

September 6, 2022
5:15 P.M.
City Hall

The Commissioners of the City of Horton met for a regular meeting on Tuesday, September 6, 2022,

Mayor Stirton called the meeting to order, and the opening prayer was led by Pastor Ron Cobb from the Horton First Christian Church. The Pledge of Allegiance was recited by all.

Present: Mayor Stirton, Commissioner Carmela Boller, Rex West, Richard Lovelady, and Tina Nigh. City Administrator John Calhoon and City Attorney Kevin Hill were also present.

Motion by Commissioner Nigh to adopt the agenda after Mayor Stirton requested that a 30-minute executive session to discuss personnel matters of non-elected personnel be added. Seconded by Commissioner Boller. All aye.

Motion by Commissioner Boller to approve the minutes from the August 15, 2022, regular meeting. Seconded by Commissioner Lovelady. All aye.

Motion by Commissioner Boller to approve Appropriation Ordinance #3727 (Payroll) for \$39,550.06. Seconded by Commissioner Lovelady. All aye.

Motion by Commissioner Boller to approve Appropriation Ordinance #3728 (Disbursements) for \$339,611.48. Seconded by Commissioner Lovelady. All aye.

Public Comments

Bobby Bacon was present to say that he read that the city compensated someone who did volunteer work for us. He was curious if the incentive stood true for whoever because when he painted at the ballfields voluntarily a few years ago he wasn't compensated. Mayor Stirton said that the city would take into consideration and revisit at a future meeting.

2023 Revenue Neutral Rate Hearing and Approval of Resolution No. 2022-002

The hearing was opened by Mayor Stirton. Resident Wade Edwards said that he is pleased with the 2023 budget and the Commission needs to be commended for addressing the needs of the city as best they can with a very minimal increase in taxes. A lot of towns are exceeding the RNR by great numbers, so he wanted to applaud the Commission for their work.

Motion by Commissioner Boller to approve Resolution No. 2022-002, A RESOLUTION OF THE CITY OF HORTON, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE. Seconded by Commissioner West. All aye. The RNR rate for the City of Horton was calculated as 61.491 mills by the Brown County Clerk, and the Commission approved 62.819 mills for the 2023 budget.

2023 Budget Hearing and Approval of 2023 Budget

The hearing was opened by Mayor Stirton. There were no public questions or comments during the 2023 Budget Hearing, so the hearing was closed.

Motion by Commissioner West to adopt the 2023 budget as published. Seconded by Commissioner Lovelady. All aye.

Hospital & Clinic Updates

Per the request of the Commission, Jeff Perry, Chief Executive Officer of Amberwell Health, was present to provide updates on the status of the hospital in Horton. Perry said that they are offering

options on three of the five properties that they own in Horton to be able to potentially donate it to any business that would provide to the Horton community. Perry said they have been seeking out some options, which have asked to remain confidential. As of today, none of them have panned out. He said that they would consider donating the land or partnering with someone to help evolve a business. Perry said there is a likelihood that they will plan for demolition of the hospital in early 2023. He plans to come to the Commission before the demo to see if they have any ideas with the building as far as IN MEMORY proposals. Perry also stated that there would be an increase in physician hours at the Horton Clinic in 2023.

Request to be Placed on Agenda

Michelle Hundley addressed the need for tenants of Orchard Heights to be able to park on 16th Street during sidewalk construction that is projected to last a month. The Commission wasn't in favor of lifting the no parking on 16th Street because it would pose a safety issue with the children during school hours. Hundley said they asked the grocery store if they could use the parking lot to the east of the store and they said it would be a liability issue. Calhoon suggested that Hundley add the grocery store as an additional insured on their insurance policy for 30 days and that would take care of the liability if the grocery store was willing.

Public Works Updates

Public Works Superintendent Randy Mayfield was present to provide updates to the Commission on the water, sewer, and street departments. Mayfield handed out a detailed report showing past and present projects broken down by department. Mayfield said that last week he received an alarm call at the new lift station because the pump failed to run. Mayfield was on the phone for most of the morning with who built it and they found that it was drawing too many amps because rags were stuck in it. The city was told by the engineers during design that the grinder pump would shred, and it would not pose a problem. The Commission said that the city paid for a non-touch system and BG Consultants should make it right rather than the city incurring additional cost on a hoist rail.

