

In attendance were President Richard Donley, Mayor Richard Zink, Safety-Service Director Ralph Holt, Auditor Gary Lewis, Law Director, Fred Beery and Clerk Beverly Brown.

President Donley opened the meeting at 7:00 p.m.

ROLL CALL: Mr. Kevin Chambers, Mr. Lee Koogler, Mr. John Levo, Mrs. Bonnie Parr, Mr. David Shoemaker, Mr. Charles Walker and Mr. Tim Young

ABSENT: None

Auditor Gary Lewis led the assembly in prayer followed by Mayor Zink leading in the "Pledge of Allegiance". The minutes of the April council meeting were approved as presented.

TEEN OF THE MONTH- Mr. Walker presented the award to Daniel Bragdon for his academic excellence, his work in theater and for being a positive roll model.

MONTHLY REPORTS: Reports had been received from: Street Department, Hillsboro Public Utilities, Wastewater Treatment Plant, Income Tax Bureau, Water Meter Department, Water/Sewer Maintenance Department, Police Department, Fire Department, Life Squad, Water Treatment Plant and Auditor Office.

Mayor Zink said that he would like to point out on the Fire and Rescue activity that there were a total of 214 calls. With thirty days in the month that averaged over seven calls a day. He said that would explain why some of the salaries were what they are in Fire and Rescue. He said that at the same time in the Police Department; they had due to vacation and sick leave; they had 342 hours of absenteeism which was either personal days, vacation or sick leave. This averaged over two people off all month. When we really have a full complement they are still short about two because of vacation and sick leave.

#### PUBLIC REQUESTS:

A request to look into restroom facilities at the city park was received from Good News Gathering. They and the local DARE officer Deputy Stroop were looking for support for Doug Brown of Skate Straight. Mr. Brown is a skateboarder who presents a program throughout the United States and Canada. There would be refreshments to help raise funds for the skate park. They wanted to hold the event on Saturday, June 24<sup>th</sup> from 11:00 a.m. to 2:00 p.m.

Mr. Holt said that there were restrooms at the park but when they leave them open they get destroyed. He said that what they usually do is give the tennis coach a key so they are open when the tennis team is practicing or having matches. When they leave they are locked again.

President Donley asked Mr. Chambers if he could write something in response.

#### COMMUNICATIONS:

A letter from the National Arbor Day Foundation had been received congratulating the City of Hillsboro for being named Tree City USA for the twenty-second year in a row.

CITIZEN COMMENTS: None

#### COMMUNICATIONS FROM THE MAYOR:

Meetings attended:

April 3 - Wedding

Housing Council meeting

April 5 - Tax Incentive Review Council

April 7 - DEFA meeting at south lift station

CIC meeting

April 8 - Attended Lions Club 60<sup>th</sup> anniversary  
April 10 – Property & Maintenance Committee meeting  
Council meeting  
April 14 – Wedding  
April 17 – Property & Maintenance Committee meeting  
April 18 – Met with Vernon Garrison pertaining to sewer outside the city limits.  
We discussed what had to be done in order for them to bring that in.  
In 2000 Council did give them permission to hook-up to the city. There is a lot  
that has to be done. We haven't heard any more from them.

#### Highland County Caucus

April 20 – Career Day at Washington Middle School  
Ribbon cutting at Turning Point  
Session with the Boy Scouts at Methodist Church in the evening  
April 21 – Wedding  
April 24 – Records Commission meeting  
Council work session  
April 26 – Meeting with contractor & engineer on south lift station  
April 28 – Passed out Colorado Blue Spruce seedlings at the new elementary building  
Ralph passed out to first graders at the elementary building on US 50

You might note that there have been several new policies written in order to comply with state auditing requirements and they are as follows: Password Policy, Risk Assessment Policy, Email Use Policy, Virtual Private Network Access Policy, Accessible Use Policy Computer Systems, Credit Card Policy, Cellular Telephone Use Policy, Guidelines on Antivirus Process. All of the above except the cellular phone and credit card policies fall under administrative authority. I think we have the legislation later in the meeting for that.

