

October 5, 2020  
5:15 P.M.  
City Hall

The Commissioners of the City of Horton met for a regular meeting on Monday, October 5, 2020 at 5:15 p.m. at City Hall.

Mayor Stirton called the meeting to order the opening prayer was led by Al Schirmacher from the Muscotah United Church. The Pledge of Allegiance was recited by all.

Present: Mayor Stirton, Commissioners Wade Edwards, Rex West, Ken Krug, and Richard Lovelady. City Administrator John Calhoon and Attorney Kevin Hill were also present.

Motion by Commissioner Edwards to adopt the agenda as presented. Seconded by Commissioner West. All aye.

Motion by Commissioner West to approve the minutes from the September 21, 2020 regular meeting. Seconded by Commissioner Lovelady. All aye.

Motion by Commissioner West to approve Appropriation Ordinance #3628(Payroll) for the amount of \$34,137.45. Seconded by Commissioner Lovelady. All aye.

Motion by Commissioner West to approve Appropriation Ordinance #3629 (Disbursements) for the amount of \$3,753,064.99. Seconded by Commissioner Lovelady. All aye.

#### **Public Hearing CDBG Grant**

Garrett Nordstrom from Governmental Assistance Services was present via telephone to discuss the resubmittal of the grant that was initially applied for in late 2019 to improve the baseball fields, but was denied.

The public hearing for the CDBG Grant application for the park improvements project was opened by Mayor Stirton. There were no public comments.

Edwards said that the application (Resolution) states that the city is responsible for \$190,000. He said the Commission has been reassured by Tim Lentz and HIDC that they have contributing patrons who are going to cover that cost. The Commission has never received anything in writing that removes the city from the liability of \$190,000.

Garrett said that the city is under no obligation to accept the grant if HIDC can't come through with the funds. Garrett said that HIDC feels like they will be able to easily meet that mark.

Motion by Commissioner Edwards to approve Resolution No. 2020-004, A RESOLUTION CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE 2021 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FROM THE KANSAS DEPARTMENT OF COMMERCE AND AUTHORIZING THE MAYOR/COMMISSIONER TO SIGN AND SUBMIT SUCH AN APPLICATION. Seconded by Commissioner Lovelady. All aye.

Motion by Commissioner Edwards to approve Resolution No. 2020-005, A RESOLUTION ASSURING THE KANSAS DEPARTMENT OF COMMERCE THAT FUNDS WILL BE CONTINUALLY PROVIDED FOR THE OPERATION AND MAINTENANCE OF IMPROVEMENTS TO THE PARK SYSTEM TO BE FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS. Seconded by Commissioner West. All aye.

Edwards said that the previous grant was denied primarily because the application narrative did not emphasize the community support in regards to the funds to do this program. He asked Garrett if this has been rectified in the new application. Garrett feels that they have significantly. He thought that the initial grant was well written, thorough, and he feels that the Department of Commerce didn't put an emphasis on parks. He feels that this year, with dealing with the pandemic, that outdoor park systems are in need now more than they ever have been.

Garrett also provided a brief update on the Economic Development Grant. He stated that it was a challenge to get receipts from qualifying businesses. Funds will be released soon to 7 of the 10 businesses who applied and qualified. Garrett is still awaiting receipts needed for 3 of the businesses before remaining funds can be released.

Garrett recommended that the city request that each business complete a W-9 form before issuing a check to them.

### **Public Comments**

Mindi Foster, county leader and 4H Superintendent for the rabbit project for Brown County, along with the county extension office would like to put on a rabbit show in February and gain the Commissions permission to use the blue building on February 27, 2021. Monies received from this show will go towards equipment to use during the fair like tables and scales and whatever is needed to run the 4H show at the fair. The Commission was in favor of allowing use of the Blue Building for the event. Motion by Commissioner to allow the use of the Blue Building on February 27, 2021. West said that they could qualify for a lower rate to rent the building if it falls under the current guidelines that the city has in place. That is something that can be worked out with the front office. Seconded by Commissioner Edwards. All aye.

### **Public Works Updates**

Randy Mayfield was present to provide updates to the Commission on Public Works. Randy handed out a detailed report showing past and present projects broken down by department. Randy said that the city pool has been drained and winterized.

West requested that the teams be more specific on the report that is provided. He would like them to detail where they have mowed instead of just saying "Mowed", and detail where dirt is actually hauled instead of just saying "Hauled Dirt".

Randy also provided an update on the fire at 1201 5<sup>th</sup> Avenue West. Randy stated that the residents wanted to burn the house down, but he told them they couldn't burn it down until all of the shingles and vinyl siding were off of it, and it also needed to be knocked down. The residents decided that they weren't going to do that, they were just going to burn some piles. Randy said they instead ended up burning the house down with the shingles and vinyl siding and they weren't supposed to do that. West asked Randy why couldn't we have burned down the remainder of the houses on East 8<sup>th</sup> that were already half burnt to the ground anyway, instead of the city paying for hauling fees. Randy said that was because they still had shingles and siding on them. He said he wouldn't want to crawl up there or spend the man hours to strip the remainder of the homes of the shingles and siding. West feels that it would have been worth the man hours to do it judging by what the city paid for hauling.

Edwards said that he has been told ever since he has been on the Commission that is it against policy to let someone deliberately burn a house in Horton. So now he is confused as to what we can and cannot do in this town. Edwards asked if there was a written policy established because the Commission has to make policy decisions here, they don't go off of what someone tells them they can or can't do.

After further discussion the Commission concluded that there needs to be criteria in place from the State Fire Marshall, EPA, and City Ordinances to avoid further misunderstandings in the future.