Police Department Updates

Chief Boller distributed the August 2022 Dispatch Calls by Service Type to the Commission.

Boller has made a contingent offer to an individual to fill the open full time police officer position based on if they pass the prescreening tests. The individual is uncertified so will have to go through the academy, which would take 14 weeks.

Nigh asked Boller about the police vehicles being left running while not in use. Boller said the officers don't let them run for more than a few minutes to let the camera systems warm up. He said he has been ordering the officers to shut them off, and to bring the police dog inside while not patrolling. Nigh also asked if the overnight shift is being covered. Boller said that Officer Spire works some, but they also do callout for the overnight shift since they are minus an officer.

Mayor Stirton requested a status on the four residents in town who pay the minimum water usage fee, however there is no water usage going through their meter. Boller was requested to address this in April 2022. Boller said that one of the residents has since moved out, one has been corrected, and he needs to touch base with the front office on the other two to see if there has been usage.

Consider Approval of Demolition Resolution No. 2022-003

Motion by Commissioner West to approve Resolution No. 2022-003, A RESOLUTION FIXING THE TIME AND PLACE AND PROVIDING FOR NOTICE OF HEARING BEFORE THE GOVERNING BODY OF THE CITY OF HORTON, KANSAS, AT WHICH TIME THE OWNER, THEIR AGENT, LIENHOLDERS OF RECORD, OCCUPANTS OR OTHERS WITH CHARGE, CARE, CONTROL OR RESPONSIBILITY FOR MAINTENANCE OF THE PREMISES, REGARDLESS OF STATUS AS OWNER, RENTER, TENANT OR LESSEE, WHETHER OR NOT IN POSSESSION OF THE FOLLOWING DESCRIBED REAL ESTATE MAY

APPEAR AND SHOW CAUSE WHY SUCH STRUCTURES AND CONDITIONS SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED, DEMOLISHED, REHABILITATED, OR REMOVED OR MADE SAFE AS TO THE SAID DANGEROUS STRUCTURES OR DANGEROUS CONDITIONS. Seconded by Commissioner Lovelady. All aye.

BE IT FURTHER RESOLVED that the City Clerk shall cause said resolution to be published in the Horton Headlight each week for two (2) consecutive weeks on the same day of each week. A copy of the resolution shall be mailed by certified mail within three (3) days after first publication to each such owner, agent, lienholder, and occupant at the last known place of residence and shall be marked "Deliver to Addressee Only". Following said hearing on November 7, 2022, after the passage of 30 days from the date of last publication, the Governing Body of the City of Horton, Kansas shall be authorized to abate the conditions described above and repair, demolish or remove the condition or structure, or make said conditions safe, as determined by the City of Horton, Kansas, in the event that the nuisance has not been abated by the date fixed by the governing body. Alternatively, the City of Horton may cause the structure or structures on said property to be taken down prior to said hearing date should the opinion of the city enforcing officer be that said structure or structures constitute an immediate hazard requiring immediate action to protect the public.

Set Potential Fall Cleanup Dates

The City of Horton is offering the opportunity to get rid of your clutter. There will be a roll off or dumpsters in the vacant lot at the corner of 1st Avenue East and 7th Street (south of City Hall) beginning Saturday, October 8th until Monday October 17th for Fall Cleanup.

Consider Approval of Kickapoo Tribe Memorandum of Agreement

The Commission was presented with Amendment No. 1 to the Memorandum of Agreement between the United States of America and the Kickapoo Tribe in Kansas. This agreement provides for an emergency backup water connection between the tribe and the City of Horton. Amendment No. 1 to the Memorandum of Agreement is necessary to incorporate the additional \$394K in EPA SDWA (Safe Drinking Water Act) Funding into the agreement.

Calhoon shared with the Commission that there would be a design kick-off meeting to discuss the Kickapoo Water System Emergency Connection at City Hall on Wednesday, October 12th @ 10:00 a.m.

