

December 22, 2009
5:15 P.M.
Commission Room

The Commissioners of the City of Horton met for regular meeting on Tuesday, December 22, 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 Candy Schmitt, City Clerk.

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

An executive session was added to the agenda. Motion by Commissioner Davies to approve the agenda as amended. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner Forkenbrock to approve the minutes of the December 7, 2009 regular meeting. Seconded by Commissioner Davies. All aye.

Motion by Commissioner Forkenbrock to approve appropriation ordinance #3056 (Payroll) in the amount of \$34,735.66. Seconded by Commissioner Davies. All aye.

Motion by Commissioner Forkenbrock to approve appropriation ordinance #3058 (Payroll) in the amount of \$33,409.49. Seconded by Commissioner Davies. All aye.

Motion by Commissioner Forkenbrock to approve appropriation ordinance #3059 (Disbursements) in the amount of \$272,361.47. All aye.

Public Comments

Dean Tollefson was present to talk about the closing of the National Guard Armory. There were eighteen armories closed across the State of Kansas and the local closings include Horton, Troy, Sabetha and Atchison. Mr. Tollefson feels that the City of Horton should object to this closing and the only one that can change the decision is the Governor. He stated that this would hurt the economy of Horton as well as losing the services of the National Guard during an emergency or disaster. Mayor Lentz said that he would like to see the armory saved as well. Commissioner Davies reported he had called the Adjutant General and did not get a call back. Other audience members expressed opinions in favor of trying to keep the National Guard Armory in Horton.

Public Hearing for the Budget Amendment for 2009

Mayor Lentz opened the Public Hearing on the amendment to the 2009 budget at 5:27 p.m. There were no public comments and Mayor Lentz closed the hearing at 5:29 p.m. Motion by Commissioner Edwards to approve the amendments to the 2009 budget as published. Seconded by Commissioner Davies. All aye.

Public Hearing on the Demolition of Structures

Mayor Lentz opened the public hearing on demolition of structures at 5:30 p.m. Code Enforcement Officer Stuart advised the Commission that he had received a call from the son of Frances Bailey stating he would like to have time to do repairs and get the taxes paid. Officer Stuart told him he would have to come to the hearing and discuss that with the Commission. The gentleman did not appear at the hearing. There were no further public comments and Mayor

Lentz closed the public hearing at 5:35 p.m. Motion by Commissioner Davies to proceed with the demolition of the structures. Seconded by Commissioner Krug. All aye.

Report from the Kansas Department of Wildlife and Parks on the Mission Lake Project

Kirk Tjelmeland, from KDWP, was present to discuss the plan for lake habitat renovation after the dredging of Mission Lake. The city received a grant for the chemicals to remove the existing fish and then KDWP will restock the lake. Also included in the grant are some fishing piers and a boat ramp. The best scenario would be to drain the lake as low as possible and let the citizens go in and harvest the fish. Mr. Tjelmeland suggested going down to a depth of 5'4". This would occur sometime after the dredging is done.

Report on KPP

Greg Wright of EMG reported that no decision needed to be made at this meeting. KPP is developing a new agreement and will be trying to get cities to sign up for a 10 year period. Westar is requiring a 10 year agreement with the pool and wants the individual cities to sign for the same period. There should be more definite information in time for the 2nd meeting in January.

Report on Water Rate Study

Pat Cox from BG Consultants and Dan Fischer from USDA/RD were present to discuss the funds that are available through USDA/RD due to the stimulus funds. Any application approved for over \$4.2 million dollars would be grant funds. Therefore if the City added repairs to the dam and improvements to the water system to their application for the dredging project it would all be grant money. The city would need a preliminary engineering report in order to make application. The engineering expenses, attorney and bond counsel expenses could be paid through those grant funds.

The Commission asked that Pat Cox meet with Lonnie Boller and Pat McCool from KRWA to discuss the needs of the water system and develop a plan to report back to the Commission.

Commissioner Davies requested that this topic be on the next agenda for the Commission to discuss ideas for the water system and dam repairs. He would also like to discuss the plan for the removal of fish and the habitat renovation of Mission Lake.