Another issue I would like to council to be looking into is the financing of the new police and fire stations. I feel there will be a need for loans made in order to probably purchase the site or sites once the decision is made as to the location or locations. We will be looking for any grants that may also be available, however; the location, cost of engineering and construction needs to be determined before grant applications are made. I'm sure there will some grant monies available, but nowhere the need for the final construction costs. This leaves us at the mercy of bonding and low-interest government loans. As you all know, when you borrow money you are required to pay it back. You also know that we are on a limited source of income which I feel presently will not be sufficient to pay back a large loan of the nature that we will be looking at.

I feel the auditor will probably verify my feelings unless he has some other ideas on financing. Therefore, I think it would be in the city's best interest for City Council to meet with the auditor to begin laying groundwork for planning the course of action required. And I do feel this is pretty urgent because when we come up with sites and we come up with an engineer and also an architect; first thing the architect wants to know is how you're going to finance the project. Well, if we say we're going to borrow the money, then they say "How you going to pay it back?" So we're going to have to address this in the very near future and move forward.

Anybody have any questions?

#### SAFETY-SERVICE DIRECTOR'S REPORT:

The South Lift Station is scheduled to be completed by May 26<sup>th</sup>. When this is complete we will be in compliance with Ohio EPA's requirements for Muntz Street, South 73 and the South Lift Station at the cost of approximately \$2,500,000.

We have received approval, preliminary approval site plans back from the State of Ohio for the temporary modular for the employees at the firehouse. I'm scheduling a meeting with McCarty and Gordon Yeillig to review their requirements so we may move forward.

Each year we have contracts with each of the townships for fire contracts. I'm requesting that City Council look at these contracts for 2007 and if we feel the need to increase these

costs to the townships; we need to do that by June or July because of their budgets next year. So would you like to.... President Donley put this in Finance and Street & Safety Committees.

Also in talking to Kirby; Paul Pence was the council member that attended the Safety Committee meetings. Since he has left we have no council member on the Safety Committee and she was asking if you could make an appointment to that.

President Donley asked for volunteers and Mr. Chambers asked what was involved. Mr. Holt explained that basically they go through and review and we use BWC to tell us what we need to do as far as safety for insurance, just to keep people safe throughout the city. All the department heads has one representative there and Kirby is the chair this year. Usually takes probably an hour once a month on Thursday morning at 10:00 a.m. Mr. Chambers volunteered to fill the position and Mr. Holt asked him to see him after the meeting to check the best time.

I've got a request from the Water/Sewer Maintenance Department to sell their Isuzu MPR truck with a minimum bid of \$5000. An we need council's permission to do that.

President Donley asked Mr. Beery is there were any steps to go through to do that. Mr. Beery replied that they just needed to authorize the letting of the bid. Council would approve the contract later if it is acceptable. A voice motion would be fine. Mr. Walker made a motion to approve the letting of the bid and Mrs. Parr seconded the motion. All members present voted yea.

We bid out the cost of the remote sewer television equipment. We had two bids on that. Flex Rod Equipment Company bid \$49,040. Ques Company, and I've never heard of that company; they did not comply with the bid request so they were disqualified. Randy had budgeted \$50,000 last year for this year for that equipment and I would like to have permission to go ahead and purchase that equipment. Mr. Shoemaker made a motion to approve the purchase and Mr. Levo seconded the motion will all members of council voting yea.

And my final issue is RFQ's for the architect firm are out. The deadline is Thursday, June 1<sup>st</sup> those should be back and what I would like to do is when I get those back; I would like to get with Kevin and schedule a meeting and have the architects in so we can move forward with this. I've given the Police Department and the Fire Department some forms to fill out on square footage that we have and what Nick used to have; what the Fire Department has and give us an idea on what we've got now and what we're going to need. I assume the architect can tell us what we're going to need in the future.

