

Hillsboro, Kansas
November 5, 2008

1. The city council met in special session on Wednesday, November 5, 2008 at 4:00 p.m. in council chambers with Mayor Delores Dalke and Council members Byron McCarty, Bob Watson, Shane Marler & Shelby Dirks present.
2. Others Present: Dale Dalke, Street Superintendent; Susan Berg, Hillsboro Star Journal; Duane McCarty, 211 N. Main; Ron Brown, 115 Floral Drive; Tom Koslowsky, 406 S. Oak; Bob Previtera, Reiss & Goodness Engineers; Dan Baldwin, City Attorney (4:31 p.m.); Mike Duerksen, Electric Superintendent; Glenda Stoppel, Deputy City Clerk; Larry Paine, City Administrator; and, Jan Meisinger, City Clerk
3. **CALL TO ORDER** – Mayor Dalke called the meeting to order at 4:00 p.m.
4. **PUBLIC COMMENTS** – Duane McCarty said he lived at 211 N. Main. He has an option to purchase this property once he sells his home in Tampa. When the public parks in front of the “red barn” building, there is no parking for his family and friends. And, if they park too close, he cannot get out of the building because the door opens to the outside. He has placed “No Trespassing” signs on the property and would like to post “No Parking” signs. City Administrator Paine said if “No Parking” signs were placed there, Mr. McCarty could not park there either. This building is being taxed as a business although it no longer is a business. The concrete slab in front gives the appearance of a small parking lot rather than a driveway. Main Street is 100’ wide. Fifty feet from the middle going west is next to this building. This is typically how commercial structures are built, without setbacks. Mr. McCarty could tear out the concrete, seed grass and put in curb & gutter to eliminate the problem, but that would be at his expense. Council member Marler suggested Mr. McCarty talk to the Senior Center and explain that this is now privately owned and ask that they not park there. It will probably take a little while for everyone to get accustomed to this, but it could be the least expensive solution.
5. **APPROVAL OF MINUTES FROM 10-21-08 REGULAR MEETING** – The minutes of the 10-21-08 regular meeting were approved as distributed.
6. **VOUCHERS** – Motion was made by Council member Dirks and seconded by Council member Marler to approve the vouchers in the amount of \$78,406.84. Motion carried unanimously.
7. **PRESENT LEAGUE SERVICE AWARDS** – Mayor Dalke presented a 25-year service award to Deputy City Clerk Glenda Stoppel; and, a 20-year service award to Electric Superintendent Mike Duerksen. City Administrator Paine presented a 10-year service award to Mayor Dalke.
8. **APPROVE FINANCIAL ADVISOR AGREEMENT** – Motion was made by Council member Marler and seconded by Council member Watson to approve the Financial Advisory Services Agreement with Piper Jaffray & Company. Motion carried unanimously. This

agreement expires 12-31-2010, and may be renewed for two additional years. The city or the financial advisor may terminate this agreement at any time.

9. POLICY #79 – UTILITY SERVICE CONNECTIONS – Recently, a property owner started a project without a permit, then complained about the water flow not being sufficient to operate a sprinkler system. The customer wanted the city to replace the water tap and line to the meter at city expense. If the city were to fund these projects, we could literally open a flood gate of replacing hundreds of services throughout the city. Policy 79 sets out guidelines to replace utility service lines, and does not apply to normal routine maintenance. Also, this does not apply to new construction – that will be handled separately. After further discussion, motion was made by Council member Marler and seconded by Council member Dirks to adopt Policy 79, effective upon approval and not retroactive. Motion carried unanimously.

10. ENGINEER’S REPORT –

Oak & “D” Street Drainage – Mr. Previterra said he had requested five proposals and received feedback from four: APAC – Kansas, Mies Construction, Nowak Construction & Vogt’s Construction. Vogt’s has the low total bid, but with the alternate bid (city doing items 11-17), the low bid is from Mies Construction at \$123,378.00. Staff estimated the cost for items 11-17 to be approximately \$17,000.00. Street Superintendent Dale Dalke felt they would have time to work on this project. He would also like to build a sidewalk to the pool that would tie into this project. Tom Koslowsky, 406 S. Oak, had several questions regarding this project. After discussion, Mr. Previterra said if council was not comfortable with the design, he could renegotiate with the contractor if changes were viable and created significant savings. These bids are good for 30 days. City Administrator Paine said Mr. Previterra and staff, including Dale and other department heads, spent a considerable amount of time reviewing the plans and giving input on the project. Motion was made by Council member McCarty and seconded by Council member Marler to accept the low alternate bid (city doing items 11-17) from Mies Construction (\$123,378.00). Motion carried unanimously.

