

April 15, 2019
5:15 P.M.
Commission Room

The Commissioners of the City of Horton met for a regular meeting on Monday, April 15, 2019 at 5:15 p.m. in the City Hall Commission Room.

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

Present: Mayor Bryan Stirton, Commissioners Wade Edwards, Rex West, Bobby Bacon, and Ken Krug. City Attorney Kevin Hill and Administrator/Police Chief John Calhoon were also present.

Motion by Commissioner Krug to add a 15 minute executive session to discuss attorney-client privilege to the agenda before Public Comments. Seconded by Commissioner Edwards. All aye.

Motion by Commissioner West to adopt the agenda as amended. Seconded by Commissioner Krug. All aye.

Motion by Commissioner West to approve the minutes from the April 1, 2019 regular meeting. Seconded by Commissioner Bacon. All aye.

Motion by Commissioner West to approve the minutes from the April 10, 2019 special meeting. Seconded by Commissioner Bacon. All aye.

Motion by Commissioner West to approve Appropriation Ordinance #3554 (Payroll) for the amount of \$34,642.56. Seconded by Commissioner Bacon. All aye.

Motion by Commissioner West to approve Appropriation Ordinance #3555 (Disbursements) for the amount of \$234,826.30. Seconded by Commissioner Bacon. All aye.

15 Minute Executive Session to Discuss Attorney-Client Privilege

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

Public Comments

George Bruning from the Brown County Noxious Weed Department recommended holding off burning the CDF site until the last week of August, or the 1st week of September. He suggested that the city get everyone on the same page (fire department, etc.) for the burn.

John Broberg from the Hiawatha Hospital stated that there have been meetings regarding the proposed sales tax increase, with 2 in Horton, and 11 throughout the county so far. He said they have received fairly positive feedback thus far and there have been 130 people overall in attendance with all the meetings combined so far.

Calhoon said that they have a couple of entities highly interested in managing the Manor. The Manor Board would need to sign over ownership to the city. When the transfer is complete the city can proceed with potentially hiring a management company to run the facility.

Calhoon said that Chuck Schecher and his son in law Clay Cowart voluntarily mowed the Manor, and \$500 was donated by an anonymous donor to repair potholes in the Manor parking lot.

Board members of the Manor and several other residents were in attendance to get an update on the fate of the Manor.

Per the direction of Mayor Stirton, Attorney Kevin Hill drafted an Asset Purchase Agreement over the weekend. The agreement will be presented to board members for Mission Village Living Center for review and approval at their monthly meeting this Wednesday and they will have their own legal counsel review. Once the Asset Purchase Agreement is approved by the board members and the facility turns ownership over to the City of Horton, the city will proceed with negotiating a management company to run the facility.

Once the Asset Purchase Agreement is approved, the Commission will likely have a special meeting in the upcoming weeks to act on the agreement.

Motion by Commissioner Krug to authorize Attorney Kevin Hill to submit the Asset Purchase Agreement as draft for review of the Mission Village Board. Seconded by Commissioner Edwards. All aye.

Commissioner Krug shared that Mayor Stirton doesn't contact the media and he is not a big "grandstander", but he is here to tell those in attendance that as long as he has been on the Commission that Stirton and the Commission have devoted more time in working on the hospital and especially the Manor in a short period of time than all of the years he has been on the Commission. Stirton has been approached about him not actively working on the issues fast enough, and not devoting his time. Krug went on to say that the Commissioners work more behind the scenes, and there is more than just meeting every two weeks at the table. Stirton is an independent trucker and Krug knows that he has missed several loads because he was working on city business and he deserves a lot of credit for his hard work.

Request to be placed on Agenda

Mark Conard was present to inquire about the possible sale of vacant lots currently owned by the city at 129 & 131 West 9th Street. Motion by Commissioner Edwards to authorize the transfer of the properties as long as he pays the registration fees necessary at the courthouse. Seconded by Commissioner Bacon. Aye- Mayor Stirton, Commissioner West, Edwards, and Bacon. Nay- Commissioner Krug. Motion passed.

