

June 18, 2018
5:15 P.M.
Commission Room

The Commissioners of the City of Horton met for a regular meeting on Monday, June 18, 2018 at 5:15 p.m. in the City Hall Commission Room.

Mayor Stirton called the meeting to order and the prayer was led by Chief Calhoon. The Pledge of Allegiance was recited by all.

Present: Mayor Stirton, Commissioner Edwards, Forkenbrock, West, and Krug. City Attorney Kevin Hill and City Clerk/Administrator Kim Knudson were also present.

Mayor Stirton asked that the Economic Development Presentation be moved to behind the Approve Payment Request No. 12 & Final Waiver Form for Pool.
Motion by Commissioner Edwards to adopt the agenda as adjusted. Seconded by Commissioner Forkenbrock. All aye.

Commissioner Edwards pointed out that from the previous meetings minutes there was a heading that the executive session was called for 15 minutes and in the body of the report says it was 30 minutes. It was for 30 minutes so that needs to be corrected.

Commissioner Edwards had questions on the payroll as to why an employee worked 86 hours and did not get overtime and yet employees that worked less than 80 hours did get paid some overtime hours, and also about double time pay. Knudson explained that it probably had something to do with the holiday being worked. Knudson suggested to have a work session at the beginning of one of the commission meetings and have Carol Stirton give an explanation.

Commissioner Forkenbrock asked why the payment for the playground equipment had been approved for more than the check was written for. Knudson explained that the company does not charge for shipping until the equipment gets here.

Motion by Commissioner Edwards to approve the minutes from the June 4, 2018 regular meeting as corrected. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Edwards to approve Appropriation Ordinance #3511(Payroll) for the amount of \$42,283.16 with those explanations. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Edwards approve Appropriation Ordinance #3512 (Disbursements) for the amount of \$255,701.80. Seconded by Commissioner Forkenbrock. All aye.

Public Comments

None.

Tim Lentz Recognition

Mayor Stirton read a letter of commendation and presented a plaque to Timothy Lentz for his years of service with the City. Tim gave his appreciation to the City Commission for all of their time and efforts. Lentz said it was an honor working for the City, with the pool being the most rewarding project.

Approve Payment Request No. 12 & Final Waiver Form for Pool

Sam Johnson with BG Consultants gave a pool project update. Currently project is complete and open for use. There are 3 items that need followed up on. Sam recommended holding off payment until 2 of these items are completed, probably within a week, and receipt of a letter of commitment from Dirk Waser stating that the 3rd item of connecting the concession stand floor drain will be completed by September 30, 2018. After completion of these items, the Contractors Affidavit being processed and the Release of Estimate by Surety is processed, Sam recommends to make the final payment No. 12 in the amount of \$179,988.30 to B Dean Construction.

Johnson stated the project is right at budget pending a cash contribution from Horton Reinvent for around \$9,000.00.

Commissioner Forkenbrock questioned the change order. Sam explained that item #17 on the fence, the previous scheduled value was \$14,000.00 and it was increased to \$18,050.00. Forkenbrock would like the continuation sheet to show the actual number. Sam can request to add item number 18 and in the description show change order black fence, then reduce line #17 to the previous scheduled value.

Tim Lentz informed the commission that Continental Pools paid for \$3,000.00 of concrete that was added by the diving board. Continental Pools did a lot that wasn't in the scope of work that could have put the pool project over budget between \$15,000.00 to \$18,000.00.

Commissioner Forkenbrock voiced concern over the grass not coming up at the pool.

Commissioner Krug asked Tim Lentz what monetary involvement Reinvent had given to the pool.

Lentz stated not including volunteerism, the dollar amount is around \$9,000.00.

Sam Johnson states that Clark with Continental Pool wants everyone to be happy and to receive a glowing recommendation from the City when the project is done. Clark contacted Splashtacular. He had bought 3 slides from them this year, so he called in a favor from them. They are going to sell him a canopy for the slide with a value of \$4,000.00 for \$2,000.00. Clark is going to pay \$1,000.00 of that provided it is a solid color canopy and he's going to sell it for the remaining \$1,000.00.

Motion by Commissioner Forkenbrock to authorize the mayor to execute the Completion of Work Certificate and issue Final Payment in the amount of \$179,988.30, contingent upon the contractor's completion of the punch list items, submitting the Contractors Affidavit, and submitting the Estimate of Release by Surety. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner Forkenbrock to approve the purchase of the canopy for the pool slide for \$1,000.00 to be paid out of the pool budget. Seconded by Commissioner Edwards. All aye.

Sam Johnson also gave an update on the Wastewater Project. The technical design memo is in process, the milestone schedule and funding update will be presented soon, assembling USDA application in the next 30-45 days with assistance from Rita Clary at KRWA, by the next meeting or shortly thereafter the City should be hearing from Dan Fischer on the schedule and funding update, discussing temporary financing more than likely with David Arteberry. USDA will identify that schedule. Sam Johnson should be able to report at the next meeting or the following on this process.

