

September 21, 2009  
5:15 P.M.  
Commission Room

The regularly scheduled meeting for the Horton Commissioners was held on Monday, September 21, 2009 at 5:15 p.m. in the City Hall Commission Room.

Mayor Lentz called the meeting to order and City Clerk Candy Schmitt offered the prayer.

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

Motion by Commissioner Davies to approve the agenda as presented. Seconded by Commissioner Forkenbrock. All aye.

The minutes of the September 8, 2009 meeting were corrected to show the sidewalk on the east side of the blue building would be from the north door instead of the south door. Motion by Commissioner Edwards to approve the minutes of the September 8, 2009 regular meeting as corrected. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Forkenbrock to approve Appropriation Ordinance #3045 (Payroll) \$33,976.48. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner Forkenbrock to approve Appropriation Ordinance #3046 (Disbursements) \$587,784.13. Seconded by Commissioner Edwards. All aye.

#### **Update on Mission Lake Project and Town Hall Meeting**

Dan McDougal from Dredge America updated the Commission on the progress of the project. A map showing the depths in the different areas of Mission Lake will be posted at the company's office building. The crews will update the map every month to show the progress of the dredging. The dredge is at the lake now and will be in the water this week. A 60' idler barge will be shipped next Tuesday. The CDF should be completed in 1 ½ weeks and dredging could begin by next Friday. The dredging will be completed by the middle of next summer.

There will be a town hall meeting on September 30 where Mr. McDougal will give a presentation on the basics of dredging and then the specifics of this project.

#### **Decision on TEKCollect Services**

It was discovered that TEKCollect will also collect on delinquent fines and weed abatements. City Attorney Hill reviewed the agreement and said he was comfortable with the terms.

Motion by Commissioner Edwards to approve the agreement with TEKCollect. Seconded by Commissioner Davies. All aye.

#### **Executive Session**

Motion by Commissioner Forkenbrock to go into executive session for 15 minutes to discuss personnel to include the Commission, City Attorney, City Administrator, City Clerk and Chief of Police Luzier. Seconded by Commissioner Krug. All aye. No action was taken in executive session.

#### **Report on 2008 Audit**

Brian Nyp from Lowenthal, Singleton and Webb presented the 2008 audit to the Commission. The recommendations of the auditor were that a written credit card policy be adopted and that journal entries be reviewed by someone independent of the financial reporting. The supervisors need to sign the time cards

and some of the purchases were not signed by the previous City Administrator. Motion by Commissioner Edwards to accept the 2008 audit report. Seconded by Commissioner Forkenbrock. All aye.

The Commission requested a report from the staff on the corrective actions that are taken.

#### **Contract for Audit Services for 2009**

A contract for audit services for 2009 was presented from Lowenthal, Singleton and Webb. The cost is not to exceed \$8,000. Motion by Commissioner Davies to enter into a contract for the 2009 audit with Lowenthal, Singleton and Webb. Seconded by Commissioner Webb. All aye.

#### **Recommendations of Planning Commission on Rezoning from R-1 to C-2**

The Planning Commission recommended to the Commission that a portion of property at 1705 Wilson Drive be rezoned to C-2. Motion by Commissioner Edwards to adopt Ordinance 1099, AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF HORTON, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF HORTON, KANSAS. Seconded by Commissioner Davies. Aye—Mayor Lentz, Commissioners Forkenbrock, Edwards and Davies. Abstained—Commissioner Krug.

#### **Discussion of Zoning/Comprehensive Plan Project**

The new zoning ordinances, comprehensive plan, land use plan and annexation plan that had previously been submitted to the Commission were tabled. Commissioner Krug suggested that the City review the plans and take action. The Commission would like to review the documents and meet with the Planning Commission to discuss before making any decisions. The City Clerk will get a copy of all of the documents to the Commission and time for the meeting will be set in the near future.

#### **Zoning Questions**

Rex West and Yvonne Murrow appeared before the Commission to clarify some of the zoning ordinances. Mr. West and Ms. Murrow want to open a childcare facility in a C-2 district. The current ordinances do not allow for a childcare facility as a permitted or special use in a C-2 district. Mr. West said he didn't think the ordinances made sense. It was noted that the Commission could not take action without the Planning Commission reviewing and making a recommendation. The City Clerk was directed to set up a meeting for the Planning Commission to review the issue. The matter will be published and a hearing set for 21 days after publication.

#### **Citizen Complaint**

Paul Puvogel and Donnie Roberts were present to speak to an issue in their neighborhood. Across the alley north from 222 E. 14<sup>th</sup> needs to have the weeds cut. Code Enforcement Officer Stuart reported they had been notified and were cleaning it up today. The first house east of 222 E. 14<sup>th</sup> has trash on the back porch and paper is all over the yard and the residence at 1330 2<sup>nd</sup> Ave. East has furniture in the yard, trash under the porch, high traffic and their dog barks all the time. Donnie Roberts advised that he has trash blowing into his yard from these two residences. Officer Stuart will review the properties and will handle the issue according to the ordinances. The Commission would like copies of the ordinances.

