

May 1, 2023
5:15 P.M.
City Hall

The Commissioners of the City of Horton met for a regular meeting on Monday, May 1, 2023, at 5:15 p.m.

Mayor Stirton called the meeting to order, and the opening prayer was led by Father Dan Gardner from St. Leo's Catholic Church. The Pledge of Allegiance was recited by all.

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

Motion by Commissioner West to adopt the agenda after Kevin Hill requested that two 15-minute executive sessions to discuss attorney client privilege be added to the agenda. Seconded by Commissioner Lovelady. All aye.

Motion by Commissioner Boller to approve the minutes from the April 17, 2023, regular meeting. Seconded by Commissioner Nigh. All aye.

Motion by Commissioner Boller to approve Appropriation Ordinance #3760 (Payroll) for \$38,475.60. Seconded by Commissioner Nigh. All aye.

Motion by Commissioner Boller to approve Appropriation Ordinance #3761(Disbursements) for \$92,920.20. Seconded by Commissioner Nigh. All aye.

Public Comments

No comments.

Kudos Award Presentation

Calhoon prepared a kudos on behalf of the city for seasonal city worker, Robert Wright. Mayor Stirton read the kudos aloud and presented it to Wright. Calhoon informed Wright that he will get lunch paid for a week. The kudos program was established as a way to say thank you for the hard work that the city staff does, and let said employee know their hard work is recognized.

Request to be Placed on Agenda

Mark Conard was present to inquire about obtaining the lot next to his at 125 West 9th. The city informed Conard that the property does not belong to them and recommended that he contact the county regarding a tax sale.

15-Minute Executive Session to Discuss Attorney Client Privilege

Motion by Commissioner Nigh to go into a 15-minute executive session to discuss attorney client privilege to include the Commission, John Calhoon, and Kevin Hill. Seconded by Commissioner Lovelady. All aye.

Discussion Regarding Amendments to Bylaws and/or Articles of Incorporation of Mission Village

After executive session Mayor Stirton asked if there were any motions. Nigh said that with all of things that have happened with the nursing home in the last few weeks, the Commission has received numerous visits and calls regarding it. Nigh said they had no idea that there were two different groups working on two different things regarding the sale of Mission Village Living Center. Nigh said the Commission is here because they want what is best for the facility and our community, but they can't be in the midst of all of it because they can't decide on who the Manor is being sold to, or what the property is used for.

Motion by Commissioner Nigh to consent to the amendment of the Articles of Incorporation that were filed on 03/18/2021 with Mission Village with the state.

Seconded by Commissioner Lovelady. All aye. Kevin Hill stated that with that motion the Board of Directors of Mission Village filed with the Secretary of State on 03/18/2021 an amendment to their Articles of Incorporation which made their board a member of the board, so the city was replaced by their board as the sole member and the members are now the Board of Directors. So, with that, the city would not, under the statute, need to consent to any sale of the Manor at this point in time. It remains a board issue on to whom it is sold to, if it is sold at all.

Discussion Regarding Potential Sale of Mission Village

Agenda item was not discussed because it is a moot point.

Revisit 911 Upgrade Discussion

Calhoon worked it out with Brown County (John Merchant) regarding the 911 upgrades which would potentially cost \$18,000 for a console for Horton. Calhoon will attend the next County Commission meeting to discuss further, but as of now the county will pay any costs for the remainder of this year, and hopefully next.

Motion by Commissioner to modify the agenda and move Ballfield Updates to after Reconsider Closure of Airport. Seconded by Commissioner West. All aye.

Public Works Updates

Public Works Superintendent Randy Mayfield was present to provide updates to the Commission on the water, sewer, electric, and street departments. Detailed reports showing the summary of work orders created, and the status of work orders by department were provided. Mayfield said that the pump for the sewer plant has been shipped and should arrive soon.

