

May 3, 2010  
5:15 P.M.  
Commission Room

The Commissioners of the City of Horton met for regular meeting on Monday, May 3, 2010 at 5:15 p.m. in the City Hall Commission Room.

Mayor Lentz called the meeting to order and the prayer was given by Pastor Alice Purvis of the United Methodist Church.

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

Absent: Commissioner Krug.

Oath of office was administered by the City Clerk to Police Commissioner Jeremy Forkenbrock and Parks and Recreation Commissioner Steve Davies as they were reelected during the April election.

The agenda was amended to remove the report from Pat Cox since he was unable to attend the meeting and to add an executive session after the employee wage information and a discussion of the Armory. Motion by Commissioner Forkenbrock to approve the agenda as amended. Seconded by Commissioner Davies. All aye.

The minutes were corrected to state the "Park Board minutes that included the Blue Building rates were presented to the Commission". Motion by Commissioner Davies to approve the minutes from the April 19, 2010 regular meeting as amended. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner Forkenbrock to approve appropriation ordinance #3079 (Payroll) in the amount of \$32,500.33. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner Forkenbrock to approve appropriation ordinance #3080 (Disbursements) in the amount of \$342,874.56. All aye.

### **Public Comments**

Linda Woods requested permission to place signs on City property for the Farmer's Market. She also requested that the sign permit fee be waived for the temporary signs. The signs will be 3' tall and 5' wide. Motion by Commissioner Davies to allow the signs to be placed on the proposed sites and to waive the permit fees. Seconded by Commissioner Edwards. All aye.

### **Request for Funds From HIDC**

Jason Smith, president of HIDC and Rod Gerdes, vice president, were present to request funds from the Industrial fund to assist Glacial Hills RC&D in purchasing equipment for the Food Center (community kitchen) HIDC currently has a program to help businesses paint their buildings to improve the appearance of the City. HIDC is currently looking at starting and incentive fund and are viewing possible guidelines for this type of project. The goals for HIDC in 2010 are to have a membership drive, look at the Workkeys program and to assist the Food Center. HIDC received \$5,000 from Brown County for the Food Center Project and requested \$2,500 from the City Industrial Fund. The Commission had concern that the building to be used

for the Food Center had not been secured yet from the Horton Community Hospital. They asked that HIDC return to ask for the funds after the building is in the possession of Glacial Hills.

### **Discussion of the Armory**

Kevin Hill, City Attorney, reported that he had received a draft copy of the lease agreement for the Armory from the National Guard. The Commission would like to schedule a walk through inspection. Mr. Hill has some suggested changes to the lease agreement and will send them to Col. Silsby for review. He would like to address how major costs would be apportioned as well as the integrity of the building and what repairs might be needed.

### **Request for Eagle Scout Project**

Josh Clark, a Boy Scout from Troop 112, presented a proposal to scrape and paint the shelter houses at Mission Lake and some of the picnic tables around the Lake. Josh is from Valley Falls. He advised the Commission that the project would take 2 months or less to complete and requested that the City purchase the paint. Motion by Commissioner Edwards that the Eagle Scout Project be approved as presented. Seconded by Commissioner Forkenbrock. All aye.

### **Bids on the KLINK Project**

Tom Bennett, BG Consultants, reported to the Commission that the KLINK project would consist of milling off the asphalt and 1" of concrete at the lip out 6" on 1<sup>st</sup> Avenue East from the South City limits north to 15<sup>th</sup> Street. The manholes will be raised to the new elevation and the street will be striped. At the time of application the City's share was estimated to be approximately \$66,000 but with the bids that came in it will be \$40,000 or less. The construction has been approved by KDOT. The engineers estimate was \$207,530.80 and the bids were as follows:

Hall Bros. Inc.	\$163,337.56	Completion in 90 calendar days
Herzog Construction Corp.	\$139,137.60	Completion in 10 calendar days.

Motion by Commissioner Edwards to award the bid to Herzog Construction Corp. Seconded by Commissioner Forkenbrock. All aye. The proposed start date would be June 28, 2010. Mr. Bennett will get the contracts and bonds from Herzog.

### **Request to Purchase Property**

Motion by Commissioner Forkenbrock to go into executive session for 10 minutes to discuss potential acquisition of real estate to include the Commission, City Attorney, City Administrator, City Clerk and Ed Wright. Seconded by Commissioner Edwards. All aye.

Upon reconvening, Mayor Lentz stated there was no action taken in executive session.

### **Request Rainbow Communications**

Halee Edwards reported that Rainbow Communications would be moving their offices to the Maximum Insurance building and would hold an open house on May 7, 2010 from 10 am to 2:00 pm. They would like to request that the 2 parking spaces in front of the building be blocked off as well as permission to use the sidewalk. They will be having food for all those who attend. Motion by Commissioner Davies to allow the request to block the parking spaces and to use the sidewalk from 10-2 on May 7, 2010. Seconded by Commissioner Edwards.