NEK-CAP Contract

Robert Grissom was present to review the contract with the city that expires on May 31st, 2019. Calhoon recommended that the Commission keep the utility reimbursement payment the same at \$750.00 per month. A few minor changes were made to the agreement including, but not limited to changing hours of operation in the regular school year from 7:30 a.m. - noon to 7:30 a.m. - 2:30 p.m. Monday through Friday.

Motion by Commissioner Krug to authorize Mayor Stirton to sign the three year NEK-CAP contract renewal. Seconded by Commissioner Edwards. All aye.

Consider Approval of Resolution No. 2019-003, Union State Bank Signers

Motion by Commissioner Edwards to approve Resolution No. 2019-003, Corporate Authorization Resolution as requested by Union State Bank with the understanding that the city has a policy requiring Commission approval prior to borrowing money or prior to endorsing or signing or transferring legal documents. Seconded by Commissioner Krug. All aye.

Horton Ballfield PER from BG Consultants

The Commission reviewed the preliminary engineering report (PER) submitted by BG Consultants. Kevin Hill suggested changes by crossing through section 5.2, deleting section 5.9 in its entirety, and have section 5.4.3 read like 5.4.1.

Motion by Commissioner Edwards to approve the PER contract with BG Consultants with deletions and alterations suggested by Attorney Kevin Hill, and the letter from Sam Johnson regarding the expenses be incorporated into the agreement. Seconded by Commissioner Bacon. All aye.

The letter from Sam Johnson stated that the City will not be invoiced beyond the \$5,000 dollar lump sum contract amount for the Ballfield PER. All anticipated expenses associated with the completion of the PER are included in the \$5,000 dollars not to exceed contract amount. The only way the project cost would increase, would be through a scope of work change that is prompted by the City and authorized by council approved contract amendment.

City Administrator/Chief of Police Calhoon

Motion by Commissioner Bacon to approve the boat dock request from Andrew and Tracy Kanning for the dock to be placed below Baker's Cove (east side) pending signature of a boat dock agreement. Seconded by Commissioner West. All aye.

Edwards would like to see the boat dock that is sinking and dilapidated as you head up to the north end of Mission Lake removed by the city. West requested that the city crews fix the city owned docks that are in need of repair.

Light installation at the city pool is underway. The lights should be installed by the end of this week.

The Site Review Meeting for the City of Horton's CCLIP application will be on Tuesday, April 30, 2019 at 10:15 am. They will meet at US-73 and E 18th Street. Calhoon invited any Commissioners who would like to participate.

The city is seeking an alternate person to complete the Environmental Report for Phase III of the sewer project since Rita Clary does not have the capacity to start a new project at this time. USDA provided Calhoon with a list of other consultants and he will select an alternate option.

Mayor Stirton

Roger Madere volunteered to mow the hospital and Manor grounds if the city provided him with a mower. The city will check with insurance carrier to assure that he is covered.

Mayor Stirton requested a 10 minute executive session to discuss attorney-client privilege at the end of the meeting.

Commissioner Bacon

Bacon said that the asphalt is coming up around Hickory Point and is in need of repair. West said that it is going to have to be torn out and replaced. He said that patch material wouldn't repair it.

Commissioner West

West requested that the fish feeder that is currently located on the north end of Mission Lake be relocated to the cove by the shelter houses, and the feeder that is hung up in the middle of the lake be relocated towards the east side. West would also like to have the buoys removed from the lake other than the one on the north end marking the NO WAKE zone.

The drop box on the south side at 8th Street and 4th Avenue East is plugged up and needs cleaned out by the city crews. This will prevent excess standing water during rains.

Commissioner Edwards

No report.

Commissioner Krug

Krug would like to see the Park Board possibly initiate a Lake Improvement Association that would be made up of boaters and campers.

10 Minute Executive Session to Discuss Attorney-Client Privilege

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 Bacon, John Calhoon, Kim Knudson, and Kevin Hill. Seconded by Commissioner Krug. All aye.

No action taken after executive session, information only.

Motion by Commissioner Edwards to adjourn at 8:05 p.m. Seconded by Commissioner Bacon. All aye.

Kim Knudson, City Clerk

Bryan Stirton, Mayor