

Hillsboro, Kansas
November 5, 2019

1. The city council met in regular session on Tuesday, November 5, 2019 at 4:00 p.m. in council chambers with Mayor Lou Thurston and Council members Byron McCarty, Jonah Gehring, and Brent Driggers present. Absent: Council member David Loewen.
2. Others Present: Renee Gehring, Candidate for City Council; Tyler Heffron, Triplett Woolf Garretson; Josh Boehm, City Attorney; Larry Paine, City Administrator; Jan Meisinger, City Clerk. Those arriving after executive session: Phyllis Zorn, Hillsboro Star Journal; Laura Paulus, Hillsboro Free Press; and, Mike Beneke.
3. **CALL TO ORDER** – Mayor Lou Thurston called the meeting to order at 4:00 p.m.
4. **PUBLIC COMMENTS** – Were received after the executive session.
5. **MINUTES** – Motion was made by Council member Driggers and seconded by Council member Gehring to approve the minutes of the 10-15-19 meeting as submitted. Motion carried unanimously.
6. **VOUCHERS** – Motion was made by Council member McCarty and seconded by Council member Driggers to approve the vouchers in the amount of \$286,753.53. Motion carried unanimously.
7. **INTERIM CHAIR – PBC** – Due to the absence of PBC Chairman David Loewen, Brent Driggers was appointed as interim PBC chair for the meeting today.
8. **EXECUTIVE SESSION – ATTORNEY CLIENT PRIVILEGE** – Motion was made by Council member Gehring and seconded by Council member Driggers to recess into executive session regarding consultation with an attorney which would be deemed privileged in the attorney-client relationship pursuant to K.S.A. 75-4319(b)(2). Attendance will include Tyler Heffron, Josh Boehm, and Larry Paine. The open meeting will resume in the council chamber at 4:25 p.m. Motion carried unanimously.
9. **PUBLIC COMMENTS** – Mike Beneke told council he would like to see traffic on Hwy 56 slowed down in Marion and Hillsboro. He is concerned that someone pulling out onto the highway could be fatally injured.
10. **FIREHOUSE SUBS – RESCUE BOAT PURCHASE** – The Fire Department has received a \$30,000.00 grant from Firehouse Subs to purchase rescue boats and equipment. The Fire Department has received another \$1,000.00 donation. Motion was made by Council member Driggers and seconded by Council member McCarty to approve the purchase from Tactical Rescue Services, Inc. in the amount of \$30,254.00. Motion carried unanimously.
11. **SPECIAL PURPOSE VEHICLES ON CITY STREETS** – City Administrator Paine presented a draft ordinance for the use of special purpose vehicles on city streets and asked for council input before the next council meeting.
12. **VOGTS PARGA PAY ESTIMATE #3 (FINAL) WEST GRAND STREET** – Motion was made by Council member Gehring and seconded by Council member McCarty to approve Pay Estimate #3 (Final) West Grand Street Improvements to Vogts Parga Construction in the amount of \$4,573.40. Motion carried

unanimously. The contract price was \$201,294.00 - final contract price was \$199,245.66 for a savings of \$2,048.34.

13. VOGTS PARGA PAY ESTIMATE #4 – WATERLINE STREET IMPROVEMENTS – Motion was made by Council member McCarty and seconded by Council member Driggers to approve Pay Estimate #4 for Waterline Street Improvements to Vogts Parga in the amount of \$228,043.39. Motion carried unanimously.

14. HETT CONSTRUCTION PAY ESTIMATE #4 – EAST GRAND, WASHINGTON, LINCOLN, JEFFERSON – Motion was made by Council member McCarty and seconded by Council member Driggers to approve Pay Estimate #4 for East Grand Improvements in the amount of \$168,842.48. Motion carried unanimously. *City Clerk's Note: Darin Neufeld submitted the wrong pay estimate for approval - #4 has already been paid. A check was given to Mr. Hett for #4 the second time when it should have been Pay Estimate #5. We will make up the difference due at the next meeting. Darin discovered his mistake on 11-6-19 and notified City Administrator Paine.

15. EBH STREET IMPROVEMENT ENGINEERING – INVOICE 12240 – EBH is submitting Invoice 12240 for the Street Improvement Project. The total contract is for \$431,049.03. This billing completes the contract. Motion was made by Council member Driggers and seconded by Council member McCarty to approve payment of Invoice 12240 to EBH and Associates in the amount of \$37,157.37. Motion carried unanimously.

16. GOINS CHANGE ORDER #1 FOR WATER METER SETTERS – City Administrator Paine said the water meter contractor noticed the plumbing leading to some of the water meter setters was not meeting code and there was a high likelihood of leaks around the meters that the city would have to fix if not corrected. The original estimate was for an additional 400 meters that would require replacement of the can, setter and meter instead of just the meter. Since that time, the contractor has sampled the rest of the city and now anticipates 180 sites that need full replacement rather than 400. This will change the initial contract from \$744,125.00 to \$918,625.00, an increase of \$174,500.00. The contractor is also asking for an additional 60 days, extending the contract completion date from March 20, 2020 to May 19, 2020. The additional money will be part of the KDHE loan. After further discussion, motion was made by Council member Gehring and seconded by Council member McCarty to approve Change Order #1 to Goins Enterprises, Inc. Motion carried unanimously.

17. EBH CONTRACT AMENDMENT #2 – WATER METER INSPECTIONS – Mike Younger, EBH & Associates, is requesting an additional fee not to exceed \$40,000.00 for inspection for the additional 60 days added to the Goins contract. Motion was made by Council member Driggers and seconded by Council member Gehring to approve the EBH Contract Amendment #2. Motion carried unanimously.

18. ELCON INVOICES – Motion was made by Council member Driggers and seconded by Council member McCarty to approve Invoices 11647 and 11732 to Elcon Services, Inc. in the total amount of \$864.06. Vote: Council member Driggers, yes; Council member McCarty, yes; Council member Gehring, abstained. Motion carried.

19. PBC MEETING – TWG INVOICE – At 4:50 p.m., council recessed into a Public Building Commission meeting to approve an invoice to Triplett Woolf Garretson regarding the hospital bankruptcy. The meeting adjourned at 4:52 p.m. and the regular council meeting resumed.

20. APPOINTMENT OF KPP ANNUAL MEMBERSHIP MEETING VOTING DELEGATES – Motion was made by Council member McCarty and seconded by Council member Gehring to designate David Loewen as voting delegate and Lou Thurston as alternate voting delegate for the KPP Annual Membership meeting to be held December 13, 2019 at the KMU headquarters in McPherson. Motion carried unanimously.

21. KDHE REIMBURSEMENT REQUEST #15 – KDHE Reimbursement Request #15 for water project is:

EBH Invoice 12259	\$ 18,408.50
Goins (meter setter installation)	\$ 302,289.79
HACH Turbidimeters	\$ 29,061.70
Total	\$ 349,759.99

Motion was made by Council member McCarty and seconded by Council member Driggers to approve KDHE Reimbursement Request #15 for the water project. Motion carried unanimously.

22. BOARD APPOINTMENTS – none

23. CITY ADMINISTRATOR’S REPORT – none

24. ADJOURNMENT – Council meeting adjourned at 4:58 p.m.

_____/s/_____
LOUIS THURSTON, MAYOR

ATTEST:

_____/s/_____
JANICE K. MEISINGER, CITY CLERK