#### AUDITOR'S REPORT:

I'll start off with the good news. If you'll turn your attention to the bank report for the month of April you will see an increase of \$557,881.60. You know last month we were at a point there where we had spent more than we had taken in. Of course tax month took care of that rather handily so that's the good news.

You can see on the fund reports that everything matches up and is in balance. If you have any questions about these, see me and we'll walk you though. We'll see what we can do to answer any questions you may have.

Now in January council approved transfer legislation for various areas within our budget. Those transfers did not occur, however; until the past month and those transfers were as follows: \$55,000 came from the General Fund to the Life Squad Improvement Fund and that is the total amount approved for the Life Squad under Resolution 06-1. Also under Resolution 06-1 was a \$90,000 transfer from the General Fund to the Recreation Fund. \$185,000 from the General Fund to the Fire Pension Fund and \$160,000 from the General Fund to the Police Pension Fund.

Now under Resolution 06-2; \$150,000 is transferred from the Sewer Fund to the Debt Fund and that leaves a balance of \$250,000 under the resolution to be transferred later in the year when it will be needed. Under Resolution 06-3; \$145,000 was transferred from

the Water Revenue Fund to the Water Debt Fund and that leaves a balance of \$255,000 on the resolution to be transferred at a later date.

You will also see legislation regarding policy for the use of city controlled credit cards, purchasing cards and use of the city controlled cellular phones as previously mentioned by the mayor. Both of these items were areas where the city received minor derogatory opinions on last year's audit and they are presented to you today for approval so that they can be in place before the next audit begins.

In addition there is also transfer legislation from the Sewer Fund to the Sewer Improvement Fund. The first part of that is for \$130,000 and that is to cover the initial cost of the influent/infiltration monitoring that is going on right now. And you will also see legislation for a loan application where we will be reimbursed for that cost for the I&I monitoring and that won't exceed the \$400,000 as per the legislation.

The second part of the legislation is to cover the cost of the pump at the South Lift Station so that that station will go on line as scheduled.

Now finally you will also see transfer legislation to cover the cost of the modular and set aside \$30,000 in Lands and Building in addition to \$10,000 extra in the Professional Services for the Police to help offset the cost. Especially if it was still available after all of the moving expenses. That \$10,000; much of that was used in that move and I think there is one particular bill that we had for a lot of the electronic equipment for about \$1500. That took care of that. So not a lot of that \$10,000 that we had placed into the Police Professional Services is left over after that. And the modular did cost more than what was originally thought. If you recall, we thought it was going to be about \$45,000 and then when we realized that that particular modular did not qualify and the other one was going to cost around \$65,000 which was a little bit more than what we initially thought there. However; the total amount isn't needed because we did set aside that \$30,000 for that purpose. So you see that amount will be \$35,000 on that legislation.

Your consideration and your approval on those items would be greatly appreciated.

#### **REPORT OF THE STANDING COMMITTEES-**

##### **FINANCE COMMITTEE – Mr. Koogler, Chairman**

We did meet two weeks ago. The only issue that was before the committee was that of the table issue of the Fire Department wishing for the purchase of a new truck. At that meeting, present was myself and Mr. Levo. Mr. Walker did make it but it was after the meeting when we were doing the other meetings, but what was decided at that time was that I moved that we table the issue another three months. Mr. Levo seconded it and it was put to a vote and it's tabled until July.

Also I now have the new thing placed in the committee which we'll be dealing with and that's it.

##### **PROPERTY MAINTENANCE & RESTORATION- Mr. Chambers, Chairman**

April 17<sup>th</sup> the Property Maintenance & Restoration Committee met. Present were committee members Bonnie Parr and myself. Absent was committee Mr. Shoemaker. Also in attendance were council member Tim Young, Auditor Gary Lewis, Safety-/Service Director Ralph Holt, Mayor Dick Zink and council president Dick Donley.

