

November 23, 2009
5:15 P.M.
Commission Room

The Commissioners of the City of Horton met for regular meeting on Monday, November 23, 2009 at 5:15 p.m. in the City Hall Commission Room.

Mayor Lentz called the meeting to order and the prayer was given by Assistant City Clerk Carol Stirton. Josh Clark, a Life Boy Scout, led everyone in saying the Pledge of Allegiance.

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

Motion by Commissioner Edwards to approve the agenda with the change of moving an executive session to the top of the agenda. Seconded by Commissioner Krug. All aye.

Motion by Commissioner Davies to approve the minutes of the November 2, 2009 regular meeting. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner Davies to approve the minutes of the November 10, 2009 special meeting. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner Davies to approve appropriation ordinance #3053 (Payroll) in the amount of \$32,221.23. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner Davies to approve appropriation ordinance #3054 (Disbursements) in the amount of \$386,672.36. All aye.

EXECUTIVE SESSION – Discuss Non-Elected Personnel

Motion by Commissioner Davies to go into 10 minute executive session to include the City Commissioners and City Administrator to discuss non-elected personnel. Seconded by Commissioner Forkenbrock. All aye. No action was taken in executive session. The next executive session to be held at 6:00 when the City Attorney is present.

Report on Damage to Patrol Vehicle – Chief Richard Luzier

Chief Luzier was present to report on the damage to one of the patrol vehicles while responding to a pursuit of a burglary suspect. An estimate to repair was approximately \$2,500.00. The police department is going to be rolling over this vehicle at the first of the year anyway so there was question as to whether or not the insurance should be used to repair the vehicle or put the money into the new unit and park the damaged unit for parts. It was mentioned that there had been no information from the insurance company yet, that there is a possibility with the age of the vehicle it could be considered totaled. Decision was tabled until a determination was received from the insurance company.

Report on Water Rate Analysis – Pat Cox

Pat Cox from BG Consultants, Inc. presented an analysis of water rates to the commission for the financing of \$4,000,000.00 through USDA Rural Development program to pay for the Mission Lake Restoration Project and generate revenues through the future water rate structure to pay the debt over 40 years. Due to the fact that USDA financing will not allow a monthly average water bill to exceed \$40.00 some grant in addition to the long-term financing can be expected. Mr. Cox suggested a base fee of \$15.20 and \$4.96 per 1,000 gallons. Under this scenario the average 5,000 gallon in City user would pay \$40.00 per month. The wholesale rate under this scenario would be \$7.89 per 1,000 gallons. Of the \$4,000,000.00, \$3,435,630.00 would be a long-term loan and \$564,370.00 would be grant from USDA Rural Development.

Mr. Cox stated that Dan Fisher with Rural Development would be the individual to make the application and that the City Commission may want to meet with him. Dan Fisher will be contacted to possibly meet with the Commission at the next City meeting on December 7th. The Commission also wants to meet with Kansas Rural Water after meeting with Mr. Fisher before making a determination.

Executive Session – Discuss Non-Elected Personnel

Motion at **6:00** p.m. by Commissioner Forkenbrock to go into **8** minute executive session to include the City Commissioners, City Administrator and City Attorney to discuss non-elected personnel. Seconded by Commissioner Edwards. All aye.

Commissioner Forkenbrock excused himself from the meeting at 6:02 for an ambulance call.

Commissioner Davies excused himself from the meeting at 6:08 for a previously scheduled engagement.

Commissioner Forkenbrock returned to the meeting at 6:11.

No action was taken in executive session.

Establishment of Wholesale Rate for Bulk Water Sales

Motion by Commissioner Edwards to direct City Attorney Kevin Hill to prepare an ordinance with the Wholesale Rate for Bulk Water Sales of \$7.89 per 1,000 gallons. Seconded by Commissioner Forkenbrock. All aye.

Request for Payment of Repair Bill for Water Leak

A property owner was told they had a water leak on their side of the meter. They hired a contractor to make the repairs. When the contractor dug up the line they felt the leak was on the City's side of the meter and called the city crews to make the repairs. The property owner is requesting that the City pay the contractor's bill in the amount of \$125.00. Rex West read portions of the current utilities ordinance water section. West stated the ordinance seems to need to be written more clearly. West recommended that based on his findings the City should split the

bill with the property owner. Motion by Commissioner Edwards to split the bill with the property owner and to authorize Kevin Hill to reestablish the utilities ordinance. Seconded by Commissioner Forkenbrock. All aye.

Request for City to De-Annex Property West of the City – Mike Rork

Mike Rork was present to request that the City De-Annex the property west of Horton in 36-4-16 at K-20 and Jackrabbit Road that was annexed into the City years ago when there was a possibility of a prison facility being built. Rork has purchased the property and is now using for agricultural purposes. Kevin Hill stated he could have Public Notice of De-Annexation prepared by the December 7th meeting for approval by the Commission and to possibly have the hearing date set for the December 21st meeting. Motion by Commissioner Krug to direct City Attorney Kevin Hill to prepare a Public Notice of De-Annexation on property in 36-4-16. Seconded by Commissioner Forkenbrock. All aye.

