

February 18, 2020  
5:15 P.M.  
City Hall

The Commissioners of the City of Horton met for a regular meeting on Tuesday, February 18, 2020 at 5:15 p.m. at City Hall.

Mayor Stirton called the meeting to order and the opening prayer was led by Father Dan. The Pledge of Allegiance was recited by all.

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

Motion by Commissioner West to adopt the agenda. Seconded by Commissioner Lovelady. All aye.

Motion by Commissioner West to approve the minutes from the February 3, 2020 regular meeting. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner West to approve Appropriation Ordinance #3597(Payroll) for the amount of \$32,786.33. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner West to approve Appropriation Ordinance #3598 (Disbursements) for the amount of \$78,976.40. Seconded by Commissioner Edwards. All aye.

### **Public Comments**

None.

### **Atchison Hospital CEO**

Jeff Perry, CEO of Atchison Hospital, was present to provide updates on bringing primary care to the clinic in Horton. Atchison Hospital has signed the agreement with the trustee to purchase the property. Once the title is received, they will be able to operationalize their plans and move pretty rapidly. They currently have three providers interested, and will add more as they grow. Eventually they will rotate in specialist providers from the Atchison Hospital to provide services here. Kex Rx Pharmacy has agreed to stay in the building, which is huge and a major part of the model. People will be able to have full labs done at the facility, such as bloodwork. Minor stuff will be done on site, and the rest will be sent down to a larger lab within the Atchison Hospital, and through electronic health records local providers will be able to get results for their customers. They are working on some X-ray capacity within the clinic setting so people don't have to drive far to get X-ray ability. Jeff believes that they will be able to provide a full outpatient model within the clinic setting. Job applications are out there and their goal is to try to hire locally, so they want to encourage people to continue to apply for those positions. Within two weeks Jeff should be able to provide a more specific timeline. They will be putting some capital dollars into the clinic fairly quickly to improve/update the facility.

### **Mission Village Update**

LaMont Cook was present to provide updates on Mission Village. The State Fire Marshal visited the facility recently and they are in the process of meeting some of the new regulations that are governing that, but everything's on track in relation to the buildings specifically. There are a couple of things they are waiting on outside contractors to do. There are 25 residents currently. Bottom line for January is showing a \$21,000 profit. Financially, they are still meeting some of the old past debt requirements with state, city, and others. Lamont feels like they are doing well. They've gotten caught up on a couple old vendors, those that have quite a bit of old debt owed on them. There's still a lot of challenges. Just recently they met as a management team to begin the process of strategically planning more of a long-term future for the facility, which will require a significant capital

investment. LaMont hopes that the Commissioners review of the edited Lease Purchase Agreement is moving along so it doesn't slow down their process.

The annual meeting will be held in the chapel at Mission Village on March 12<sup>th</sup> at 6:00 p.m.

### **Rainbow Communications**

Angie Kreider was present to discuss the new the Franchise Ordinance and Pole Attachment Agreement that the city has with Rainbow Communications.

Kevin Hill asked Angie if the Franchise Agreement is exclusive or non-exclusive. Kevin also asked for Rainbow's counsel to e-mail him authorizing him to discuss the agreements with Angie.

The Commission asked for Angie to be present at the next meeting on 03/02/2020 when they consider approval of both agreements.

### **HIDC – Ballfield Discussion**

Garrett Nordstrom from Governmental Assistance Services was present. Garrett stated that the CDBG grant that was applied for to improve the baseball fields was not awarded. The grant fundamentally did not rate very well. Garrett will resubmit the grant at no additional cost to the city in October (due by Nov. 1) and hope for approval.

They are awaiting feedback and rating sheets from the grant that will show what they liked and didn't like about the grant and at that time they will make changes.

Tim Lentz said that he has \$158,000 in committed donations, plus three other donors for the match portion of the grant.

The Commission and HIDC discussed coming up with a strategic plan earlier in the year next year, and suggested Garrett share the grant with them prior to submittal.

