

Hillsboro, Kansas
October 20, 2020

1. The City Council met in regular session on Tuesday, October 20, 2020 at 4:00 p.m. in the City Hall East Meeting Room with Mayor Lou Thurston and Council members Byron McCarty, Renee Gehring, David Loewen, and Brent Driggers present.

2. Others Present: Phyllis Zorn, Hillsboro Star Journal; Darin Neufeld, EBH & Associates; Laura Paulus, Hillsboro Free Press; Matt Stiles, City Administrator; and, Jan Meisinger, City Clerk. Absent: City Attorney Josh Boehm.

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

4. PUBLIC COMMENTS – none

5. MINUTES – Motion was made by Council member Loewen and seconded by Council member Driggers to approve the minutes of the 10-6-2020 regular 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 \$95,180.22. Motion carried unanimously.

7. CONDITIONAL USE PERMIT – On 9-24-2020, the Planning Commission heard Case ZCU2020-10 for a conditional use permit for 600 Western Heights (old Vogt’s grocery store) to be used by Barkman Honey for a temporary warehouse. The current zoning, C-S Highway Service District, does not allow warehouses. The Planning Commission unanimously recommended the conditional use permit with two conditions. Ordinance 1321 lists those conditions as: 1) The conditional use permitted herein shall expire on November 1, 2022; 2) Use of the property as a warehouse facility beyond that date shall require a new application and approval. The Planning Commission’s rationale for limiting the permit was to prevent the building from permanently becoming a warehouse. The highest and best use for that property is generally considered to be retail. Motion was made by Council member Driggers and seconded by Council member Loewen to approve Ordinance 1321 – (AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR WAREHOUSE STORAGE ACCORDING TO SECTION XIX-3.110F OF THE ZONING REGULATIONS FOR THE CITY OF HILLSBORO, KANSAS). Council was polled with the following vote: Council member Driggers, yes; Loewen, yes; McCarty, yes; Gehring, yes. Motion carried unanimously.

8. LK ARCHITECTS – Five proposals were received for the Community Plaza project. LK Architecture, Wichita, KS, was chosen to finalize the plans. The design work is to be completed in early February allowing time for construction in 2021. Design services are not to exceed \$18,000.00, and funds raised for this project will be used for the design services. Motion was made by Council member Gehring and seconded by Council member McCarty to approve the contract for design services with LK Architecture for the Community Plaza project at a cost not to exceed \$18,000.00. Motion carried unanimously.

9. BYLAWS – RECREATION COMMISSION – The previous bylaws were approved in 2016; however, there was a disagreement on the language in Section 2. This amendment clarifies the language in Section 2 and deletes the term limits. It states: “Section 2. Membership. The membership consists of five members serving staggered four-year terms. Four members must reside within the city limits of Hillsboro. The fifth member must reside within the USD 410 school district, but not necessarily within the city limits of Hillsboro. Members are appointed by the Mayor, by and with the consent of the Governing Body, at the first regular meeting in January of each year and take office at the next regular meeting of the Commission. Vacancies are filled by appointment for the unexpired term.” Motion was made by Council member McCarty and seconded by Council member Driggers to approve the revised Recreation Commission Bylaws and authorize the Mayor to sign. Motion carried unanimously.

10. RESOLUTION 2020-08 – KDOT TRAIL – Resolution 2020-08 authorizes the City to submit a grant application to KDOT for trail expansion. The trails would be on Orchard Drive connecting the Dollar General/Sonic area to the Ash Street sidewalks. Trail would also be installed along 3rd Street starting on the AMPI property on the west side of Main and running east to Adams Street sidewalk. The grant cycle is for 2022-23. This would be an 80/20 match. The engineer’s estimate is \$436,000.00 for construction and \$115,000.00 for engineering fees. City’s share would be \$150,280.00. Motion was made by Council member McCarty and seconded by Council member Loewen to approve Resolution 2020-08 – (A RESOLUTION DECLARING THE ELIGIBILITY OF THE CITY OF HILLSBORO TO SUBMIT AN APPLICATION TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR USE OF TRANSPORTATION ALTERNATIVE FUNDS

SET FORTH BY THE MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT OF 2012 (MAP-21) AS CONTINUED BY THE FIXING AMERICA'S SURFACE TRANSPORTATION (FAST) ACT OR 2015 FOR THE 3RD STREET AND ORCHARD DRIVE HIKE/BIKE TRAIL PROJECT IN HILLSBORO AND AUTHORIZING THE MAYOR TO SIGN THE APPLICATION). Council was polled with the following vote: Council member Dirks, yes; Loewen, yes; McCarty, yes; Gehring, yes. Motion carried unanimously.

11. CDBG-CV AWARDS – Nine applications were submitted. One application was disqualified because they did not meet the low to moderate income threshold needed for CDBG. Of the eight determined eligible, only three have completed the process and are ready for award. They are: Kathy's Floral Designs; Mama C's; and, Tangles. A second, and final, round of funding is expected to be in November. After further discussion, motion was made by Council member Gehring and seconded by Council member Driggers to approve the Review Committee's recommendation to award Kathy's Floral Designs, Mama C's, and Tangles with \$15,000.00 each in CDBG-CV funds. Motion carried unanimously.