Bulk Water Sales Letter/Contract

There was discussion of whether or not to include the cost of the debt service in the bulk water sales. The Commission agreed that the debt service cost should not be passed on to the bulk users such as the City of Willis or the Kickapoo Tribe.

Motion by Commissioner Forkenbrock to have the City Attorney draft a letter to the City of Willis to increase the wholesale water sales rate to \$4.96 per 1,000 gallons to be effective February 1, 2010. Seconded by Commissioner Edwards. All aye.

Engineering Services for KLINK Project

A proposed agreement with BG Consultants to do the design and inspection services for the 2010 KLINK project was presented. The total cost is not to exceed \$35,100. Commissioner Davies

inquired if there is a problem with the State of Kansas if bids are not taken for engineering services. Mr. Cox advised there was no State requirement for a bidding process. He stated that if there was a problem then BG Consultants would pay back the funds.

Motion by Commissioner Forkenbrock to enter into the agreement with BG Consultants for the KLINK project. Seconded by Commissioner Davies. All aye.

Recommendation of Planning Commission for Rezoning Property at 1701 Central Avenue

An application was received from Connie Mayfield to have the property at 1701 Central Avenue rezoned from C1 (service commercial) to C2 (retail commercial) so that she could move her Payday Loan business to that location. The Planning Commission met and recommended that the property be rezoned. The Commission reviewed the comments from the neighbors and the planning commission. The matter was tabled to the next meeting so that the Commission could review the permitted uses in each of the zoning districts.

Discussion of National Guard Armory Closing

Mr. Whisenant advised the Commission that the City had been notified that the armory would be closing and that the facility would be reverted back to the City. Mr. Whisenant had talked with USDA/RD about facilities funds that were available for renovations to buildings owned by the City. He found that the City would qualify for up to 75% grant funds on a facilities project.

Commissioner Edwards stated that first the City should see if we can keep the National Guard in Horton but keep looking at other options in case that didn't work. Commissioner Davies stated that the City should try to save the National Guard and should also request that the monuments at the facility remain in Horton.

The Commission directed that the City Attorney prepare a resolution to save the armory and also that he write a letter of support to be signed by the Mayor on behalf of the Commission. Mr. Tollefson will get some history on the Horton Armory to City Hall who will then forward the information to Mr. Hill.

Approval of Cereal Malt Beverage License Renewals

Applications were received for renewal of cereal malt beverage licenses for 2010. Those applying are Jim Gormley for the Horton Pool Hall, Christopher DuPuis for the Wagon Wheel Bar and Grill and Lyle Kirlin for the Super Store. Motion by Commissioner Davies to approve all three cereal malt beverage license renewals. Seconded by Commissioner Krug. All aye.

GAAP Waiver Resolution

Motion by Commissioner Davies to approve resolution 2009-014, A RESOLUTION THAT THE GOVERNING BODY REQUESTS THE DIRECTOR OF ACCOUNTS AND REPORTS TO WAIVE THE REQUIREMENTS OF K.S.A. 75-1120a(a) AS THEY APPLY TO THE CITY OF HORTON FOR THE YEAR ENDED 2009. Seconded by Commissioner Krug. All aye.

Christmas Recognition for City Employees

Motion by Commissioner Forkenbrock to give employees each script money through the Chamber of Commerce not to exceed \$800 total. Seconded by Commissioner Edwards. All aye.

Blue Building On-Site Coordination

Mr. Whisenant suggested that the City try to locate a general contractor type individual to oversee the work on the Blue Building. The Commission directed that Mr. Whisenant try to talk to some of the local citizens and see what they would charge. Mayor Lentz will contact Larry Pottroff and see if he would be interested.

Blue Building—Power Assist Door Location

Mr. Whisenant reported that those working at the Blue Building informed him that the power assist door will not work on the south doors as originally planned because of the design of the double doors. They suggested that one of the doors on the north west side of the building be used. There was discussion among the Commission that they have seen doors of similar construction use the power assist and suggested to have Larry Pottroff look at the situation. Commissioner Davies asked for cost estimates on using two power assist units on the south doors.

