

Hillsboro, Kansas
February 5, 2019

1. The city council met in regular session on Tuesday, February 5, 2019 at 4:00 p.m. in council chambers with Mayor Lou Thurston and Council members David Loewen, Jonah Gehring, and Brent Driggers present. Absent: Council member Byron McCarty.

2. Others Present: Phyllis Zorn, Hillsboro Star Journal; J.T. Klaus and Tyler Heffron, Triplett, Woolf, Garretson, LLC; Anthony Roy, Economic Development Director; Steve Fast, Museum Director; Dan Kinning, Chief of Police; Mike Younger, EBH & Associates; Dale Dalke, Street Superintendent; Josh Boehm, City Attorney; Patty Decker, Hillsboro Free Press; Larry Paine, City Administrator; and, Jan Meisinger, City Clerk.

3. CALL TO ORDER – Mayor Lou Thurston called the meeting to order at 4:05 p.m.

4. PUBLIC COMMENTS – none

5. MINUTES – Motion was made by Council member Loewen and seconded by Council member Gehring to approve the minutes of the 1-14-19 special meeting and the 1-22-19 special meeting as submitted. Motion carried unanimously.

6. VOUCHERS – Motion was made by Council member Driggers and seconded by Council member Loewen to approve the vouchers in the amount of \$72,183.50. Motion carried unanimously.

7. EXECUTIVE SESSION – ATTORNEY CLIENT – At 4:10 p.m., motion was made by Council member Driggers and seconded by Council member Gehring to recess to an executive session under the justification of discussing matters privileged in the attorney/client relationship pursuant to K.S.A. 75-4319(b)(2) for purpose of discussing pending litigation and legal matters for a period not to exceed 35 minutes, said regular meeting to reconvene in open session at approximately 4:45 p.m. Said executive session to include mayor, city council, city administrator, city attorney, and the representatives of Triplett, Woolf, Garretson as counsel to the city. Motion carried unanimously. Motion was made by Council member Loewen and seconded by Council member Gehring to reconvene the city council meeting at 4:45 p.m. No decisions were made during the executive session.

At 4:45 p.m., motion was made by Council member Driggers and seconded by Council member Gehring to recess into an executive session under the justification of discussing matters privileged in the attorney/client relationship pursuant to K.S.A. 75-4319 (b)(2) for purpose of discussing pending litigation and legal matters for a period not to exceed 15 minutes, said regular meeting to reconvene in open session at approximately 5:00 p.m. Said executive session to include the mayor, city council, city administrator, city attorney, and the representatives of Triplett, Woolf, Garretson, as counsel to the city. Motion carried unanimously. At 5:01 p.m., motion was made by Council member Loewen and seconded by Council member Driggers to reconvene the regular council meeting. Motion carried unanimously. No decisions were made during the executive session.

8. WATER PROJECT UPDATE – PAY REIMBURSEMENT #6 AND CHANGE ORDERS – Mike Younger, EBH & Associates, gave council an update on the water project. The east end portion of the project is fully in place. On the west end, there are service connections that need to be done, which will depend on the weather. Once the weather is better, the contractor will dress the yards, plant grass, and do the paving

work. They may hire a local contractor to help with the paving work. There is also some pipe that needs to be replaced at the big water tower. Motion was made by Council member Gehring and seconded by Council member Driggers to approve Reimbursement Request #6, which includes \$15,262.56 to EBH & Associates for engineering services; and, \$69,726.58 to J&K Contracting for construction costs. Motion carried unanimously. Motion was made by Council member Driggers and seconded by Council member Loewen to approve Change Order #3, increasing the project by \$20,495.00. (New contract price - \$994,075.00). Motion carried unanimously. The change order is for (A) Grand & Cedar waterline leak repair assistance - \$8,510.00 and (B) Additional locating and connections work - \$11,985.00.

9. COOPERATIVE GRAIN & SUPPLY AGREEMENT AMENDMENT – The engineer discovered there was an error in the legal description in the previously approved agreement to sell land to the Co-op. The acres are changing from 37.43 acres to 35.36 acres resulting in a lower purchase price (\$112,290.00 to \$106,080.00). This also pushes the closing date back to February 28th. Motion was made by Council member Gehring and seconded by Council member Driggers to approve the real estate agreement amendment. Motion carried unanimously.

