

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

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

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

Present: Mayor Stirton, Commissioners Wade Edwards, Rex West, and Ken Krug. City Administrator John Calhoun and Attorney Kevin Hill (via telephone) were also present.

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

Motion by Commissioner West to approve the minutes from the May 4, 2020 regular meeting. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner West to approve Appropriation Ordinance #3609(Payroll) for the amount of \$34,741.14. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner West to approve Appropriation Ordinance #3610 (Disbursements) for the amount of \$81,972.51. Seconded by Commissioner Edwards. All aye.

Public Comments

None.

Public Works Updates

Randy Mayfield was present to provide updates to the Commission on Public Works. Randy handed out a detailed report detailing past and present projects broken down by department. Randy will contact RS Electric Utility Services in the morning to ask when they will be here for pole changeouts.

Phase III Sewer Updates

Sam Johnson was present via conference bridge to go over the Engineer's Recommendation for the Wastewater Treatment Facility. On April 14, 2020 at 2:00 p.m., six valid bids were received and read via teleconference for the project. The lowest responsive, responsible bidder was AHRS Construction of Bern KS, which submitted a bid greater than the Engineer's Opinion of Probable Cost and the project budget by approximately 3.65%. BG Consultants recommended award of the contract in lieu of rebidding the project. Value engineering was discussed with AHRS and five items were identified to decrease the project budget. It was BG Consultant's opinion that deduction of the items would disproportionality decrease the quality or functionality of the facility relative to the savings. BG Consultant's recommended that additional grant/loan funding be pursued in lieu of removing the cost savings items from the scope of the project.

AHRS's base bid plus alternative total was \$5,267,841. Sam Johnson recommended that project funding for construction and contingency be increased by \$300,000 from \$5,125,600 to \$5,425,600. This will allow for \$5,267,841 in construction cost and \$157,759 in contingency.

If additional project funds are secured, it is Sam's recommendation to award the project to AHRS in the amount of \$5,267,841.00 dollars.

Motion by Commissioner Edwards to award the Wastewater Treatment Facility project to AHRS Construction based on the recommendation of our engineer, and after consultation with USDA/RD. Seconded by Commissioner West. All aye.

Sam stated that this would not require an additional increase in sewer rates from previous projections for customers because grant funds are being used. A preconstruction meeting will be scheduled soon.

Letter of Conditions for Additional Grant Funding for Phase III Sewer

Sarah Hines was present via conference bridge to read over the documentation needed for approval of additional grant funds in the amount of \$300,000 for the Wastewater Treatment Facility.

Motion by Commissioner Edwards to authorize the Mayor to sign the Letter of Intent to Meet Conditions (Form 1942-46). Seconded by Commissioner West. All aye.

Motion by Commissioner Edwards to authorize the Mayor to sign the Request for Obligation of Funds in the amount of \$300,000 (Form 1940-1). Seconded by Commissioner West. All aye.

Motion by Commissioner Edwards to authorize the Mayor to sign the Application for Federal Assistance (Form SF-424) in the amount \$300,000 from USDA. Seconded by Commissioner West. All aye.

Motion by Commissioner Edwards to authorize the Mayor and the City Clerk to sign the Water and Waste System Grant Agreement (Form 1780-12) detailing the cost and funding of the wastewater treatment facility in the amount of \$6,313,000. Seconded by Commissioner West. All aye.

Atchison Hospital Updates

Jeff Perry was present to give updates on the Atchison Hospital. The roof and siding on the clinic are being replaced, and the parking lot should be completed this week.

Three nurses have been hired for the clinic already, and two providers will be starting on opening day. There are a couple of other options as there is growth and more patients come back to receive care.

Right now, the goal is to open the clinic no later than June 8th. Communications will be sent out next week. They want to make sure they are following COVID-19 restrictions so it will be kind of a slow opening.

Jeff stated that their attorney has been working with the bankruptcy trustee to gain some type of custodial rights to the medial records. A large percentage of the records are significantly damaged. They are trying to negotiate with the trustee, but there is a possibility that they may not get the custodial rights to the records.

Initially the clinic will be open Monday-Friday from 8:00 a.m. to 4:30 p.m., with extended hours in the future if the volume is there.

Signage for the facility is coming in the near future.

Jeff said that currently there are no plans for the hospital.

Jennifer Brockhoff also discussed the possibility of having employer needed services in the future such as physicals, pre-employment drug screening, workman's comp, etc. Anything that the employer would need for testing. Calhoon said it would benefit businesses in terms of measuring the employee's physical capacity prior, so if an employee gets hurt down the road, it could save the employer on insurance claims.

Discuss Mission Village Purchase Proposal

LaMont Cook was present to discuss the Contract for Sale of Real Estate between the City of Horton and Jefferson County Memorial Hospital Foundation, Inc.

Kevin Hill went over the revisions to the agreement that were requested by Bruce Bird and Lamont Cook which included, in paragraph 1, they have listed their proposed purchase price in the amount of \$130,887.42

In paragraph 20, they have requested two options regarding the Right of First Refusal. They are asking for a 10-year time period with differences in sale price depending on whether the nursing home facility is operational at the time of sale or not. If not operational, they are agreeable to selling at the price that the city is selling to them at in the contract. If it is operational, they are asking for a sales price equal to their offer of sale at that time.

Kevin said they have also agreed to language requiring a warranty deed with exceptions allowing for a cloud on title for liens that may exist because of the nursing home facility.

