

Hillsboro, Kansas
February 18, 2009

Due to lack of a quorum, the regularly scheduled February 17, 2009 meeting was not held.

1. The city council met in special session on Wednesday, February 18, 2009 at 4:00 p.m. in council chambers with Mayor Delores Dalke and Council members Byron McCarty, Shelby Dirks, Shane Marler & Bob Watson present.

2. Others Present: Adam Stewart, Hillsboro Star Journal; Clark Wiebe, 1131 190th; Darrell Driggers, Container Services; Jamey Stapleton, EBH Project Inspector; Amy Schmidt, Janea Pauls, Casey Toews & Kristen Allen, Tabor Students; Larry Paine, City Administrator; and, Jan Meisinger, City Clerk. Absent: City Attorney Dan Baldwin.

3. CALL TO ORDER – Mayor Dalke called the meeting to order at 4:00 p.m.

4. PUBLIC COMMENTS – none

5. APPROVAL OF MINUTES – The minutes of the 2-9-09 special meeting were approved as distributed.

6. VOUCHERS – Motion was made by Council member Marler and seconded by Council member Watson to approve the vouchers as follows: Manual checks - \$564,653.33 + \$146,618.82 Computer checks + Museum Grant Fund expenditures totaling \$714.83 = \$711,986.98 (VISA/Fixture Zone - \$169.04; VISA/Fixture Zone - \$178.13 for acrylic boxes & book easels; Tim Unruh - \$367.66 – Island #1 for exhibits). Motion carried unanimously.

7. CLARK WIEBE – DITCH ON JADE ROAD – Mr. Wiebe felt there had been no communication or contact prior to construction of the wastewater line project to establish the true county easement and property line. There had been repeated incursion of pipe, materials, dirt, sand, & boring machine on his property. He had requested that the valves be set back from the original spot of erection by at least 4', which they were. He thought that only a steel post would identify them – then came the 6' diameter “missile silos”. He felt there was a lack of grading the ditch back on the east side of the road. The flatness will allow the gravel to wash off the road into his field. He asked that all flags marking the gas line in the wheat field be removed prior to wheat harvest, and they were not removed. Jade Road is supposed to be 50' wide. The easement would be 25' from the center of the road. KPL was granted a 32' right-of-way for their poles in 1977. The concrete structures are in the area between the 25' county right-of-way and the 32' KPL right-of-way, which places them on Mr. Wiebe's property. He suggested the following remedies: Respect his easement & property line; grade the ditch to county specifications or at least so road run-off does not immediately drain across the field and reseed; pay a yearly lease payment for the concrete structures located on his property and mark with a plastic pipe the eastern most edge to identify its protrusion into the field; locate riser pipes for tracer lines off his property; remove the last (most southern) riser as it impacts the ability of his tenant to access the field. City Administrator Paine has been working with our engineer on these issues. The contractor has been reluctant to do anything because his grading contractor finished his work.

We know the grading contractor will be back to put additional dirt on top of the areas that divide the three cells. The city has and will keep the “retainage” until this work is completed. Since the project is nearly \$3 million, the retainage is just under \$300,000.00. One important action the city can do is to put the firm on a no bid list. Once this news gets out to other communities, getting bid awards will become more difficult. The Street Department could do the work to put in the drainage ditch, but it is not their responsibility. Jamey Stapleton, EBH Project Inspector, said the line locator could be moved, and this would be addressed. His main focus has been on getting the treatment plant operational. He apologized to Mr. Wiebe for the flags not being removed. He said he had a punch list made of items that needed to be taken care of by the contractor, and the ditch is on the punch list. After further discussion, motion was made by Council member Marler and seconded by Council member Dirks to direct City Administrator Paine & Jamey to continue to work with the contractor to see that this work is done and to hold the 10% retainage. If the work is not done, the city will put the contractor on a no bid list. They are also to work out something with Mr. Wiebe on the issue of the silos. Motion carried unanimously.

8. TAX ABATEMENT REVIEW – The Tax Abatement Review Committee consists of Mayor Dalke, City Administrator Paine & City Clerk Meisinger. The entities have filled out and submitted confidential questionnaires. Golden Heritage Foods & Countryside Feed have IRB abatements, and Container Services has constitutional economic development exemptions. The Abatement Review Committee’s recommendation is to continue the tax abatements previously approved for the year 2009. Motion was made by Council member Marler and seconded by Council member Watson to authorize the city clerk to affirm that the various businesses have met the requirements of tax abatement and certify same to the county clerk. Motion carried unanimously. Darrell Driggers thanked council because Container Services has used tax abatements several times and some of the earlier ones are expiring.

9. AUDIT CONTRACT – Motion was made by Council member Dirks and seconded by Council member Watson to authorize the mayor to sign the contract for the 08 audit with Swindoll, Janzen, Hawk & Loyd. Motion carried unanimously. Mayor Dalke requested that the city take bids for the 09 audit.

10. BOARD APPOINTMENTS –

Mayor Dalke reappointed Kelly Schlehuber, June Glasgow, Stan Harder & Pat Nuss to the Convention & Visitor’s Bureau. She also appointed Peggy Goertzen (to replace Kathy Decker whose term has expired). Motion was made by Council member Marler and seconded by Council member Watson to approve these appointments. Motion carried unanimously.

Mayor Dalke reappointed Clint Seibel to the Marion County Economic Development Council. Motion was made by Council member Marler and seconded by Council member Dirks to approve this reappointment. Motion carried unanimously.

Mayor Dalke reappointed Clint Seibel & JoAnn Knak to the Hillsboro Airport Board. Motion was made by Council member Watson and seconded by Council member Marler to approve these reappointments. Motion carried unanimously.

11. ENGINEER'S REPORT – deferred

12. FOLLOW-UP FROM PREVIOUS COUNCIL MEETINGS –

Buxton – Clint & Larry are making phone calls to prospects.

Sewer Project – Wastewater is running through the new system as designed. We are in the demolition/clean-up stage.

13. CITY ADMINISTRATOR'S REPORT –

Stan Harder is asking for letters of support to include with the grant application to replace the roof at the Schaeffler House.

There are three possible projects that would qualify for KDOT stimulus funds: The infrastructure in Hillsboro Business Park, Rebuilding Street in Industrial Park between Santa Fe & Commercial; and, resurfacing Ash Street from 3rd Street south to the Lumberyard. These are 100% grants and will be highly competitive. City Administrator Paine said he didn't know the deadline for submission.

14. ADJOURNMENT – Motion was made by Council member McCarty and seconded by Council member Watson to adjourn at 4:44 p.m. Motion carried unanimously.

DELORES DALKE, MAYOR

ATTEST:

JANICE K. MEISINGER, CITY CLERK