#### **Agreement for Wastewater Services**

Motion by Commissioner Edwards to enter into an agreement with David Grimm for services. Seconded by Commissioner Davies. All aye.

#### **League Pay Study Agreement**

The City is still waiting for an agreement from the League of Municipalities for conducting a pay study. The League advised they would proceed with the study while waiting for the legal department to approve the agreement.

#### **Discussion of Houses for Demolition**

The Commission chose the three structures which they would like Officer Stuart to proceed with the demolition process.

#### **Discussion of Water Rates**

USDA/RD has a minimum rate that they require municipalities to charge before they can approve applications for financial assistance. The water rate they require is \$40 for 5,000 gallons of water usage. The City's current rate is \$22.93. The Commission directed the City Administrator to contact BG Consultants about the cost of a rate study.

#### **Request for Extension on KAN STEP Project**

Motion by Commissioner Forkenbrock to request a 6 month extension for the KAN STEP grant. Seconded by Commissioner Davies. All aye.

#### **Staff Report**

Rex West reported that the water department is preparing to change 4 valves during the night hours on September 28<sup>th</sup>. The valves are located at W. 8<sup>th</sup> St. and 3<sup>rd</sup> Ave. W.; W. 10<sup>th</sup> St. and 3<sup>rd</sup> Ave. W.; W. 14<sup>th</sup> St. and 2<sup>nd</sup> Ave. W. and W. 15<sup>th</sup> St. and 5<sup>th</sup> Ave. W. This will shut off the water west of Central and north of 16<sup>th</sup> Street. A boil order will be required until the test results are received back from Topeka.

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

The City Administrator reported that the Mayor spoke with HIDC about cooperative efforts on the street for Sweet Pro.

The hospital may possibly donate property to RC&D Glacial Hills for the commercial kitchen.

The blue building is moving quickly and Waser Plumbing is ready to set the HVAC units.

Mr. Whisenant spoke with Dave Wagner about the 40,000 cu. ft. of dirt that the hospital previously requested for their construction project. Mr. Whisenant encouraged that they talk with the Dredge America crews about using dirt from the construction of the CDF.

There have been requests to have a temporary cereal malt beverage license for an event to be held in the city. There is currently no ordinance to allow this type of license. A proposed ordinance was given to the Commission to review for action at the next meeting.

The health insurance options were presented to the Commission. A medical plan that would change the prescription program would increase the City's cost 1.7% instead of 9.9%. An option could be offered to the employees to pay the difference and keep the same plan they have now. The Commission agreed to this option.

#### **Commissioner's Agenda**

##### **Commissioner Krug**

Commissioner Krug asked that the discussion of the business licenses ordinances be placed on the next agenda. He felt this issue should be addressed.

**Commissioner Forkenbrock**

Commissioner Forkenbrock asked about the progress on the weather plan. Officer Stuart is still working on the policy.

**Commissioner Edwards**

Commissioner Edwards expressed concern that there were 56 total hours of overtime on the last payroll.

**Commissioner Davies**

The sign at Mission Lake will be painted. There are sandburs under the playground equipment at the Railroad Park on the south edge of the city.

Commissioner Davies questioned how the money that was given to HIDC from the County would be used. Mayor Lentz said he had talked with HIDC and asked if they could help with the Sweet Pro project. He advised them that they should use their funds for something more than painting buildings and installing fences.

Commissioner Davies asked about the City mowing business properties that don't mow themselves.

**Mayor Lentz**

Mayor Lentz reported that Laura Cowart is working with the city on the adoption of dogs that are picked up and put in the pound. She has a crew that would put up dog pens at the pound if the City would purchase the chain link fence. The City Administrator was directed to get costs for the fencing.

Mayor Lentz wants the city properties to be cleaned up and specifically mentioned the dog pound, grit chamber and weeds in the fencing at the sewer plant.

There was discussion about cameras being in the police vehicles. Mayor Lentz witnessed an officer arriving at the scene of an accident and having to leave and return to city hall to get a camera and then return to the scene. The camera should be in the vehicle and available to the officer at all times.

Officer Stuart reported that a KBI audit of the dispatch department was conducted and our department passed.

A copy of the proposed Hazardous Mitigation Plan developed by Brown County was presented and will be at City Hall for review. There is also a copy at the County courthouse and the Library in Hiawatha. The final hearing on this plan will be held on October 7.

A question was raised of whether or not the dispatchers have been trained on the 800 MHz radio procedures. A new training will be scheduled because the previous training was very confusing.

Motion by Commissioner Davies to adjourn at 8:27 p.m. Seconded by Commissioner Edwards. All aye.

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Candy Schmitt, City Clerk

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Tim Lentz, Mayor