Tim asked the Commission that as they look into the 2020 budget if they would be willing to budget more money for HIDC and possibly share the funds that (if approved by the Commission) would go to Northeast Kansas Enterprise Facilitation. West stated that it is something definitely worth talking about.

### **Business Owners in Town (Re: Code Enforcement)**

Krug stated that the Commission has been talking about code enforcement, and the lack of, for the last few meetings. It was Krug's suggestion that the Commission ask some of the business owners to come in and give them their ideas and their thoughts and suggest what the Commission can do as they try to work through this. The Commission is getting pressure from the community too that some of this stuff needs to be done and Krug's idea is that he would like some input from the business owners. Krug talked to a local business owner the other day and he couldn't believe how much misinformation there is out there in the community. One of the things was our hundred-thousand-dollar breakroom for the city employees. Krug said that the former mayor can relate to how long the Commission stalled and stonewalled on doing anything on ADA bathrooms. Calhoon stated that it cost the city \$57,000 to install the addition (ADA bathroom, office, and employee breakroom). The other thing that come out was the bidding process that was used or not used. Krug said it always has been the Commission's goal to try and take care of our local people and our tax payers who are making their living here and employing the people here.

Business owners Randy Beach, Matt Howell, Diane Maltby, and Tim Lentz were present to voice concerns and suggestions regarding code enforcement.

Calhoon said that professionally his officers can't say well, sorry, we're not going to do anything because of who it is or because they're a business, or because they have a lot of money. If they get a complaint, they usually act on it. He can't say that he's had a complaint on Randy's for quite some time, but if they did that's when they would enforce it. Matt Howell unfortunately, is in a more viewable area, especially now that the Mexican restaurant is open and we get a lot of complaints.

John said if they don't get complaints and the officers are kind of standoffish, then one of the Commissioners gets a complaint and then comes to them and asks why aren't we doing anything with Code Enforcement? Calhoon said there's two sides to every story, just like there's two kinds of people. There are people that like everything neat and proper, and there's people that basically don't live that way, and that's what makes it a tough situation. From the officer's standpoint, they don't make the laws, but obviously they are supposed to enforce them. Calhoon thinks they do try to use good judgment and not be too harsh on anybody. They usually work and give everybody an ample amount of time based on how big of an issue they got. But if they don't see progress or they are totally ignored, then they act on it because they got the complaint. Calhoon said the only thing they can do is continue to do what they're doing unless some things change, or the Commission repeals Ordinances.

Tim Lentz stated that the city tore down 42 houses in a year and a half period and it didn't cost the city a dime, it was all done by donation by the county landfill and city and county boys. Tim also voiced concern over a dilapidated house across the street from him at 718 3<sup>rd</sup> Avenue West. Lentz stated that the individual left the residence and probably a delinquent utility bill with the city, and went right across the street from city hall to live in an apartment. Lentz further indicated that he wanted action taken on the house as he and his family should not have to live with those conditions. Assistant Chief John Boller was in the audience and stated that the problem is there are probably 50 houses in town that need action. Further discussion amongst the Commission, City Attorney Hill, and Chief Calhoon was the time and expense to the taxpayers in doing so. Lentz said that three Commissioners have looked at the house and they haven't done anything in 11 months. Lentz said when it comes down to code enforcement, we've (the city) worked our butts off in 14 months, to get houses tore down at the cost of nothing, not one dime. Now we have an issue with the fact that maybe we don't have any money, but we've got a single-story dwelling that is probably a two-bedroom home that is on the ground that he has to live next to. Lentz said the city spent a whole hell of a lot of money right here to create the City Code Book. You've got codes, you've got stuff in that book to follow, you shouldn't have to call us in as business owners in to ask our opinion. Use the code book to rectify the issue with business owners.

Tim also voiced his frustrations over the new breakroom, ADA bathroom, and office that was built at City Hall. He feels that carryover grant funds from Phase II should have been used rather than using the city funds. He also stressed the importance of using local vendors and suppliers.

After lengthy discussion West said that he feels that Krug's intentions to discuss code enforcement with business owners was good. Krug would like to have business owners be part of the solution, rather than the problem.