Lamont said that at the last Mission Village Board of Directors Meeting he was authorized to negotiate the sale of the property adjacent to the nursing home that contains the metal building in good faith to the City of Horton. LaMont personally thinks \$10,000 is a good purchase price, but he thinks the board would accept less than that. The boards intent is to safeguard the business into the future. He thinks since the MV Board owns it; they should sell.

Edwards asked if the board would be willing to donate that land to the city based on the fact that in recent history, the city has bailed Mission Village out twice. Edwards thinks that in gratitude to the city, that would be a great gift.

Edwards also asked that if Jefferson County Memorial Hospital Foundation, Inc. defaults on their loan for improvements/remodeling, are the citizens of Horton going to ask the city to bail them out again? LaMont said that the loan would be secured through Jefferson County Memorial Hospital Foundation, Inc. which has several assets.

Krug would like for the city to obtain the property first before deciding on the Contract for Sale of Real Estate. Mayor Stirton would like Commissioner Lovelady's input.

Motion by Commissioner Edwards to table the discussion for two weeks to get input from Commissioner Lovelady. Seconded by Commissioner Krug. All aye.

Edwards asked LaMont how the Mission Village Board of Directors Meetings are publicized. LaMont stated that per the bylaws, the board doesn't have to publicize the meeting because they are not a city or municipality. Kevin Hill said that he would have to look into this further, but thinks that if an entity is receiving state funds that can trigger an open meetings act, but couldn't give more of a definite opinion without hearing more specifics. LaMont said they welcome transparency and always have.

Revisit Discussion on Waived Late Fees on Utilities

Calhoon recommended that after May 31st, the city gives residents 10 days to bring their utility account to current status or risk being disconnected. Calhoon said hearings will be conducted and that he would work with people that can prove hardship since the governors order due to COVID-19. Courtesy letters have been sent out to those residents who are currently delinquent to remind them that they should still pay their utility bills, because at some point it will come due and they would be required to pay them.

Discussion on Pool Opening/Closing

Calhoon said that he initially suggested tentatively opening the city pool on June 15th. He said that it ultimately comes down to what the city wants to do. If opened, there is a lot of management that has to take place such as regular cleaning, lifeguards wearing masks, and social distancing measures. Calhoon said he is still not at the point to make the decision and would like to push the date out to June 30th. The consensus of the Commission was to make a final decision at the meeting on June 1st. Calhoon spoke to KCAMP, which is the cities liability insurance carrier, and they confirmed that the city has coverage for claims related to COVID-19 should the city be found at fault, but obviously avoid claims.

Motion by Commissioner Edwards to table the discussion regarding the pool for two more weeks so we can entertain the opinion of Commissioner Lovelady and obtain more information from the state. Seconded by Commissioner West. All aye.

Consider Having Fair in July

The city was contacted by Matt Young regarding the city's thoughts on having the fair in July. West said that as a city, our involvement is to provide facilities for the fair, but the Fair Board should decide whether or not to have it as long as they follow the governor's orders regarding social distancing.

Edwards is not in favor of having a parade this year due to the amount of people and social distancing guidelines.

City Administrator/Chief of Police Calhoon

On behalf of the city employees, Calhoon expressed his sympathy to Commissioner Lovelady at the unexpected loss of a close family member.

The City of Horton Kansas will hold a public hearing on Thursday, May 21, 2020 at 5:15 pm at City Hall located at 205 East 8th Street for the purpose of considering an application to be submitted to the Kansas Department of Commerce for CDBG-CV funding. The project application to be discussed will be for economic development grants and/or meal program grants for the submitted request of \$400,000.00. The project will benefit some businesses within the city limits of Horton, Kansas, if they qualify.

Motion by Commissioner West to have a special meeting on Thursday, May 21st at 5:15 p.m. to consider an application to be submitted to the Kansas Department of Commerce for CDBG-CV funding. Seconded by Commissioner Krug. All aye.

Calhoon applied for the Waste Tire Grant and is awaiting official word on award. He submitted the grant for trail benches which will be geared more towards the lake for fishing. Eight of the benches should be delivered this week.

Sewage dumping for campers at Mission Lake was discussed. The Park Board determined a fee of \$25 a month for two dumps provided by the city would make it worthwhile. The camper owner would need to be present at the first dump and sign an agreement. Calhoon would like the dump charge to be assessed to the camper's utility bill.

The city will be sending out RFP's (request for proposals) for chip sealing in town. West recommended to specify what kind of oil they are using and how much, how much rock they are using, and a timeframe for completion in the RFP.

Mayor Stirton and Calhoon have discussed honoring Trey Dishon for his career at K State, and reaching his dream goal. Mayor Stirton and Calhoon have decided that they would each put up \$100 to start a fund-raising effort to get some signs created. They would also like to do a Proclamation for Trey before he heads off to training camp in July. Trey would be willing to do an autograph day for a small donation to put towards the signs.

Mayor Stirton

Mayor Stirton said that the tubes for used fishing wire were being delivered. The Commission recommended placing them by the boat ramp.

Commissioner Lovelady

Not present.

Commissioner West

No report.

Commissioner Edwards

No report.

Commissioner Krug

No report.

Motion by Commissioner Edwards to adjourn at 7:16p.m. Seconded by Commissioner West. All aye.

Kim Knudson, City Clerk

Bryan Stirton, Mayor