Mr. Johnson also gave a City Hall ADA Bathroom Update. He presented a sketch along with project costs estimate of \$78,011.25. The sketch and costs included 2 bathrooms and kitchenette. Two bathrooms are appropriate for a building this size. After discussion of whether or not a lounge area is necessary Sam stated that the design could be approved now without commitment the kitchenette.

With Sam's assurance that there was a shot at go or no go if taken to USDA-

Motion by Commissioner Edwards to approve the concept of the design as presented. Seconded by Commissioner West. Aye- Mayor Stirton, Commissioner Edwards, West and Krug. Nay- Commissioner Forkenbrock. Motion passed.

On the CCLIP update word was received back from the local KDOT area engineer. There is a date on June 26, 2018 at 2:30 p.m. to be on site to review the project. Pat Cox with BG will be attending. Sam will get back to the commission on how that goes.

Economic Developer Presentation

Falls City Edge Economic Developer Becky Cromer was present to discuss the pros of having an economic development position. Ms. Cromer said when Mayor Stirton contacted her couple of months ago to inquire about how the Falls City Economic Development was put together; she told him she would be happy to share the information with the Horton City Commission. Falls City Edge is a nonprofit public private partnership. The City pays them \$120,000.00 per year, the County pays them \$15,000.00 per year and they have lots of private investors. They have been in operation for 10 years. Their Economic Development program is divided into 3 categories, Marketing and Sales, Product Development, and Event Planning. After her presentation Ms. Cromer invited the commission to contact her with any questions.

Request to be Placed on Agenda

Shawn Strecker informed the commission that he was seeking provision to obtain his own trash service of his choice. Strecker said a month ago and then again two weeks ago, he had his trash at the curb and saw the trash truck drive by without stopping to pick up his trash. He called Waste Management and spent three hours on the phone with someone in Arizona. They ended up telling Strecker that they would not come back to pick up the missed trash until the next regular pick up day, but that they would not be charged for excess bags. Strecker has someone in mind to that he would like to hire to pick up his trash instead of Waste Management through the City. City Attorney Kevin Hill said he believes that if an individual wants to approach the City and request a franchise to operate solid waste disposal services in the City of Horton, it would be subject to the same terms where they would have to pay a franchise fee. Hill explained we have no entity asking yet and when we do it can be reviewed at that time.

Discuss Audience Participation @ Commission Meetings

The commission was given a draft from Kevin Hill in regards to audience participation at commission meetings. They will review to suggest changes, additions or deletions at the next meeting.

Revisit Sewer Rate Ordinance

Commissioner Forkenbrock had figured that with the two percent per quarter increase on the sewer rate that the July increase will go above the total average cost of \$47.00. There was discussion on amending the ordinance to a cap. We need to find out from USDA where the rate needs to be. The ordinance will not be changed at this time. No action taken.

Speed Limit Ordinance for Mission Lake

The first reading of the Speed Limit Ordinance was done and some suggestions on the naming of the streets affected were recommended to Kevin Hill to revise. Consideration for approval will be at the next Commission Meeting on July 2nd.

15 Minute Executive Session to Discuss Attorney-Client Privilege

Motion by Commissioner Edwards to go into a 15 minute executive session to discuss attorney client privilege to include Mayor Stirton, Commissioners Edwards, Krug, West, and Forkenbrock, Kim Knudson and Kevin Hill. Seconded by Commissioner Krug. All aye. No action taken after executive session, information only.

Motion by Commissioner Edwards to go into a 10 minute executive session to discuss attorney client privilege to include Mayor Stirton, Commissioners Edwards, Krug, West, and Forkenbrock, Chief Calhoon and Kevin Hill. Seconded by Commissioner Krug. All aye. There was discussion regarding request for payment that was made by Stormont Vail Healthcare Inc. for an inmate that was allegedly in custody of the Horton Police Department at the time he incurred medical bills. Under state law

there is some responsibility if someone is technically in custody. Options are either to pay the Medicaid rate for the claim, or employ EMC to provide a legal defense for the city of Horton subject to our \$2000.00 deductible.

Motion by Commissioner Edwards to pay \$8,325.15 Medicaid wage to settle the claim. Seconded by Commissioner West. Aye – Mayor Stirton, Commissioners West, Edwards, and Krug. Nay – Commissioner Forkenbrock. All aye.

Chief Calhoon

Chief Calhoon said that if time permits, he will have the officers unlock and lock the shower houses at the lake rather than the Lake Caretaker doing it.

Chief took some vacation time last week, and will be taking some more vacation time soon.

Chief asked about the demolition of houses and the remaining Building Demolition budget and how the Commission would like to proceed. The Commission would like to proceed with a Resolution listing houses in need of demolition regardless if there are funds available or not.

Mayor Stirton

Mayor Stirton discussed the possibility of powder coating or painting the old light poles from downtown for the pool.

The Commission suggested running temporary lighting at the pool until a decision is made on permanent lighting.