The agenda, number one was the sign for the YMCA. As no one was present from the Y this was tabled until a later date.

Number two, the renaming of the Cable TV Access Building. After discussion a motion to rename the building in honor of the late Ron Hennison was made by committee member Parr and seconded by committee member Chambers.

Number three, the roof for the Cable Access Building. After discussion committee chairman Chambers will try to obtain more bids, more estimates that should be.

Number four, possible swap of the Fire Department and the Street Department/Water Maintenance garage. Gerald Bradley from McCarty and Associates was present to answer questions about potential state code problems that we would have if we were to move the Fire Department to the Street Department garage. As it would constitute a change of usage of the building; there would have to be plans for the building drawn up and the building inspected for load bearing, electrical and plumbing. The second floor office that has been built in the building would have to be opened up into an open storage area. Cost for engineering would be about \$4000 to \$5000 with an additional cost of about \$1000 for permits. Construction costs were not discussed as it was not clear what all would be needed but some items for consideration would be handicapped accessible restrooms, demolition of the second floor, addition of air and electric access for all of the truck bays, two additional overhead doors and repositioning of the front gate.

The equipment placement within the building was also a concern. In order to get trucks and squads out of the building without moving them; two more overhead doors could be installed on the back side of the building. Gear storage was also concerned and the overall size of the building for total storage was in question. Placement of the modular on the lot was discussed and although it would work there was a question as to access to the other Street Department building as well as the bulk storage in the rear. After asking for suggestions and questions from all present and receiving no alternatives; I, committee chairman made a motion to abandon this idea and move forward with the placement of the modular beside the Fire Department in the street. Motion seconded by committee member Parr. Motion to adjourn by committee member Parr, seconded by myself.

On April 24<sup>th</sup> we met in a joint work session. All council members, Mayor Zink, Safety-Service Director Holt, Council President Donley and Auditor Lewis were present. The Property Maintenance and Restoration Committee with all three committee members present after quick discussion and tabling of the roof project for the Cable TV Access Building due to estimates not being in yet. I then asked for a motion to enter into executive session to discuss potential real estate purchases. Motion was made by Mr. Shoemaker, seconded by Mrs. Parr. After returning to regular session; discussion was had with regards to moving forward on the potential Police, Fire and Rescue construction projects.

A motion to authorize Safety-Service Director Holt to advertise for qualifications for architects was made by Mr. Shoemaker and seconded by Mrs. Parr with myself agreeing. Motion to adjourn was made by Mr. Shoemaker, seconded by Mrs. Parr.

We do also have one new item in committee which we will be discussing at our next meeting; the restrooms at the City Park. That's all I have Mr. President.

Mr. Shoemaker asked if they had received any further bids or estimates on the roof. Mr. Chambers said that they had received one price and there were two others that he was waiting on. He said that hopefully they would have a meeting next week and he would be asking to go into executive session at a later time this evening to discuss real estate options.

Mr. Holt said that they did get another bid that he thought was \$24,900 or \$24,600. It basically mirrored the one estimate they had received from L & L.

**CIVIL SERVICE AND EMPLOYEE RELATIONS-** Mr. Levo, Chairman

The Civil Service and Employee Relations Committee met on Tuesday, April 11<sup>th</sup> with all committee members present. Also attending were Mayor Zink, Safety-Service Director Holt and Auditor Gary Lewis. Police Chief Thompson was present to request permission to hire another officer as the force is short two officers and a dispatcher. The additional officer would allow better parking enforcement. He also answered other questions regarding the department staffing. Because of the cost to hire an additional officer; the request was tabled until the auditor would be able to determine if funds were available. Mr. Lewis thought that he have that information shortly after May 1<sup>st</sup>.