12. ELCON INVOICE – Motion was made by Council member McCarty and seconded by Council member Loewen to approve Invoice 12406 to Elcon Services, Inc. in the amount of \$45.00 for a service call to reset the pump/Peabody pump house. Vote: Council members McCarty, Driggers and Loewen, yes; Council member Gehring, abstained. Motion carried.

13. EASEMENTS AND PROPERTY TRANSFER AT 704 S. MAIN – When the old clinic building was sold as a residence, the older property lines were not drawn appropriately. The current property line is a few feet from the edge of the house, which means the City still owns the outside stairs that go to the lower level and the retaining wall that is part of that. The City cannot deed those over without first securing a utility and access easement. Without these easements, the property at 704 S. Main would own the entrance to the old hospital drive at that corner. Motion was made by Council member Driggers and seconded by Council member Loewen to accept the proposed easements at 704 S. Main. Motion carried unanimously. Motion was made by Council member Driggers and seconded by Council member Loewen to approve the transfer of property as described to Amy Zeller at 704 S. Main. Motion carried unanimously.

14. COUNCIL MEMBER LOEWEN MEETING REQUEST – Council member Loewen asked that we discuss moving the council meeting time to later in the evening, beginning November 17th, because he is going to be coaching junior high basketball. After discussion, motion was made by Council member Driggers and seconded by Council member McCarty to amend council meeting start time to 6:00 p.m. beginning November 17th through January 20th. Motion carried unanimously.

15. ORDINANCE FOR SUNDAY LIQUOR SALES CORRECTION – City Administrator Stiles said when City Attorney Boehm drafted Ordinance 1320, some language was missed in Section 2. This corrects that error. Motion was made by Council member McCarty and seconded by Council member Gehring to approve Ordinance 1320 corrected – (*AN ORDINANCE AUTHORIZING SUNDAY SALES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE WITHIN THE CITY OF HILLSBORO.*) Council was polled with the following vote: Council member Gehring, yes; McCarty, yes; Loewen, no; Driggers, yes. Motion carried.

16. SALEM HOME TRANSFER – Mayor Thurston said he was extremely disappointed that this has not been taken care of because it was important to stick to our commitments. He said he wanted this resolved quickly and dealt with at the next meeting.

17. PBC MEETING TO APPROVE INVOICE – At 4:43 p.m., Council recessed into a Public Building Commission meeting to approve an invoice to American Sprinkler System for repairing a leak in the attic at the old hospital. The meeting adjourned at 4:45 p.m. and the regular council meeting resumed.

18. LAND BANK MEETING – DEED TRANSFERS – deferred

19. BOARD APPOINTMENTS – Mayor Thurston reappointed Sue Wadkins and David Brown to the Hillsboro Museum Board. Motion was made by Council member McCarty and seconded by Council member Loewen to approve these reappointments. Motion carried unanimously.

20. CITY ADMINISTRATOR'S REPORT –

SPARKS Funding – Anthony Roy has been working at the SPARKS taskforce to distribute funds for public entities, non-profits and businesses. Award recommendations went to the County Commission on October 19th for approval. The totals listed here are subject to review and approval by the County Commission. Overall, Hillsboro based non-profit organizations were proposed to receive \$315,230.00,

the biggest being Tabor College at \$226,014.00. Hillsboro based businesses were proposed to receive \$32,541.00.

Cyber Security Information - We have had a dramatic increase in phishing e-mails and hacking attack attempts on our network over the last month. While we have been successful at preventing any major issues, City Administrator Stiles would recommend the following suggestions: 1) Be wary of e-mail that seems out of the ordinary or strange; 2) Definitely do not open attachments from suspicious sources; 3) If an e-mail looks strange, look at the e-mail address of the sender, not just the name. If it has a strange ending to it, delete the e-mail or label it as junk; 4) Be wary of e-mail coming from Kansas Power Pool. They were recently hacked and we may see e-mail that looks like they are from staff at KPP, but are really not.

Fiber Project – The fiber project is going fairly well. We have had a handful of utilities disrupted by the boring, including our large water leak at Lincoln and A Street. That said, the majority of the issues have been with the marking of utilities. Often, the lines that are marked are not in the correct place. City utilities have been guilty of this as well. It is an inconvenient part of the process, but the end product will be a huge benefit to the city. City Administrator Stiles would also suggest reading Mayor Thurston’s notice, which is on Facebook, that explains the process and the good it will do for the community.

Fiber Project Groundbreaking – City Administrator Stiles thanked all the council members and members of the public that came to the ground breaking on Thursday, October 15th. We had good attendance and were privileged to have Senator Moran, Representative Marshall, USDA Undersecretary Greg Ibach, Kansas Senator Rick Wilborn, Kansas Rep Stephen Owens, and, County Commissioners Jonah Gehring and Kent Becker. The partnership with TCW is remarkable for a community like Hillsboro. Senator Moran said it best that the small town communities that will survive have leadership, and Hillsboro has strong leadership.

21. ADJOURNMENT – Council meeting adjourned at 4:51 p.m.

/s/
LOUIS THURSTON, MAYOR

ATTEST:

/s/
JANICE K. MEISINGER, CITY CLERK