Airport Project – Mr. Previterra gave council an update on the airport project. The contractor’s quality control department rejected the lights for the PAPI system. They will be resent. Mr. Previterra said he would issue a stop work order and the airport can be reopened until the project is ready to resume. Mr. Previterra also said he would prepare a pay estimate for the next meeting.

11. CITY ADMINISTRATOR’S REPORT-

Skating Rink/Sledding Hill – Street Superintendent Dale Dalke is proposing a skating rink and sledding hill at Memorial Park, which would use the dirt coming from the Oak & “D” Street drainage project. Council asked for cost estimates, including labor.

Flint Hills – Electric Service to Lagoons – The cost of construction for the electric service to the lagoons from Flint Hills is \$5,282.93. They want the cost up front to do the work. Motion was made by Council member Dirks and seconded by Council member Watson to approve this payment. City Attorney Baldwin suggested the city request a bill of sale for this so we don’t have to pay for it twice if we ever want to use city service for this area.

Pay Estimates – Sewer Lagoon Project – City Administrator Paine said the city was having some difficulty with the contractor building a drainage ditch along Jade. We will withhold payment from the contractor at a later date if necessary. The pay estimates submitted for approval tonight are for subcontractors. Motion was made by Council member Marler and seconded by Council member Dirks to approve the following:

APAC Pay Estimate #7	\$	187,220.02
EBH Invoice #6947		5,491.40
EBH Invoice #6948		18,413.09
City (Reimb for Terracon Invoices)		26,978.40
Terracon Invoice #01M0052		1,308.60
Terracon Invoice #T011730		1,694.60
APAC Pay Estimate #8		<u>171,126.94</u>
	\$	412,233.05

and, to approve the mayor signing the request for funds from KDHE in the amount of \$412,233.05. Motion carried unanimously.

Insurance Claim – Tabor College Water Main – EMC has settled the insurance claim with Tabor College for property damages in the amount of \$8,045.06. The city’s deductible for this is \$500.00. Motion was made by Council member Marler and seconded by Council member Watson to approve this payment to EMC (Claim #LA80-Z00-531 377). Motion carried unanimously.

Tabor College Transformer Issue – The city has invoiced Tabor College \$16,689.60 for football field lights. City Administrator Paine said based on the action taken by council tonight regarding Policy #79, he will rebill them \$7,194.60 subtracting the cost of the transformer (\$9,495.00). Council concurred.

Amendment - Glen Hoover Agreement – Motion was made by Council member Marler and seconded by Council member Watson to amend the real estate purchase contract to agree to sell Lot 1 and a portion of Reserve A and remove Lots 2 & 3. Mr. Hoover has first right of refusal for Lots 2 & 3 for the next 24 months with a 15-day response time. Motion carried unanimously.

12. FOLLOW-UP FROM PREVIOUS MEETINGS –

AMPI - deferred

Drainage – (City Park & N. Adams) – deferred

Buxton – Online web-cast tomorrow morning.

Wastewater Treatment Facilities Improvements – Project is moving along nicely. Pumps at existing plant have been installed.

13. CITY ADMINISTRATOR'S CONTRACT – Motion was made by Council member Marler and seconded by Council member Watson to approve the following changes to City Administrator Larry Paine's employment agreement: Page 1 – Agreement made 11-5-08; Page 3, Section 5 – Salary 3% raise, base pay = \$79,108.00; Page 5 – Section 17B, effective date 5-14-08. Motion carried unanimously.

14. ADJOURNMENT – Motion was made by Council member Marler and seconded by Council member Watson to adjourn at 5:53 p.m. Motion carried unanimously.

DELORES DALKE, MAYOR

ATTEST:

JANICE K. MEISINGER, CITY CLERK