

Hillsboro, Kansas
June 16, 2020

1. The city council met in regular session on Tuesday, June 16, 2020 at 4:00 p.m. in the City Hall East Meeting Room with Mayor Lou Thurston and Council members David Loewen, Byron McCarty, Renee Gehring, and Brent Driggers present.

2. Others Present: Robetta Trapp, 101 East "B" Street; Kevin Suderman, Hillsboro Hardware; Brent Unruh & Brandi Barney, Fair Board; Rickey Roberts, Marion County Extension Agent; Anthony Roy, Economic Development Director; Matt Stiles, City Administrator; Jonah Gehring, County Commissioner; Carla Hamm, Mama C's Take & Bake; Josh Boehm, City Attorney; Laura Paulus, Hillsboro Free Press; Phyllis Zorn, Hillsboro Star Journal; Larry Paine, Retiring 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 – Kevin Suderman read the following letter and asked that it become part of the record:

Hillsboro City Councilors: At today's meeting, you will address an ordinance regarding the downtown sidewalk. I have become aware of several things which you need to know as you consider not only this change, but also as you address the future of Hillsboro's downtown business district.

- 1. This process has taken over 1 year to complete and the ordinance in front of you was the culmination of a meeting which none of you except the mayor and Larry Paine were made aware of the middle of last summer. Renee Gehring and Jonah Gehring were there, as I made them aware. This meeting showed considerable distaste for continual road blocks to letting our businesses thrive.*
- 2. The businesses present were in agreement at that time that this process could be a gentlemen's agreement between the city and local businesses and it included the information in this now a "legal" document (which I am sure you paid plenty for).*
- 3. Hillsboro Hardware was not the first business to put things on the sidewalk – there were pop machines and benches in various places throughout the community. We just had the audacity to try to make our store look like it was alive and hopefully draw more eyes to downtown businesses and give \$1 for every \$100 spent back to the city. Our sales of mulch were up significantly by the way.*
- 4. Multiple businesses wanted to do the same thing, but had asked and were told that they couldn't since it was against UBC. They left it alone as the governmental process is slow and there seemed to be no help.*
- 5. The city is worried about their liability, but yet we are told that we are liable for cleaning the sidewalks of snow and ice. But when it turns retail, somehow we are now impeding on your liability? I also carry liability if someone gets hit by our door as they are walking by. Pallets eliminated that issue.*
- 6. Who is responsible for the liability of someone tripping over the bricks that are uneven and unattractive because of poor engineering? The meeting also identified this as a key issue and complaint of the downtown business owners.*
- 7. Why is it that the business community always needs to beg to have something changed? If I had blindly listened to the code enforcement, would we even be here today?*
- 8. What does the city council want from its businesses? It seems we bend over backwards to bring new business to town, but we rarely spend time trying to make it easy for existing businesses to expand or make things work better. We all want what is best for Hillsboro, but there are days that Main Street feels like it takes a back seat.*
- 9. Does UBC need to be adopted in the future or should it be sued only as a template? This code is a one size fits all approach, meaning that what is good for New York, is also good for Hillsboro. I realize codes are important, but there is no way that code can be completely applied to any particular municipality, and in many cases, is obtrusive and non-conducive to our small town's ability to thrive.*
- 10. Why can't our code enforcement make recommendations to changes to our code? Businesses many times are seven days a week jobs where we work before 8 and after 5 many of those days. When we have to beg our city to change something, it takes time away from our businesses and families - we already get to give you a piece of the action in taxes. Sometimes common sense can rule the day.*

I am not here to tell you that you shouldn't pass this ordinance. In fact, I am fully in favor. There are more instances of issues which I neither have the time for today, nor wish to discuss in open meeting, but would be more than happy to visit with you as individuals about.

If you have any questions, please feel free to contact me. Thank you for your time and consideration.
Kevin Suderman

Mayor Thurston thanked Mr. Suderman for his comments.

5. APPROVAL OF MINUTES FROM 5-26-2020 SPECIAL MEETING AND 6-2-2020 REGULAR MEETING – Motion was made by Council member Driggers and seconded by Council member Loewen to approve the minutes from the 5-26-2020 special meeting and the 6-2-2020 regular meeting. 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 \$66,663.99. Motion carried unanimously.