Discussion of Soliciting Blue Building Kitchen Items

City Administrator Jim Whisenant noted that there are no provisions in the grant for the Blue Building for Kitchen Items. Stoves, a two basin sink, dishwasher and cabinetry are outside of the grant. Commissioner Forkenbrock suggested contacting the Fair Board and County Commissioners. Commissioner Krug stated he had heard the school may have something that could be used in the kitchen. Mayor Lentz suggested asking the Hospital Auxillary and also looking into the pallet sales on Purplewave.com. Prices for items could be established and then advertise for donations.

Discussion of KLINK Project

City Administrator Jim Whisenant informed the Commission that previous Administrator Paul Evans had contacted BG Consultants to make application for the KLINK Project and the project has been approved. The City needs to start the process to consider BG Consultants services. A \$7,500.00 budget was set for the engineering fees. The project is for a complete resurfacing curb to curb on a portion of 1st Avenue East. The project should begin in June or July of 2010.

League of Kansas Municipalities Pay Study

City Administrator Jim Whisenant informed the Commission that the League has not yet given all of the information on the pay study yet. Mr. Whisenant hopes the information can be completed by tomorrow and send out an informational packet to the Commission at that time so it can be discussed at the December 7th meeting.

Staff Report

Rex West reported that normal maintenance is being done at this time in all areas. Bill Delzeit has started working with his new employee and told Mr. West that things are working out really well. A long list of small jobs is getting completed in the electric department. The street crew is busy cleaning the streets of leaves and debris. The sewer plant is looking good – a lot of cleanup work

has been done there. The water department has had a few leaks to work on and has helped with the cleanup at the sewer plant. Commissioner Edwards stated that he had made a stop out at the sewer plant and noted a marked improvement on the appearance. Edwards questioned a pile of junk out by the dog pound. West confirmed that there is iron, wire, etc. that is placed there and when the pile becomes substantial the City accepts bids for the scrap. This excess has to be stored somewhere and this was the least obvious yet most accessible spot.

City Administrator's Agenda

Mr. Whisenant told the Commission he would try to have Brandon Ryff, the new electric department employee attend the next Commission meeting so that they could have an opportunity to meet him.

A new channel has been constructed at the CDF site for the Mission Lake Project. This was done to help the number of solids returning back to the lake.

Beavers have been creating quite a deal of damage at the lake. The Lake Caretaker, Dale Monson, is trying to make contact with Wildlife & Parks to determine what can be done to stop the destruction the beavers are causing.

The seamless guttering has been put on the Blue Building. Mr. Whisenant stated that the classes that are coming in from the high school to work on the Blue Building are doing a fantastic job and have completed some of the sheet rocking. Dirk Waser will be starting some of the work he is going to do soon. Notes are posted on the doors showing a task list and information is also posted on how to gain access to the building for anyone that wishes to do any work.

Whisenant reported that the retailer that is going to be locating in Horton has now started looking at an alternate site on East 15th Street. The former prospective site at 15th and Central is not going to work out for them.

The Commercial Kitchen is still being considered.

Commissioner's Agenda

Commissioner Krug

Commissioner Krug wanted to know what the spending limit for department heads is without having to have approval from the administrator. Anything over \$50.00 has to be approved at this time. Krug felt that this amount could possibly be raised to save both the department heads and City Administrator time from having to make out/approve as many purchase requisitions.

Commissioner Krug also questioned if there was any way to opt out more rural properties from having to mow to allow for baling. Kevin Hill said he could look into amending the ordinance.

Commissioner Forkenbrock

Commissioner Forkenbrock advised that he had met with the City Administrator, Police Chief and Assistant Chief. Commissioner Forkenbrock asked for clarification and opinion on what the chain of command should be on who should be over the Assistant Chief since the Assistant Chief

is also the Code Enforcement Officer. Commissioner Forkenbrock was concerned as to the possibility of the Chief being left out of the loop of information if the City Administrator goes directly to the Assistant Chief on matters of Code Enforcement. There was discussion with no decision or opinions offered.

Commissioner Forkenbrock informed the Commission that Tahoes and Chargers could be purchased from the Highway Patrol in April and June respectively. These vehicles are run to 100,000 miles, but if the City were to send a letter of intent to purchase the mileage would be cut off at 49,500.

Commissioner Edwards

Commissioner Edwards asked if the roads through the cemetery were platted City Streets. Rex West said he believed only 9th Avenue East is a platted street and the rest are access drives.

Commissioner Edwards stated that he would like to see Public Comment added to the City Agendas, preferably at the beginning of the meeting, for the public to be allowed to speak on any items of interest that are not already to be addressed on the remaining agenda. A time limit would be set to keep the length of the meeting from being too drawn out. The rest of the Commission concurred.

Commissioner Edwards said he has been consistently receiving his commissioner packet on Saturdays. He would prefer to have it delivered as early on Friday as possible in the future.

Commissioner Davies

Not present during this portion of the meeting.

Mayor Lentz

Mayor Lentz inquired about an equipment sale. There is a bucket truck, digger truck and other items that could be sold. Rex West thought Officer Stuart might have a list started of those types of items.

On behalf of the entire Commission, Mayor Lentz stated that their hearts go out to the family of Patricia Kimmi who has been missing since the evening of November 6th. The help and support that has been shown in the last 2 weeks proves what a wonderful community we live in.

Motion by Commissioner Edwards to adjourn at 7:49 p.m. Seconded by Commissioner Forkenbrock. All aye.

Carol Stirton, Asst. City Clerk

Tim Lentz, Mayor