**Complaint on Semi-Truck Traffic on City Streets**

David Allen came before the Commission to request a “no truck traffic” sign be placed in the 1500 to 1700 block of 2<sup>nd</sup> Avenue West. He feels the street is being torn up by the traffic from semi-trucks going to the Hospital. The Commission advised that the trucks are unable to come in from the east and still make the turn into the Hospital parking lot. The consensus of the Commission was that it was not feasible.

**Executive Session for Non-Elected Personnel**

Motion by Commissioner Forkenbrock to go into executive session for 20 minutes to discuss non-elected personnel to include the Commission, City Attorney and the following members of the police department (Richard Luzier, James Stuart, Tom Williams, Mike Williams, Whitney Farr, Earl Selle and Darren Lamme). Seconded by Commissioner Edwards. All aye. Upon reconvening, no action was taken.

Motion by Commissioner Davies to go into executive session for 20 minutes to discuss non-elected personnel to include the Commission, City Attorney and the following members of the police department (Richard Luzier, James Stuart, Tom Williams, Mike Williams, Whitney Farr, Earl Selle and Darren Lamme). Seconded by Commissioner Edwards. All aye. Upon reconvening, no action was taken.

**Bids on Roof Repair at the Swimming Pool**

Bids were opened for roofing the existing building at the swimming pool and for building a new overhang by the concession stand. The bids were as follows:

D & M Construction	\$5,400.00 (existing building)	\$6,400.00 (new overhang)
Gene Gormley	\$4,829.71 (existing building (after May 21 \$5,029.71)	\$4,183.85 (new overhang) (after May 21 \$4,353.00)
Start Dates		
D & M Construction	Mid May and will take 1 week	
Gene Gormley	will take 2 days for existing building and 2 ½ days for the new overhang	

Motion by Commissioner Forkenbrock to award the bid to Gene Gormley for both projects. Seconded by Commissioner Edwards. All aye.

**Request for Softball Tournament to Raise Funds for Senior Trip**

A request was received from the Junior class of the Kickapoo Nation School to be allowed to use the baseball fields for a tournament to raise funds for their senior trip next year. They would hold the tournament on May 22 and 23. The City Clerk had advised the sponsor that they would have to check with the Little League to make sure the fields would be opened and to put their request in writing to the Commission stating who would be in charge of the tournament and give the details. Twila Lieb from the school did submit the request in writing. Motion by Commissioner Forkenbrock to approve the use of the fields for the tournament as long as it does not conflict with the Little League use of the fields. Seconded by Commissioner Edwards. All aye.

Commissioner Davies informed the Commission that Teresa Hammersmith asked to use the fields for the 4<sup>th</sup> of July tournament and he advised her to put the request in writing.

### **Appointments**

Motion by Commissioner Forkenbrock to appoint the following individuals to the state Boards.

Position	Term	Appointee
Planning Commission	3 years	Jerry Walker
Planning Commission	3 years	Ellen Demaray
Appeals Board	3 years	Pat Scott
Park Board	4 years	J. T. Strube

Motion was seconded by Commissioner Davies. All aye. There is still a vacancy on the Appeals Board for a 1 year term.

### **Report of Delinquent Utility Accounts**

The City Clerk presented a report showing the delinquent accounts for current month and the previous 3 months.

January 2010	\$16,093.38 (active accounts)	\$41,734.46 (finals)
February 2010	\$25,757.68 (active accounts)	\$43,628.58 (finals)
March 2010	\$11,333.00 (active accounts)	\$41,870.04 (finals)
April 2010	\$7,677.00 (active accounts)	\$42,161.71 (finals)

### **“No Parking Zone on 1st Ave. East north of 15<sup>th</sup> Street to KDOT**

Commissioner Forkenbrock pointed out that currently there is a no parking zone on the east side of 1<sup>st</sup> Avenue East from 15<sup>th</sup> Street to 17<sup>th</sup> Street. He received a complaint from a citizen who would like to have the no parking removed from this side of the street. Commissioner Forkenbrock suggested that the no parking remain from 15<sup>th</sup> to 16<sup>th</sup> Street but be removed from 16<sup>th</sup> to 17<sup>th</sup> Street. Commissioner Edwards reported he had a citizen complaint in the same area concerning speeding vehicles at 16<sup>th</sup> and 1<sup>st</sup> Avenue East. There was a suggestion of making the area 20 mph or making the intersection a four way stop. Motion by Commissioner Forkenbrock to direct the City Attorney to draft ordinances to make a four way stop at the intersection of 16<sup>th</sup> and 1<sup>st</sup> Ave. East and to remove the no parking zone on the east side of 1<sup>st</sup> Ave. East from 16<sup>th</sup> to 17<sup>th</sup> Street. Seconded by Commissioner Edwards. All aye.