Mayor Stirton asked about freshening up curb paint in the city. West stated that the city staff didn't paint them in the past, that Reinvent Horton put a crew together to paint them.

City Clerk/Administrator

Kim told the Commission that the new skid loader will arrive tomorrow.

Auditors were here all day last Friday.

Well #1 has been repaired and is back online as of last Thursday.

Kim was made aware that there was some fraudulent activity on her city credit card recently. The fraudulent charges totaled \$2,263.18. Kim had to fill out some paperwork at HNB and write a statement that the charges were not made or approved by her. HNB has since credited the fraudulent amount back to the city.

Kim inquired about a .60 an hour raise for Brianna Dowell that she has asked for in the previous two meetings. After being asked to bring more info to the table regarding how it will affect the budget, Kim said never mind, and that we are beating a dead horse.

Wade stated that the Commission isn't in favor of giving mid-year raises.

Commissioner Forkenbrock

Commissioner Forkenbrock said that the grass seed at the pool isn't coming in and that the city shouldn't pay for it.

The net at the tennis/basketball court by the pool needs to be removed or fixed. It is lying on the ground.

The weeds around the fences either need to be sprayed or trimmed by the city staff.

The lake markers in Mission Lake have moved and need to be put where they belong.

Should the city evaluate docks at Mission Lake annually for repairs and assure that it is the same owner??

Pour gravel in the parking lot at the pool to connect with the football field parking so that pool patrons can drive through without having to back out and turn around.

Commissioner West

Commissioner West doesn't see the sense in putting a water restriction on non-potable water coming out of the lake. The Commission requested to have the city crews turn the water back on.

Commissioner Edwards

Commissioner Edwards opted to go last on the agenda.

Commissioner Krug

Commissioner Krug said that someone mowed the hay at the airport. Matt Tollefson has showed interest in mowing the airport and the dam area at Mission Lake.

Motion by Commissioner Edwards to go into a 10 minute executive session to discuss personnel matters of non-elected personnel to protect the privacy interests of the employee to include Mayor Stirton, Commissioners Edwards, Forkenbrock, West, and Krug, Kim Knudson, and Kevin Hill. Seconded by Commissioner Forkenbrock. All aye.

After executive session Motion by Commissioner Edwards to ask for the resignation of the City Administrator and in the absence of a resignation that she be terminated from her position. Seconded by Commissioner Forkenbrock. Aye - Commissioners Edwards, Forkenbrock, and West. Nay - Mayor Stirton and Commissioner Krug. Motion passed. Forkenbrock said that Kim currently holds two titles, City Clerk and Administrator. Mayor Stirton asked that Edwards reword his motion because he was confused by it. He understood it as Edwards wanted Kim to resign her whole position as City Clerk/Administrator. Edwards said that as far as he was concerned Kim could remain in her duties as City Clerk.

Motion by Commissioner Edwards to rescind his previous motion. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Edwards to remove the Interim City Administrator title from Kim and retain her position as City Clerk. Seconded by Commissioner Forkenbrock. Aye - Commissioners Edwards, Forkenbrock, and West. Nay - Mayor Stirton and Commissioner Krug. Motion carried.

Mayor Stirton stated that Kim has taken on a lot with the opening of the pool since Tim quit, and takes a lot from the Commission as individuals outside of city meetings and can make her job pretty tough. He said there has been turmoil ever since Tim resigned about personal things going on.

Edwards's big concern is Kim's lack of judgment as to what authority Kim has City Administrator, and that her "family" connections caused a problem for Forkenbrock. Edwards also accused Kim of discussing a potential candidate who was interviewing for a position with the city with her significant other.

Attorney Kevin Hill recommended that the Commission discuss salary and an Interim City Administrator. Krug asked Kim if she would want to continue on as City Clerk. Kim's response was I don't know. Krug asked if that is something that Kim needs to have time to think about before a discussion regarding pay. Krug stated that this blindsided him.

Attorney Kevin Hill recommended that a Special Meeting be scheduled for Monday, June 25th at 6:30 p.m. At this time and Interim City Administrator can be appointed, and there can be discussion on if Kim decides to stay on as City Clerk.

Mayor Stirton's final thoughts were that the Commission should have had a plan in place and maybe they should have pulled Kim in and did some sort of disciplinary action or reprimand rather than eliminating her from the position. Some of the issues that were addressed were old and could have been addressed a lot sooner, instead of letting it fester and get to this level. He wishes it would have been dealt with in a different manner.

Motion by Commissioner Edwards to have a Special Meeting on June 25th at 6:30 p.m. to discuss potential Administrators and receive a response from Kim as to whether or not she will accept the City Clerk position. Seconded by Commissioner Forkenbrock. All aye.

Motion by Commissioner Edwards to adjourn at approximately 9:54 p.m. Seconded by Commissioner Forkenbrock. All aye.

Kim Knudson, City Clerk

Bryan Stirton, Mayor