The committee then discussed the request by non-union employees to receive two personal days per year. It was moved and seconded to recommend to council that non-

union employees receive two personal days per year with the understanding they cannot be carried over year to year. They must be used or lost and unused days will not be paid. This would be retroactive to January 1, 2006.

A matter regarding the amounts that non-union employees pay for their medical insurance was tabled to allow further investigation.

Following discussion of the recent pay raises, it was determined that two employees did not receive the minimum 5% pay raise they were supposed to. Based upon this finding a motion was made and seconded to authorize the revision of the pays to correct the error. The revision is retroactive to January 1, 2006.

A motion by Mr. Koogler to research Ordinance 2001-2 for improvement and clarification was seconded by Mr. Shoemaker. The motion passed. There being no further matters to discuss; the meeting was adjourned.

President Donley, there are two items in here that I think that should be voted upon by the full council and those are the recommendation by the committee to grant the non-union employees two personal days per year and the second to acknowledge the discussions, the findings that we had on the two individuals that were shorted on their raises.

President Donley asked Mr. Beery if they needed legislation on the two days. Mr. Beery said that what he needed to do was to modify the handbook and then they would approve those modifications. He said that he would probably need a little direction on the second item. He asked if they had an amount or if just in principle it was supposed to be 5%. Mr. Levo answered in the affirmative. President Donley said that they would just leave that in committee and they would bring it up at the next council meeting with legislation to authorize that.

**STREET & SAFETY COMMITTEE-** Mr. Walker, Chairman

We met, all council members were present. Items discussed; really all we discussed was the skate park. Ron Hennison, Jr., Jeff Lyle from the Good News Gathering were there to discuss the fence around the skate park. The committee recommends that they go ahead with all three members voting in favor.

We got a thing from Amy at Heskett's Insurance to let the city know that the city insurance carrier is not willing to offer coverage at this time for the skate park. There are issues with the barbed wire fence. One issue being that the barbed wire fence is facing the wrong direction. Possible conditions of the blacktop and there are holes in the rails. They also cited trash in the area. John Mosely with the Ohio Municipal League could be contacted to direct the city on the changes that need to be made for the skate park for our insurance to offer coverage.

The committee recommends; I've talked to all of them, that we go ahead with it because I talked to Ron and all of the improvements is to be made on the fence, the blacktop and the skate part of it. So we recommend that they go ahead with it. Probably ought to vote on it.

Mr. Holt said that the only thing that he could imagine is that that is a perimeter fence for the Street Department and he said that he would like to talk to Mr. Mosely about what if we made that barbed wire vertical instead of leaning; if that would make any difference in their concerns. Mr. Walker said that he thought they were going to correct it all.

Ron Hennison, Jr. said that right now they were running into a problem where the kids are dragging so much stuff in there. He said that he could go down there and drag it out but they drag it back. He hoped that once they get the fence then they would have control of it; then it would stop. He thought that was the biggest problem right now. He said that they had given Morgan Fencing a deposit to go ahead and start and they thought it would be finished by the end of next week if that was acceptable to City Council. He said that once they got the fence in he thought they could get everything turned around.

Mr. Walker said that he thought they had drug their feet on this long enough and it was his personal feeling that they needed to go with it. Morgan Fence had given them a quote of \$4800 and they had made a deposit of \$2400. Mr. Holt said he would have someone look at it after the 19<sup>th</sup>. President Donley said that he was going to leave that in committee for now since they still had to make the improvements and they had to refer back to the liability company.

Mr. Walker continued his report- County map extension for Chariss Avenue. I've got the county map at home. It doesn't go on back; it don't stop; it's just there.

Check traffic problem on Pea Ridge. I don't know if anybody done anything. I been out of there three or four times a day.

Sign for entrance to YMCA. I think that's not even supposed to be in my committee. That's all I have.

Mr. Holt said, "That piece of property, Chariss Drive; that property belongs to the fairgrounds. That's attached to those lots the fairgrounds purchased." Mr. Walker said that he had talked to two or three of them and they're not going to do anything with it for four or five years or longer. President Donley asked if that was to be left in committee and Mr. Walker answered in the affirmative.