Discussion of Purchasing Policy

Mr. Whisenant and Rex West have been working on the purchasing manual. They would like to keep the current policy with making the following changes— raise the purchasing limit for department heads from \$50 to \$750 without requiring prior approval of the City Administrator but only department heads can make the actual purchases. In certain circumstances to be outlined the department head can have an employee make the local purchase but it must be signed by both the employee and the department head. The purchases will be reviewed on a quarterly basis and if the rules are not followed it will revert back to the current policy.

Motion by Commissioner Edwards to raise the limit to \$750 and to follow the recommendations made by Mr. Whisenant and Mr. West. Seconded by Commissioner Davies. All aye.

Discussion of the LKM Pay Study

Results of the pay study were given to the Commission for their review. Mr. Whisenant will bring more information back at a later date. This will be revisited the first part of the new year.

Discussion of Kansas Main Street Tier 1 Program

Mr. Whisenant would like to sign up for a program that is closely related to the Main Street Program and he feels it could be beneficial to the City of Horton. He has asked both the Chamber of Commerce and HICD to equally share the cost of the program. The cost is \$300 but these groups have not yet met to determine if they will participate.

Motion by Commissioner Edwards to allow the City Administrator to spend up to \$300 to participate in this program but to try to get the other 2 groups to pay a share. Seconded by Commissioner Forkenbrock. All aye.

Report on Damaged Vehicles

City Clerk Schmitt reported that the insurance company paid \$1,423.84 for the repairs on the Crown Vic that was damaged in a high speed pursuit. The City's deductible is \$500. The Commission agreed to repair the vehicle.

Staff Report

Mr. West reported that the new bucket truck is having problems mechanically but it is still under warranty. It has been taken to the service center in the Kansas City area.

The UV system at the sewer plant went down on Monday and was temporarily fixed. The relay to make the repair came in today. The Blue truck that was used by the Police Department is now going to be used in the sewer department. Jim Martin is working in the sewer department and cross training in the water department so he can do the rotation on call for the weekends.

Mr. West and Mr. Whisenant suggested that Jim Martin be given the position of Wastewater Plant Operator and expand his duties to include assisting in the electric department. There will be training sessions for the electric plant so that more individuals can start the generators when needed. Motion by Commissioner Edwards to designate Jim Martin as the Wastewater Plant Operator. Seconded by Commissioner Davies. All aye.

The Commission recessed for 5 minutes.

Executive Session –Possible Acquisition of Property

Motion by Commissioner Forkenbrock to go into executive session for 5 minutes to discuss the possible acquisition of property to include the Commission, City Administrator, City Attorney and City Clerk. Seconded by Commissioner Davies. All aye. No action taken in executive session.

Motion by Commissioner Forkenbrock to go into executive session for 5 minutes to discuss non-elected personnel to include the Commission, City Administrator, City Attorney and City Clerk. Seconded by Commissioner Davies. All aye. No action taken in executive session.

City Administrator's Agenda

Mr. Whisenant reported that the national retailer that is going to be locating in Horton is going forward with the location west of the Wagon Wheel Bar and Grill. They would like to have the alley vacated and they are having a survey done of the property and will be back requesting how much area they need.

There is no new information on the commercial kitchen.

The list of surplus equipment to sell will be ready the middle of January.

Commissioner's Agenda

Commissioner Krug

No report.

Commissioner Forkenbrock

Commissioner Forkenbrock asked for information from Mr. West on the old bucket truck. He would like to see it set aside from the property that will be sold at auction and have it advertised for sealed bids. The consensus of the Commission was to sell the bucket truck on sealed bids.

There was a question of how long the underground tanks at the service station at 15th and 1st Avenue East can set without being used. It has been 2 years since they have been in use. The staff will check with the State regulatory agency.

Commissioner Edwards

No report.

Commissioner Davies

Commissioner Davies requested that the discussion of the dog pound regulations and repairs be placed on the next agenda.

Mayor Lentz

No report.

Motion by Commissioner Davies to adjourn at 8:56 p.m. Seconded by Commissioner Forkenbrock. All aye.

Candy Schmitt, City Clerk

Tim Lentz, Mayor