### **First Reading of Snow Route Ordinance**

Kevin Hill suggested revisions to the existing draft of the Snow Route Ordinance. In Section 1., on the third line down change the word “where” to “or”, and in Section 2, the original draft had a portion in there that was deleted. Hill recommended that the sentence “and the parking emergency shall be terminated by posting in a public place along the snow route or through other media” remain in the Ordinance. Hill also recommended that the fine amount not exceed \$500.00.

Commissioner West asked if the Ordinance could be approved tonight. Kevin Hill recommended that the Ordinance be considered for approval at the next Commission meeting on 10/19 since the first reading was what was stated on the agenda, and since the City Code states that all major questions to be brought to a vote for adoption by the governing body of the city, shall be provided to and circulated among members of the body, in written form, at least seven days in advance of any final vote begin taken thereon.

Since the snow route streets did not change significantly, the Commission said that it is was okay for the city crews to move forward with placing signs before the Ordinance is considered for approval.

### **Halloween Trick or Treating Discussion**

Because the front office has already been receiving calls, Calhoon asked if the Commission should discuss allowing trick or treating this year due to Covid-19?

After discussion, the Commission decided that sometimes the government could go too far in making those decisions. West recommended to keep it as it has been in the past and people can turn their porch lights off if they don't want trick or treaters.

### **SPARK Money Allocations**

Calhoon submitted the 1<sup>st</sup> expenditure report for SPARKS funds that have been spent so far. The city was awarded \$30,000 in SPARK (Strengthening People and Revitalizing Kansas) funds for expenses directly as a result of the COVID-19 pandemic. The city has until December 31<sup>st</sup> to spend the funds. Calhoon discussed the purchase of new IPADS with the Commission, which he said is a necessity to get the devices that are compatible with our new video equipment. Mayor Stirton said that Calhoon could determine if the upgrades are needed or not.

### **Consider Approval of Payment Request No. 2**

Motion by Commissioner Edwards to approve payment request No. 2 for Phase III Sewer Project in the amount of \$198,607.19. Seconded by Commissioner West. All aye. The payment will be forwarded to USDA for final approval before a check is issued to the contractor.

### **Request to be Placed on Agenda**

Rita Boller was present with some of the cities veterans to ask for a Resolution to be passed to declare the City of Horton a Purple Heart City. This would honor those who were wounded or killed during their service in our country. Gary Behrnes took the time and did the research for the steps needed to do this. The first step is passing a Proclamation and they would pass it on to the Military Board of the Purple Hearts, and they will place it on a map of other cities that have them. The only other step would be to purchase signs that would be placed at each entry of the city.

Mayor Stirton read the Proclamation aloud which read NOW THEREFORE BE IT RESOLVED, that I, Bryan Stirton, Mayor of the City of Horton, do hereby proclaim the City of Horton as A PURPLE HEART CITY And encourage the citizens of the City of Horton to show their appreciation for the sacrifices the Purple Heart recipients have made in defending our freedoms, to acknowledge their courage, and to show them the honor and support they have earned.

Motion by Commissioner Edwards for the City of Horton to purchase the necessary signs and place them at the four entrances into the city at the appropriate time in appreciation for the efforts of the people in this program. Seconded by Commissioner West. All aye.

**City Administrator/Chief of Police Calhoon**

Mark Tollefson contacted Calhoon and informed him that they are forgoing the Veterans Parade this year, however there would be special events including music and tributes held at the four corners on November 11<sup>th</sup> at 11:30 a.m.

Sam Johnson recommended that the city have a water rate study done to assure that the sewer rates are sufficient to support the annual bond payments. Calhoon is concerned that with the well meters recently being fixed, and the ongoing problems with wells #1 and #2, that the water loss reports are not accurate. Greg Duryea from the Kansas Rural Water Association will conduct a rate review and he provided a document with the information that is needed; however, he will be out of the office beginning the middle of October for personal issues and would be able to do this in December. Edwards said the city is not obligated to do the 2% quarterly increase, and if we have reached the limit that the Commission said they were going to reach, he would like to sit until someone tells the Commission that they have to do more.

City Clerk, Kim Knudson voiced concern and reminded the Commission that the city will begin paying back General Obligation Bonds for Phase III sewer at the end of 2021, along with the existing Phase I, Phase II, and 2005 Sewer Bond payments.

**Mayor Stirton**

Mayor Stirton had someone show interest in leasing the CDF site for hunting. Stirton said that he would bring it to the table for discussion.

**Commissioner Lovelady**

No report.

**Commissioner West**

West Calhoon would like to discuss establishing what the Commission considers a local bidder for commodities that the city bids out. He would like to discuss this at one of the next Commission meetings prior to sending out bids and incorporate that into our bidding this year.

**Commissioner Edwards**

Edwards asked Calhoon to provide the total cost on the recent chip seal project, and revenue/expenses for the swimming pool.

Edwards asked if the school football team is practicing at the soccer field, and not on their practice field? Edwards said they are practicing on city property without talking to the city about practicing and using the field. He doesn't know if its worth an issue or not, but it's a question.

Edwards suggested that a pothole be repaired on the lake road on the west side, down towards the north circle, just before the right turn on the one-way. There is also another descent sized pothole as you head up the hill to the west side.

**Commissioner Krug**

Krug asked for an explanation from City Clerk, Kim Knudson on two checks that he was signing. One was for Unclaimed Property and the other was for Registrar and Transfer Agent. Both checks were made out to the State Treasurer.

Krug also revisited discussion regarding the appearance of the wall of Debbie Kidwell's building after the adjoining building was demolished. The Commission discussed the possibility of painting the wall to better its appearance.

Motion by Commissioner Edwards to adjourn at 6:48p.m. Seconded by Commissioner West. All aye.

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Kim Knudson, City Clerk

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Bryan Stirton, Mayor