Mr. Walker said that he thought the sidewalks needed to come out of committee and also the position of fire investigator since they can't do anything with it till the union does something. President Donley said that they would just leave them in there so they know they're in there.

Mr. Levo asked if they had received any kind of request from the bicycle race for their course. There was supposed to be a meeting on the 23<sup>rd</sup> or 24<sup>th</sup> for a walk though to get everything laid out.

UTILITIES COMMITTEE- Mr. Shoemaker, Chairman

There is nothing in the committee per se except that I brought up last meeting and I will pursue this even further at the next Utilities Committee meeting. That would be our work session about the deposits on water sign-up and tap fees and we'll expect to have something and I want the committee to think hard on that before that meeting and then we will actually make some recommendations. I'd like to hear some recommendations or some ideas from the committee so we can proceed with this.

ZONING AND ANNEXATION COMMITTEE- Mr. Young, Chairman

He said there was nothing in his committee at this time.

COMMUNITY ENHANCEMENT COMMITTEE- Mrs. Parr, Chairman

Thank you Mr. President. The Community Enhancement Committee meeting was called to order by Chairman Bonnie Parr. Roll call: Committee members Lee Koogler, Tim Young and Bonnie Parr being present.

First on the agenda was yard sales and having them in specific times or dividing the city into maybe four sections and dedicate a certain time for each. Discussion followed with Lee Koogler saying that he would like for it to stay as it is written and all members agreed. However, this will stay in committee.

Second was the City Car Show. I, Bonnie Parr asked if they would want to keep this project or if they would like to give it to an organization. All members agreed to have me, Bonnie Parr; call a couple of organizations to see if they would like to take on the car show for a money-maker. This will be left in committee until I contact some organizations.

Third- GOBA: I've asked Charlie Walker, chairman of the Street & Safety Committee if GOBA had turned in a course for the race. Mr. Walker said nothing had been brought in.

With nothing else to present for discussion; adjournment was in order. Lee Koogler made the motion to adjourn and Tim seconded the motion. Committee adjourned. Respectfully submitted- Bonnie Parr

The only thing, I have contacted one organization for the car show and they haven't got back with me yet on their decision.

President Donley said that something would have to be done rather quickly since the first car show would be the last weekend in June and they would need to order whatever they are going to do; trophies and so forth.

#### UNFINISHED BUSINESS-

Mr. Chambers said that he would need to go into executive session at some point. He wasn't sure when they wanted to do it.

#### **PASSAGE OF ORDINANCES AND RESOLUTIONS- None**

#### **SECOND READING OF ORDINANCES AND RESOLUTIONS-None**

#### **FIRST READING OF ORDINANCES AND RESOLUTIONS-**

RES. 06-17 – A RESOLUTION TO ADOPT POLICY GOVERNING THE USE OF CITY CONTROLLED CREDIT CARDS AND PURCHASING CARDS BY EMPLOYEES AND ELECTED REPRESENTATIVES- The clerk read this resolution in full for a first reading. A motion to suspend the three-reading rule was made by Mr. Chambers and seconded by Mr. Young. All members present voted yea. A motion to accept the resolution was made by Mr. Chambers and seconded by Mr. Koogler. All members voted yea; resolution adopted.