15-Minute Executive Session to Discuss Attorney Client Privilege

Motion by Commissioner West to go into a 15-minute executive session to discuss attorney client privilege to include the Commission, John Calhoon, and Kevin Hill. Seconded by Commissioner Nigh. All aye. After executive session no action taken, information only.

Reconsider Closure of Airport

Motion by Commissioner West to table the airport discussion until the next Commission meeting on 05/15/2023.

Ballfield Updates

Calhoon said that he, BG Consultants, TS Fence Company, HIDC, and Oswald Lawn Services met last Thursday at the new ballfields to discuss the grass situation. Ron with Urban Lawn Care out of Atchison, KS was also present per Calhoon's request. The specifications in the Project Manual required that the contractor perform seeding in accordance with specs and obtain a stand of grass within 6 months of completion of the project. Colton Oswald said that the grass that was seeded is believed to have been killed by early winter freezing. Oswald said he e-mailed Calhoon his position on the grass situation after Calhoon requested that he perform reseeding on the project according to project specifications per the City of Horton.

West said that the specifications say to perform seeding at any time during the year except between May 1st and September 16th, unless otherwise approved by engineer. Oswald said that seeding process was completed on October 16, 2022. Oswald Lawn Services completed a pre-seeding glyphosate burn-down on September 28, 2022, and a pre-emergent spraying of selective herbicide application for non-grassy weeds on August 20, 2022, to mitigate the presence of any unwanted growth prior to seeding. The abnormally dry fall of 2022 and overly frigid winter season directly followed. Oswald said seeding was delayed from the original start date stated in the specifications of September 15, 2022, to the actual start date of October 10, 2022 due to installation of water lines on the property. Oswald believes this contributed to the winter kill effect that was experienced as the seeded and mostly germinated grass did not have ample time to establish a proper root system. Oswald said that all specifications stated within the project specifications were strictly followed by Oswald Lawn Services during seed installation. Oswald requested that the city contribute to costs to reseed. West said that he doesn't know how the residents of Horton would feel if the city spent an additional \$10,000+ to reseed the ballfield after we have already paid Oswald Lawn Services \$22,500 to do it, and hired an engineering firm to take care of that for us. West said that the city has a lot of other projects needing done and the city is already contemplating raising electric rates to fund some of them.

C. Boller said that the city needs to follow the contract that has been set forth. She said the city pays BG Consultants a lot of money, and if TS Fence Company hired Oswald Lawn Services as a sub-contractor that this comes back on them. She doesn't think that the city can just fork out \$10,000. C. Boller said this ballfield project has drag on far longer than it should have and has had numerous problems, and that falls back on BG Consultants, who the city pays, and all the entities need to be held responsible. Kevin Hill said that the contract speaks for itself and it is a policy decision with the Commission if they decide to do something outside of what the contract states.

C. Boller said that we have contracts for a reason and need to stick with the contract. We have an obligation to the taxpayers and not just those involved in the ballfield project, but the city as a whole. We would be negligent if we don't carry through on a contract that we signed. West agreed that we do have a contract and it was unfortunate of the cold weather, and that the absence of moisture (snow cover) played in big role in it. He said while the city cannot control the weather, they can control the contracts. Motion by Commission West for the city to uphold and follow our contract that BG Consultants has provided for us. Seconded by Commissioner Boller. All aye.

City Administrator

Calhoon wanted to make the Commission aware that Josh Haverkamp has requested that approximately \$22,000 in coolant be purchased for engine #4 at the electric generation plant. Haverkamp would like to replace all of the coolant in the engine rather than add to the old.

Mayor Stirton

No report.

Commissioner Lovelady

No report.

Commissioner West

No report.

Commissioner Boller

No report.

Commissioner Nigh

No report.

Motion by Commissioner West to adjourn the meeting at 6:30 p.m. Seconded by Commissioner Lovelady. All aye.

Kim Knudson, City Clerk

Bryan Stirton, Mayor