming Pool is a priority or if it should wait until the water plant upgrades.

Commissioner Luscombe

Commissioner Luscombe stated he feels the City needs a chipper and would like Mr. Whisenant to look for a grant.

Mayor Lentz

No report.

Motion by Commissioner Davies to adjourn at 7:29 p.m. Seconded by Commissioner Luscombe. All aye.

Candy Schmitt, City Clerk

Tim Lentz, Mayor