RES. 06-18 – A RESOLUTION TO ADOPT POLICY GOVERNING THE USE OF CITY CONTROLLED CELLULAR TELEPHONES BY EMPLOYEES AND ELECTED REPRESENTATIVES- The clerk read this resolution in full for a first reading. A motion to suspend the three-reading rule was made by Mr. Koogler and seconded by Mr. Young. Mr. Shoemaker expressed a concern that they were being asked to pass legislation that had just been presented to them and he thought they should have had time to read over the attachments. Mr. Walker said that they moved the meeting back a week to allow for having copies in their packets. President Donley allowed several minutes for council members to read over the attachments. Mr. Lewis said that the Law Director had reviewed the legislation. The one concerning credit cards was based on one from Cleveland Heights and the one concerning cellular telephones was drawn up by Eric Daniels and it was adapted from another city but Mr. Lewis wasn't sure which one. Mr. Holt said that it was an auditing issue that would support what they tell them. If the legislation documented then when they tell them they know it is accurate. All council members voted yea to suspend the three-reading rule. A motion to pass the resolution was made by Mr. Shoemaker and seconded by Mr. Koogler. All members voted yea; resolution accepted.

RES. 06-19 – A RESOLUTION TO TRANSFER FUNDS FROM THE SEWER REVENUE FUND TO SEWER IMPROVEMENT FUND TO COVER THE COST OF INFLUENT/INFILTRATION MONITORING AND TO COVER THE COST OF A PUMP AT THE SOUTH LIFT STATION- The clerk read this resolution in full for a first reading. Mr. Chambers asked if the pump at the South Lift Station was one that they were not aware that they were going to need. Mr. Holt explained that they had two different types of pumps. They had done away with the one type and they are bringing on the same type so they can have a backup. Mr. Koogler made a motion to suspend the three-reading rule and Mr. Levo seconded the motion. All members of council voted yea. Mr. Koogler made a motion to accept the resolution and Mr. Shoemaker seconded the motion with all members voting yea. Resolution adopted.

RES. 06-20 – A RESOLUTION TO TRANSFER FUNDS FROM THE GENERAL FUND TO LAND AND BUILDINGS TO COVER THE COST OF A MODULAR FOR TEMPORARY HOUSING FOR FIRE PERSONNEL- The clerk read the resolution in full for a first reading. Mr. Levo made a motion to suspend the three-reading rule and

Mr. Chambers seconded the motion. All members voted yea except Mr. Walker who voted nay. Mr. Chambers made a motion to adopt the resolution and Mrs. Parr seconded the motion with all members voting except Mr. Walker who voted nay. Resolution passed 6 to 1.

RES. 06-21 – A RESOLUTION TO AUTHORIZE THE MAYOR TO APPLY FOR AN OHIO EPA DEPARTMENT OF ENVIRONMENTAL AND FINANCIAL AID LOAN- The clerk read this resolution in full for a first reading.

RES. 06-22 – A RESOLUTION TO AUTHORIZE THE MAYOR TO APPLY FOR AN OHIO EPA DEPARTMENT OF ENVIRONMENTAL AND FINANCIAL AIR LOAN- The clerk read this resolution in full for a first reading.

RES. 06-23 – A RESOLUTION TO AUTHORIZE AND DIRECT THE SAFETY AND SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE HIGHLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT- The clerk read the resolution in full for a first reading. Mr. Holt asked if this legislation could be passed. He said the last agreement ran out in December, 2005 and he has been using them every time he gets the opportunity. He said that they need that contract with them because they are the ones who monitor erosion control for new building and such. He said it was worth the \$3500. Mayor Zink said that this is something that they do every year. Mr. Chambers made a motion to suspend the three-reading rule and Mr. Koogler seconded the motion. Mr. Walker made a motion to accept the resolution and Mr. Koogler seconded the motion with all members voting yea. Resolution was accepted.

RES. 06-24 – A RESOLUTION TO AUTHORIZE THE INCREASE OF CONTRACT AMOUNTS FOR SEWERAGE IMPROVEMENTS DUE TO CHANGE ORDERS- The clerk read this resolution in full for a first reading. Mr. Holt said that hopefully this would be done by May 26<sup>th</sup>. That is when the final completion is supposed to be done. He said that if they did the three-reading it would be July. He didn't know if everything would be completed by July. He said that he had reviewed the change orders and everything was in line. The issue with the Foill Company on their change order is that they hit rock down on Muntz Street that caused more costs. He said that everything was legit and he had gone through it today and he had Kirby pull back the change orders and everything is in line.