10. HILLSBORO MUSEUM/COMMUNITY FOUNDATION AGREEMENT – City Administrator Paine said the museum is looking to modify the Community Foundation agreement regarding funds deposited for their projects. The agreement, as now constituted, is specific to Bartel House funds. They are now receiving money that should go into the Foundation. Creating another independent foundation fund would increase the fees. If they can change the fund designation of the current fund to be more general in nature, they could avoid the prospect of additional fees. In changing the designation, the Bartel House funds would be a sub account of the main fund and have the same expenditure restrictions they currently have. Additional funds received would have their own sub account and be restricted to being spent solely on that sub account purpose. Motion was made by Council member Gehring and seconded by Council member Loewen to approve the change in the purpose of the Hillsboro Community Foundation fund (for museum) and authorize the city administrator to sign the agreement. Motion carried unanimously.

11. SANITATION DUMPSTER BID DRAFT – Dale Dalke shared information with council that he will use to seek bids for various size dumpsters.

12. CMB MODEL ORDINANCE – This ordinance allows the sale of 6% beer. Motion was made by Council member Gehring and seconded by Council member Driggers to approve Ordinance 1297 – (*AN ORDINANCE REGULATING THE SALE OF CEREAL MALT BEVERAGE AND BEER CONTAINING NOT MORE THAN 6% ALCOHOL BY VOLUME WITHIN THE CITY OF HILLSBORO, KANSAS AND REPEALING ORDINANCE NO. 1119*). Council was polled with the following vote: Council member Loewen, yes; Council member Gehring, yes; Council member Driggers, yes. Motion carried unanimously.

13. ELCON INVOICES – There are four invoices from Elcon - #11238 (Handy box cover) \$3.76; #11239 (light tubes) \$100.28; #11251 (conduit, box and strap) \$68.99; and, #11250 (garage door opener – AMPI) \$210.75. Motion was made by Council member Driggers and seconded by Council member Loewen to authorize payment of these invoices. Vote: Council members Driggers and Loewen, yes; Council member Gehring, abstained. Motion carried.

14. PUBLIC BUILDING COMMISSION MEETING – TWG INVOICE – At 5:28 p.m., council recessed into a Public Building Commission meeting to approve an invoice submitted by Triplett, Woolf, Garretson, LLC. The meeting adjourned at 5:30 p.m. and the regular council meeting resumed.

15. BOARD APPOINTMENTS – none

16. POLICE CAR REPLACEMENT – Police Chief Dan Kinning told council the 2006 Dodge Magnum (the car he drives) needs to be replaced. He received two bids: 2019 Chevy Tahoe from Midway Motors - \$32,543.23 and a 2019 Ford Explorer from Hillsboro Ford \$30,700.00. His preference would be the 2019 Ford Explorer. The department currently has a 2018 model in the fleet and it functions well for their purposes and needs. They are familiar with the vehicle and its upfitting requirements. He doesn't feel the low bid is always the best fit; however, these vehicles are compatible and he felt we should go with the best bid. Motion was made by Council member Gehring and seconded by Council member Driggers to accept the bid from Hillsboro Ford for the 2019 Explorer for \$30,700.00. Motion carried unanimously.

17. CITY ADMINISTRATOR'S REPORT – Last week, the second graders came to see what goes on at City Hall.

18. EXECUTIVE SESSION – At 5:35 p.m., motion was made by Council member Driggers and seconded by Council member Loewen to recess into an executive session under the justification of discussing preliminary discussions relating to the acquisition of real property under K.S.A. 75-4319(b)(6) for a period not to exceed 30 minutes, said regular meeting to reconvene in open session at approximately 6:05 p.m. Said executive session to include the mayor, city council, city administrator, and city attorney. Motion carried unanimously. At 6:05 p.m., motion was made by Council member Driggers and seconded by Council member Loewen to reconvene the regular meeting of the city council. Motion carried unanimously. No decisions were made during the executive session.

19. ADJOURNMENT – Council meeting adjourned at 6:05 p.m.

/s/
LOUIS THURSTON, MAYOR

ATTEST:

/s/
JANICE K. MEISINGER, CITY CLERK