Approval of Pay Request #1 for Ballfield Project

Motion by Commissioner Lovelady to approve Contractors Application for Payment #1 for the ballfield improvement project in the amount of \$196,481.85. Seconded by Commissioner Nigh. All aye.

Consider Appointment of Voting Delegate and Alternate for LKM Annual Conference

Motion by Commissioner Lovelady to appoint Tina Nigh as a voting delegate and Carmela Boller as a voting alternate for the 2022 League of Municipalities Annual Conference. Seconded by Commissioner West. All aye.

City Administrator

Calhoon completed and submitted the fire department grant for population less than 40,000 people ahead of the deadline. He received an e-mail saying it was received and everything looked good. Calhoon said now we await a response.

Mayor Stirton

No report.

Commissioner Lovelady

No report.

Commissioner West

No report.

Commissioner Boller

No report.

Commissioner Nigh

Commissioner Nigh was approached by an individual who asked why the city doesn't generate during peak demand times to help keep resident's electric costs down and asked if the city has demand meters. The Commission, and Calhoon (and Wade Edwards) said that it would be more costly to generate power than it is to purchase power because of diesel fuel costs. The city belongs to a power pool to try to get a better rate on our energy costs. The purpose of the generators is to provide emergency service to Horton under certain conditions.

Motion by Commissioner West to go into a 5-minute executive session to discuss personnel matters of non-elected personnel to protect the privacy interests of the employee to include the Commission, Kim Knudson, John Calhoon, and Kevin Hill. Seconded by Commissioner Lovelady. All aye. After executive session no action taken.

Motion by Commissioner Lovelady to go into a 5-minute executive session to discuss personnel matters of non-elected personnel to protect the privacy interests of the employee to include the Commission, Kim Knudson, John Calhoon, and Kevin Hill. Seconded by Commissioner Boller. All aye.

There was a 5-minute recess so Calhoon could make copies of his documentation for the Commission for the grievance hearing. Kevin Hill said that before a motion is made to go into executive session to discuss personnel matters of non-elected personnel, he wanted to confirm that Justin Tawzer is willing to waive the 7-day written notice of the grievance hearing, and his request is to proceed tonight without legal council present. Tawzer agreed.

Motion by Commissioner Nigh to go into a 30-minute executive session to discuss personnel matters of non-elected personnel to protect the privacy interests of the employee to include any witnesses, the Commission, Kim Knudson, John Calhoon, Kevin Hill, and the employee. Seconded by Commissioner Lovelady. All aye. After executive session no action taken.

Motion by Commissioner Boller to go into a 20-minute executive session to discuss personnel matters of non-elected personnel to protect the privacy interests of the employee to include the Commission, Kim Knudson, John Calhoon, Kevin Hill, the employee, and any witnesses. Seconded by Commissioner Nigh. All aye. After executive session no action taken.

Motion by Commissioner Boller to go into a 5-minute executive session to discuss personnel matters of non-elected personnel to protect the privacy interests of the employee to include the Commission, and Kevin Hill. Seconded by Commissioner West. All aye. After executive session no action taken.

Motion by Commissioner Boller to go into a 5-minute executive session to discuss personnel matters of non-elected personnel to protect the privacy interests of the employee to include the Commission, and Kevin Hill. Seconded by Commissioner Lovelady. All aye. After executive session, Motion by Commissioner Nigh, following the grievance hearing, that the Commission impose discipline in the form of written discipline. Seconded by Commissioner Lovelady. Aye—Mayor Stirton, Commissioner Lovelady and Nigh. Nay—Commissioners West and Boller. Motion passed.

Kevin Hill said that the grievance would need to be reduced in writing in the form of written discipline, then provided to the employee, and would also go into his personnel file. Payroll will distribute a check for the three-day suspension that was given without pay, or Calhoon and Knudson will determine if vacation days can be given instead.

Motion by Commissioner Boller to adjourn at 8:23 p.m. Seconded by Commissioner Lovelady. All aye.

Kim Knudson, City Clerk

Bryan Stirton, Mayor