Mr. Chambers asked if they ran into rock would that not have come out of theirs? Mr. Holt said that "No" the engineering company did not check for rock so the construction company did not know the rock was there. Mr. Chambers then asked if they could just say that they didn't know that was under the ground. Mr. Beery said that would just be within reason. He said that there is an engineering standard for how easy it is to cut through the ground. In this case they came across something unusual; a geological formation that hampered the work. It's sort of a judgment call, but this was pretty heavy duty and the engineer confirmed it and it would have cost that much more to cut through the rock. He said that actually this was not too unusual.

Mr. Chambers then asked if they had been kept to 100% of the letter of their contract. He said, "I have a little bit of a problem with the one. I know that it is what it is. The Preload delay, remobilization costs of \$9,377." Mr. Holt said, "That's because they came in November and then they can't pour concrete and Preload is the one that's building the tank." Mr. Chambers said, "The other one was the \$8,576 increase because we didn't sign a contract; we were five days late signing a contract so I guess they exercised their option for the higher price. That's on page 2 of 2 Attachment A, number 7 description; PVC pipe material price increase. At bid opening was \$6.22 was good for sixty days and we signed the contract on 8-26." Mr. Holt responded, "Well, that may or may not be paid." Mayor Zink said, "That was discussed in a meeting. If you remember when we had URS in there; they discussed that. That was about the time the hurricane hit the south and the price jumped up on pipe." Mr. Chambers said, "Could be. I guess I just want to make sure it was us that held the contract agreement up by those four or five days." Mr. Holt said, "It kind of was and it wasn't. The issue was that they wanted to sign off on the contract and the DEFA director hadn't signed off on the loan. When we met they hadn't signed off on the loan so we didn't sign off on the contract. We had to

make sure we had the money before we could sign off on the contract.” Mayor Zink said that was the reason they gave for the price increase. Mr. Holt said that he had talked with Randy and Steve and they told him the same thing that the contractor was saying. Prices had just gone sky high. Mr. Chambers asked, “Then their completion date remains at May 30, 2006?” Mayor Zink said that they had already test the tank for leaks and it would be drained on Wednesday and since there was no chlorine in it, it could be dumped in the stream and it doesn’t have to be treated so that would save a little bit. Mr. Chambers said that his point was that if they were going to penalize us, he wanted to make sure that they’re on time also. Mr. Holt said that they were.

Mr. Shoemaker asked why it had not been in the original packet. Mr. Beery said that he had prepared it that afternoon at the request of Kirby. She had been working on it apparently all week. It was just one of those things that you probably would not have seen until next month if you hadn’t moved the council meeting another week further into the month. Because I’m pretty sure she was working on it through all the first part of this month.

When asked about charging extra for removing a pile of soil Mr. Holt said that was because that stockpile of soil was ours. The next question was why we didn’t move it if it was ours and Mr. Holt said that they had already started the work down there; they were already on site. He said it was our stockpile because that’s where someone decided to bury paint so we had to dig up a lot of dirt there and there was already mulch there and dirt there and we had moved it back out of the way but when they started construction, they had to move it again because it was in their way and they had to take it all the way over to the property line. No one does anything for nothing.

President Donley said that he had a request to suspend the three-reading rule. For lack of a motion, the resolution had its first reading.

NEW BUSINESS:

Mr. Chambers requested that they go into executive session to discuss potential real estate purchases. Mr. Shoemaker seconded the motion with all members voting yea. Council entered executive session at 8:12 p.m. Council came out of executive at 8:32 p.m.

President Donley asked all of council to look for someone to serve as Clerk of Council. Having said that, President Donley closed the May 8<sup>th</sup> session of Hillsboro City Council.

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Richard Donley, Council President

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Beverly Brown, Clerk of Council