7. FAIR BOARD – BEER GARDEN – Brent Unruh and Brandi Barney met with council to ask for permission to have a beer garden again at the Marion County Fair. This would be their 3rd year to do so. Brent said they have learned something new each year, and last year was profitable for them. After discussion, motion was made by Council member McCarty and seconded by Council member Gehring to approve the beer garden with the same parameters as last year for any night they have an arena event in perpetuity so they don't have to come back every year to ask for permission. Vote: Council member McCarty, yes; Gehring, yes; Driggers, yes; Loewen, no. Motion carried.

Brent, Brandi, & Rickey Roberts then asked the city if they would consider a partnership with the Fair Board and county to turn the 4-H building at the fairgrounds into a community building that could be rented for wedding receptions and large events. The furnace would need updating, and air conditioning would need to be added. Merle Flaming, Flaming's Inc, submitted a proposal for approximately \$35,000.00. In support of the 4-H, Marion County Fair, Hillsboro, & Marion County, he will donate the labor for this project. Proposal does not include labor, sales tax, electrical, concrete unit pads or engineering. Their proposal would be to split this cost 1/3 city, 1/3 county, 1/3 fair board. The building would be managed by the fair board. Council member McCarty thought this was a good idea, but expressed concerns because the city doesn't own the building. The city, however, does own the land that it sits on. There is also the question about serving alcohol and having funds to contribute to this project, especially this year. Brent said they didn't expect an answer today, but wanted council to think about the idea. Mayor Thurston felt this made a lot of sense as a way of promoting people to come to Hillsboro. He said this deserved consideration; and, was all for cooperating, collaborating, and working together and thinking outside the box. He asked City Administrator Stiles to work with them to develop a proposal that included revenue estimates and where the funds could come from.

8. AIR B&B SPECIAL USE PERMIT – ORDINANCE 1308 - CASE ZSU2020-03 – Robetta Trapp applied for a special use permit for an Air B&B at 101 East B Street. This property is zoned R-2. The planning commission held a public hearing on May 28, 2020 and recommended approval to the city council. After discussion, motion was made by Council member McCarty and seconded by Council member Driggers to approve Ordinance 1308 – *(AN ORDINANCE OF THE CITY OF HILLSBORO, KANSAS PERMITTING A SPECIAL USE AMENDMENT FOR AN AIR B&B IN THE RESIDENTIAL ZONING DISTRICT (R-2) LOCATED AT 101 EAST B STREET UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS APPROVED BY ORDINANCE 1208)*. Motion carried unanimously.

9. SIDEWALK ORDINANCE 1309 – On May 28, 2020, the Hillsboro Planning Commission held a public hearing to consider the possible revision of zoning regulations concerning the use of sidewalks in the Central Business District. The case originates from enforcement action of the building inspector/code enforcement official. The hardware store placed several pallets of bagged mulch on the sidewalk outside the store. The existing ordinance prohibits placing anything on the sidewalks. A meeting was held with business owners where a plan was developed allowing a business to use the first 5 feet from the face of the building for placement of goods. Ordinance 1309 would repeal Ordinance 818 defining the use of sidewalks, including uses within the Central Business District. Even though the sidewalks do not belong to the owner of the businesses, they are required, by ordinance, to keep them clean and free of ice and snow. Kevin Suderman asked what the city wanted. He felt having bagged mulch in front of his store helped sell it. He was just trying to make a living and planned to keep things neat and not a mess in front of his store. Rules should not be stricter than they needed to be. He also asked that the business owners be given a copy of the revised ordinance before the next city council meeting. And, he didn't think this process should have taken a whole year to complete. Because the front of the buildings

are different, Ben has come up with the solution of keeping the sidewalk clean the first 10 feet behind the curb. This was not stated in the ordinance. After further discussion, this item was tabled until the July 7th city council meeting.

10. The Employee Safety Committee has been reviewing the confined space policy and is recommending replacement of the permit form. One of the primary locations for use of the confined space is at the swimming pool. Motion was made by Council member McCarty and seconded by Council member Driggers to approve the revised Policy #62. Motion carried unanimously.

