

Hillsboro, Kansas  
April 3, 2018

1. The city council met in regular session on Tuesday, April 3, 2018 at 4:00 p.m. in council chambers with Mayor Lou Thurston and Council members David Loewen, Byron McCarty, Brent Driggers, and Jonah Gehring present.

2. Others Present: Dan Kinning, Police Chief; Don Ratzlaff, Hillsboro Free Press; Josh Boehm, City Attorney; Phyllis Zorn, Hillsboro Star Journal; Barb Klein, 213 S. Date; Mark & Tammy Ward, 408 S. Ash; Christian Ward, 206 East "F" Street; Christopher Parrish, 113 S. Washington; Cheyenne Schroeder, 406 E. First; Tawnya Siebert, 101 S. Cedar; Bridgett Hamm, 107 S. Date; Brent Unruh, 1131 190<sup>th</sup>; Brandi Barney, 525 Lincoln, Tampa; Chris Frantz, 404 S. Birch; Terry Pierce, 404 S. Birch; Chad Hughbanks, 402 Briarwood; Breanna Allen, 205 S. Madison; Jessy Thouvenell, 205 S. Madison; Don Osenbaugh, Interim City Administrator; Larry Paine, City Administrator; and, Jan Meisinger, City Clerk.

**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 Driggers and seconded by Council member Loewen to approve the minutes of the 3-27-18 special meeting as presented. Motion carried unanimously.

**6. VOUCHERS** – Motion was made by Council member McCarty and seconded by Council member Driggers to approve the vouchers in the amount of \$68,104.91. Motion carried unanimously.

**7. REQUEST FROM MARION COUNTY FAIR BOARD – BEER GARDEN** – Bridgette Hamm, Brent Unruh, & Brandi Barney, from the Marion County Fair Board, met with council to request permission to facilitate a beer garden at the upcoming 2018 Marion County Fair. Fair Board members would run the beer garden for one night, during the demo derby, on Saturday, July 28<sup>th</sup>. Fair attendance is down and they are hoping this would attract more people. A portion of the southeast corner of the rodeo arena would be fenced off. No one would be allowed in the beer garden without a driver's license verifying they are 21 year or older. Anyone wishing to participate can purchase a wristband for \$12.00. The wrist band would allow the person to obtain up to 4 beers. There would be a limit of one wrist band per person. Each time someone acquires a beer, a fair board member would mark the person's wristband. Once an individual has reached their limit, they would not be served any more beer. Additionally, a person would only be served one beer at a time and no one would be allowed to obtain beer for anyone other than themselves. If the first year goes well, it is their hope to continue facilitating a beer garden at future fairs with the possibility of having the beer garden open an additional evening as well. Police Chief Dan Kinning said his position was the same as last year. He would not support allowing a beer garden at the county fair because the Police Department has spent years trying to keep alcohol out of the fair grounds. He said the sheriff was totally opposed to the idea as well. Council discussion followed. There were four items that council would like more information on:

- 1) Have Police Chief Kinning talk to Marion's chief to see if there were problems with the beer garden at Chingawassa Days.
- 2) Lowering the limit of beers sold per person.
- 3) Changing the cut off time for beer sales.

4) Providing a taxi service.

Motion was made by Council member McCarty and seconded by Council member Driggers to table this item until the May 1<sup>st</sup> meeting to allow time to gather the above information. Motion carried unanimously.

**8. PAY ESTIMATE #1 – NOWAK CONSTRUCTION** – Most of the sewer work has been completed by Nowak Construction in Groves Addition. There is a punch list to be completed and a 10% retainage. Motion was made by Council member Driggers and seconded by Council member McCarty to approve Pay Estimate #1 to Nowak Construction in the amount of \$95,931.45. Motion carried unanimously.

**9. PBC MEETING TO APPROVE INVOICE TO TRIPLETT WOOLF GARRETSON, LLC** – At 4:27 p.m., council recessed into a Public Building Commission meeting to approve the invoice to Triplett Woolf Garretson, LLC for legal work regarding the lot split for the old hospital building in the amount of \$2,178.00. The meeting adjourned at 4:30 p.m. and the regular council meeting resumed.