#### **Consider Approval of Ordinance #1186**

Motion by Commissioner West to approve Ordinance #1186, AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER II OF THE HORTON MUNICIPAL CODE RELATING TO THE REGULATION OF CANINES IN THE CITY OF HORTON, KANSAS AND REPEALING CERTAIN SECTIONS RELATED TO THE SAME. Seconded by Commissioner Lovelady. All aye.

#### **Review Revised Airport Lease**

City attorney Kevin Hill worked up some revisions on the lease, but is still working with Kim Knudson to finalize. Motion by Commissioner Edwards to table until the next meeting on 03/02/2020. Seconded by Commissioner West. All aye.

#### **Approval of Agreement with Grey Snow Sanitation**

Calhoon drew up a Contract Agreement between the city and Grey Snow Sanitation. Grey Snow Sanitation would provide dumpster service for the city owned facilities rather than Waste Management.

Motion by Commissioner West to approve the Contract Agreement with Grey Snow Sanitation pending review by city attorney Kevin Hill. Seconded by Commissioner Edwards. All aye. Calhoon mentioned that the dumpster at the Blue Building that has a hole in the bottom still has not been replaced by Waste Management as requested several months back.

**Resolution and Agreement for Service Line Warranty Program (LKM Partnership)**

Kevin Hill requested that #5 of the Marketing Agreement that discusses Confidentiality be deleted, and on Exhibit A, II., the wording be changed to \$0.50 per Product “per property owner”. Motion by Commissioner Edwards to authorize the City to enter into an agreement to communicate the National League of Cities Service Line Program at no cost to the City, using no City tax dollars, as a voluntary program for all residents, with no requirement for any resident to participate as amended by the city attorney. Seconded by Commissioner West. All aye.

**City Administrator/Chief of Police Calhoon**

Calhoon followed up on the discussion of the Lease Purchase Agreement between the city of Horton and Jefferson County Memorial Hospital. Calhoon said a starting point would be for him to get the county appraisal. Additionally, there has been conversation about the city keeping the property to the east of the alley. Mission Village Management would like to move forward with negotiations on the agreement. Discussion regarding the Lease Purchase Agreement will be placed on the next agenda for discussion. Kevin Hill recommended that if Jefferson County Memorial Hospital is going to purchase the property that they should pay for a surveyor.

**Mayor Stirton**

Mayor Stirton asked about a letter from FEMA that was included in the Commissioner’s packets regarding 30-Day Engineering Models Notification. Calhoon will follow up with a response.

**Commissioner Lovelady**

The Parks & Recreation Board met last week and voted unanimously and made a recommendation to the Commission to turn the existing 14-day spots on the east side of Mission Lake into permanent spots, and to allow Jodi Leatherman to have one of the converted 14-day spots. Jodi agreed to improve her spot by leveling and bringing in her own gravel.

Motion by Commissioner West to turn the current 14-day spots into permanent spots on the east end, and allow Jodi Leatherman to have one of those spots. Seconded by Commissioner Lovelady. All aye.

**Commissioner West**

Commissioner West said that at the end of camping season last year, he and Calhoon identified several places that needed rip-rap along the bank/shore at Mission Lake to stop erosion. West requested to have the spots discussed completed by the end of the month. There is a lot of chip seal rock on the sidewalks downtown from the snow plows. West would like to have it cleaned up by the city crews.

**Commissioner Edwards**

Commissioner Edwards would like to see the street sweeper ran daily for two to three weeks to clean the curbs on the side streets. He said the city bought the sweeper, lets use it. With Mayor Stirton being recently elected into a four-year term, Edwards requested that he publish his goals and what he hopes to accomplish in the next four years.

**Commissioner Krug**

Commissioner Krug requested to have Code Enforcement placed on the next agenda.

Motion by Commissioner Edwards to adjourn at 7:53 p.m. Seconded by Commissioner West. All aye.

---

Kim Knudson, City Clerk

---

Bryan Stirton, Mayor