### **Employee Wage Information**

Commissioner Forkenbrock emphasized that the recommended raises had nothing to do with merit increases but is based on a comparison of benefits and wages with other cities.

Motion by Commissioner Forkenbrock to go into executive session for 15 minutes to discuss personnel to include the Commission and City Attorney. Seconded by Commissioner Davies. All aye. No action was taken in executive session. Motion by Commissioner Edwards to go into executive session for 10 minutes to discuss personnel to include the Commission and City Attorney. Seconded by Commissioner Davies. All aye. No action was taken in executive session.

Motion by Commissioner Edwards to adopt option 3 of the proposed wage scale changes. Seconded by Commissioner Davies. All aye.

Motion by Commissioner Edwards to reserve the balance of the reserve funds that were put aside for wages. Seconded by Commissioner Davies. All aye.

Motion by Commissioner Forkenbrock to make changes to the wage resolution. Seconded by Commissioner Davies. All aye. A resolution reflecting the changes will be presented at the next meeting.

### **Discussion of Remaining Needs of Blue Building**

Bids for appliances at the Blue Building were received. This includes 2 stoves, refrigerator and a dishwasher. Commissioner Forkenbrock has asked the Hospital Auxiliary to consider paying for the appliances. Motion by Commissioner Davies to purchase the appliances from Appliance Plus in Horton and use electric funds. Seconded by Commissioner Edwards.

A proposed rental agreement was presented. The Commission requested that the item dealing with decoration be modified and that wherever it said Horton Community Center be changed to the Horton Blue Building. Motion by Commissioner Forkenbrock to approve the agreement as modified. Seconded by Commissioner Edwards. Aye—Mayor Lentz, Commissioners Edwards and Davies. Abstained—Commissioner Forkenbrock.

It was noted that the City Clerk was to advertise for janitorial services for City Hall but she was wondering about the need for someone for the Blue Building and the Armory. Motion by Commissioner Forkenbrock to advertise for 2 part time positions. One to clean City Hall and the other to perform inspection services and cleaning for the Blue Building and Armory. Seconded by Commissioner Edwards. All aye.

The sealer that was purchased for the floor will not work. The staff was directed to get with Brad Rosenberger who is interested in purchasing the sealer. Mr. Whisenant was directed to check with Shane Holthaus on what is needed for the floor. Commissioner Davies volunteered to check with the suppliers the school uses and have them come and look at the situation.

### **Staff Reports**

Rex West reported the crews are mowing and trimming trees on the north end to prepare for chip and sealing. The pool is being painted. There is a problem with the storm drain at 9<sup>th</sup> and Central and at 8<sup>th</sup> and 4<sup>th</sup> Ave. East. There are 50 properties to mow at the current time.

### **Commissioner's Agenda**

#### **Commissioner Krug**

Not present.

#### **Commissioner Forkenbrock**

Commissioner Forkenbrock stated he wanted the ordinance prohibiting mowing grass into the streets to be enforced.

**Commissioner Edwards**

No report.

**Commissioner Davies**

Commissioner Davies has been working with the Librarian, Rita Higley, on the application for USDA/RD funds for a new library.

Commissioner Davies asked the City Attorney about putting warning tape around a structure on West 9<sup>th</sup>. The building is unsafe. Mr. Hill advised that the City could put tape around the structure as long as they stay on the City's right of way.

The Boy Scouts cleaned up the Civic Center but still need to finish picking up the debris. It will be done by the 19<sup>th</sup>.

**Mayor Lentz**

Horton National Bank will be using Hickory Point again this year for their customer appreciation. They would like to pay for 5 stumps to be removed at the location if the City will put dirt back in the holes. Motion by Commissioner Forkenbrock to approve this action. Seconded by Commissioner Davies. All aye.

Mayor Lentz is working with the Code Enforcement Officer to divide the City into fourths to emphasize cleanup. He still needs to speak with Rodney Paden.

Mr. Whisenant advised the Commission that the week of May 3-8 is Municipal Clerk's week and he wanted to mention the City Clerk, Candy Schmitt and the Assistant City Clerk, Carol Stirton. The Commission expressed their thanks to these ladies.

Mayor Lentz advised the Commission was not yet ready for the executive session to evaluate the City Administrator.

Motion by Commissioner Davies to adjourn the meeting at 8:47 p.m. Seconded by Commissioner Forkenbrock. All aye.

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Candy Schmitt, City Clerk

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Tim Lentz, Mayor