

March 30, 2009
5:15 P.M.
Commission Room

The regularly scheduled meeting for the Horton Commissioners was held on Monday, March 30, 2009 at 5:15 p.m. in the City Hall Commission Room.

Mayor Lentz called the meeting to order and Candy Schmitt, City Clerk, offered the prayer.

Present: Mayor Lentz, Commissioners Krug, Davies and Luscombe.

Absent: Commissioner Forkenbrock

The discussion of the camping issues and the term permit were tabled to the April 6 meeting. Motion by Commissioner Davies to adopt the agenda as amended. Seconded by Commissioner Krug. All aye.

Motion by Commissioner Davies to approve the minutes of the March 16, 2009 regular meeting. Seconded by Commissioner Krug. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #3021 (payroll) \$30,996.32. Seconded by Commissioner Krug. All aye.

Motion by Commissioner Davies to approve Appropriation Ordinance #3022 (Disbursements) \$187,235.19. Seconded by Commissioner Krug. All aye.

Lake Caretaker Contract

City Attorney, Kevin Hill, recommended changing the wording in Section 3.1 to state “the use of a home owned by the City” Commissioner Davies reported the Parks and Recreation Board reviewed the contract and approved it. Motion by Commissioner Davies to approve the contract as amended. Seconded by Commissioner Luscombe. All aye. The new caretaker, Dale Monson, requested that the carpet be cleaned before he moves in and the Commission agreed.

Contract with Dredge America

The proposed contract with Dredge America for the Mission Lake Dredging project was presented to the Commission for approval. The contract will run through January 2012. Kevin Hill recommended changing the language for the amount of material to be removed from “up to 1,000,000 cubic yards” to 1,000,000 cubic yards since that is what the bid indicated would be removed. The Commission agreed to this change.

Motion by Commissioner Davies to approve the contract as amended. Seconded by Commissioner Luscombe. All aye.

Discussion of Dredging Project Access

The Thorson family, Dean, Randy and Darren, were present to discuss easements along their property for the pipeline needed for the dredging process to allow the liquid from the disposal facility to drain back to the lake. This would be a permitted easement for the duration of the project. The amount of property that would be used is approximately 1.4 acres and runs along a

tree line. Mr. Hill advised the Commission that the easement could be obtained by negotiation with the owner or if no agreement could be made then eminent domain is a possibility.

The Thorsons proposed an amount of \$20,000 for a 2 year period and if the project ran longer than 2 years they would want \$10,000 per year. Mr. Hill advised that a legal description of what will be used is needed from the contractor and then the City would perform an analysis of fair market value for that property. When the information is gathered it will be hand delivered to the Thorsons for their review.

City Administrator's Agenda

No report.

Commissioner's Agenda

Commissioner Krug

Commissioner Krug questioned what could be done to reimburse Compton Brothers for the payment they made on the rental of crop ground at the confined disposal facility. The contractor is advising that most of the land rented by Compton Brothers will be used in the construction of the disposal facility and Commissioner Krug would like to return the money already paid by Comptons along with interest.

Mr. Hill stated that the contract allows for damages to be paid to the renter if the land has to be used before they can harvest the crops. He advised that the renter should go ahead and plant and if the City has to use the land before the crops are harvested then they could rework the damage amounts if they decide they are not equitable. It was decided that the City Attorney would look over the contract again and it would be discussed at the next meeting.

FSA will certify the acres on the airport on Tuesday so that the contract could be adjusted for the renter of the crop ground.

Commissioner Forkenbrock

Not present.

Commissioner Davies

Commissioner Davies reported an electric pole at the baseball field fell on the fence and bleachers at the football field but there was only minor damage. A claim has been made on the City's insurance.

All the scraping is done on items that need to be painted and the senior class is just waiting for good weather to finish the painting.

The Mission Lake sign will be repaired.

Commissioner Luscombe

Commissioner Luscombe asked about the dredging process and what hours work will be conducted. He was advised that they will work 24 hours a day, 7 days a week.

Mayor Lentz

No report.

Barb Welch and Jerry Walker were present and asked about the change in the time that campers will be allowed to start camping on April 1. In the past they have been allowed to pull in their campers at midnight but this year it has been changed to 6:00 AM. They wanted to make sure everyone would have to follow the same rules. The Commission assured them that there would be police officers at the lake to make sure everyone lined up and waited until 6:00 AM to check in with the Lake Caretaker, Dale Monson, before parking their campers.

Motion by Commissioner Davies to adjourn at 7:16 p.m. Seconded by Commissioner Luscombe. All aye.

Candy Schmitt, City Clerk

Tim Lentz, Mayor