**10. DOG ORDINANCE** – Many of the people present at the council meeting had concerns about the new proposed dog ordinance. City Attorney Boehm felt there was a certain amount of misunderstanding and explained that a dog would have to have caused a problem and been ticketed for running at large or biting someone before the higher registration fee and liability insurance requirements would apply. We would no longer have a ban on pit bull dogs. This ordinance is more behavioral based. The ordinance identifies dangerous and vicious dogs. Section 5(j) states: No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.

The public was then invited to make comments.

- Objections were made to the list of breed specific dogs. They felt these regulations should apply to all dogs.
- There was more concern about what dog issues were happening in Hillsboro than what was happening across the state.
- Pets were considered members of the family and were sometimes used for property protection.
- It was pointed out that only 98 dog tags have been sold. There are many more dogs than that in Hillsboro so why wasn't there a penalty for not buying a dog tag?
- It was felt that once the dog was impounded, it should be kept for more than three days in order to find the owner.
- It was also felt that there should be some form of animal control for Hillsboro and for the whole county.

After further discussion, motion was made by Council member Gehring and seconded by Council member McCarty to table the ordinance and set a special meeting date for May 1<sup>st</sup> at 6:00 p.m. so more people could have public input. City Administrator Paine and City Attorney Boehm will work on revisions and will post a new draft on the city's website by April 17<sup>th</sup> for public review.

**11. SANITATION DISCUSSION** – Interim City Administrator Don Osenbaugh said it was time to have a discussion on whether the city was going to order a new truck and stay in the sanitation business or

privatize it. He also said the study done on solid waste 2 ½ years ago by Jim Heinicke was still relevant today. Mr. Osenbaugh estimated the cost to customers would be relatively the same either way - \$16-\$18/month. City Administrator Paine said we've spoiled our citizens in the services of extra pick-ups that we've provided and that they have become accustomed to. A private hauler probably wouldn't go back and pick up trash that someone forgot to put out. With a new truck and automated pick-up system, we could be more efficient. A new truck is \$300,000.00 and we've been setting aside money to purchase one for the last several years. We would need to buy new containers and rework the routes. We would also be able to pick up curb-side recyclables. One of our sanitation employees plans to retire this year and the other one is at retirement age as well. It will take some time to order a new truck and to work out a new plan. The Sanitation Department has one of the highest work comp rates for the city due to injuries that can typically occur. Motion was made by Council member McCarty and seconded by Council member Gehring that it is the intent of the city council to continue to operate the Sanitation Department internally. Motion carried unanimously. Our rates would continue to build a reserve to replace the truck again in 8-10 years.

**12. BOARD APPOINTMENTS** – Mayor Thurston made the following appointments to the Splash Pad group: Lena Hall, replacing David Vogel; Analisa Defiesta; and, April Gottwald. Motion was made by Council member McCarty and seconded by Council member Driggers to approve these appointments. Motion carried unanimously.

**13. CITY ADMINISTRATOR'S REPORT –**

*Hett Construction* – Motion was made by Council member Gehring and seconded by Council member McCarty to approve Pay Estimate #4 to Hett Construction for the "B" Street project in the amount of \$53,758.01; and, to approve Change Order #2 (final) to Hett Construction. The new contract price is \$274,319.80. Motion carried unanimously.

*KDHE Water Project* – City Administrator Paine said he was meeting with Don Hellar next week to get the KDHE water project back on the fast track.

*Christopher Parrish* – Christopher Parrish said he felt we had a feral cat problem in the city. He would like to see the city have an animal control person again.

**14. ADJOURNMENT** – Motion was made by Council member Gehring and seconded by Council member McCarty to adjourn at 6:10 p.m. Motion carried unanimously.

\_\_\_\_\_/s/\_\_\_\_\_  
LOUIS THURSTON, MAYOR

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
JANICE K. MEISINGER, CITY CLERK