11. Every year, we have a safety audit from KMIT. They recommended that we add a Fleet & Vehicle Policy. This policy covers what to do in an accident, what behavior is acceptable when operating a vehicle, and guidance for using mobile telephones while driving. Motion was made by Council member McCarty and seconded by Council member Loewen to approve Policy #90 – Providing Guidance Concerning the Operation of City of Hillsboro Vehicles & Equipment. Motion carried unanimously.

12. KDOT REIMBURSEMENT – HWY 56 & INDUSTRIAL ROAD – We have the final invoice for engineering on the Hwy 56/Industrial Road project (57 KA-4666-01). Request #10 is for \$7,314.69. The bid opening for this project will be tomorrow. Motion was made by Council member McCarty and seconded by Council member Gehring to approve Reimbursement Request #10 from KDOT. Motion carried unanimously.

13. ELCON INVOICES – Motion was made by Council member McCarty and seconded by Council member Loewen to approve Invoice 12138 (\$78.05) and Invoice 12139 (\$53.12) to Elcon Services, Inc. Vote: Council member McCarty, yes; Driggers, yes; Loewen, yes; Gehring, abstained. Motion carried.

14. BOARD APPOINTMENTS – Mayor Thurston reappointed Staci Silhan, Anthony Roy and Shana Stepanek to the Convention & Tourism Board. Motion was made by Council member McCarty and seconded by Council member Driggers to approve these appointments. Motion carried unanimously.

Mayor Thurston appointed Krista Heinrichs (filling vacancy) on the Hillsboro Planning Commission. Motion was made by Council member McCarty and seconded by Council member Driggers to approve this appointment. Motion carried unanimously.

15. CITY ADMINISTRATOR'S REPORT – Mayor Thurston said this would be City Administrator Paine's last report. For the record, he wanted to express his appreciation personally for Larry's service to the community, service to the staff, and the way he has conducted himself for the past 13 years. City Administrator Paine thanked the mayor and quoted Jackie Robinson as saying "life is not important except for the impact it has on other lives". What we do every day has a very specific impact on the 3,000+ souls we serve. This is how he has wanted to serve this community and the other communities where he has been.

16. BACKYARD SWIMMING POOLS – Because the city swimming pool is closed this summer, the building inspector has noticed an increase in backyard swimming pools. Section 303.2 of the International Property Maintenance Code states pools that are 24" or taller are required to be fenced. We are proposing that the code section requiring a fence be eliminated this summer so residents have options for their children. We are also proposing that a temporary permit be required for the 2020 season so that we can follow up next season to assure that the fencing requirement is enforced. Pools 48" or more will still require fencing. After further discussion, motion was made by Council member Driggers and seconded by Council member Loewen to approve Resolution 2020-05 – (*A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF HILLSBORO, KANSAS, REPEALING SECTION 303.2 OF THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE*). Council was polled with the following vote: Council member Loewen, yes; Driggers, yes; Gehring, no – because of safety concerns; and, McCarty, no – also because of safety concerns. Tie vote: Mayor voted yes. Motion carried. City Administrator Stiles will bring this back to council in November to reinstate the fence requirement.

17. RECYCLING – Mayor Thurston said City Administrator Paine, City Administrator Stiles, Dale Dalke, Ben Steketee, and himself met with the county commissioners Monday afternoon regarding recycling. It is costing \$120.00/ton to take the recycling to Hutchinson vs \$38.00/ton to take it to El Dorado as trash. Cities may be asked to pay the difference. Hillsboro has taken 110 Ton of recyclables in the past 5 months, and Hillsboro generates 63% of all recycling materials taken to the transfer station. The county is willing to work on a plan to continue recycling as we've already made a significant investment to do recycling. Mayor Thurston thanked County Commissioner Gehring for his leadership.

18. AMBULANCE STATION – Mayor Thurston said there was still work to be done on the ambulance station. The city is working with the county for a new location that will be adjacent to the city’s future emergency service center. There are still hurdles to jump over, but we are moving in the right direction. Ambulance service is not an option for Hillsboro.

19. MOWING – Council member Gehring said a citizen had complained about the northeast corner of 2nd & Ash. The lot needs to be mowed.

20. ADJOURNMENT – Council meeting adjourned at 5:26 p.m.

/s/
LOUIS THURSTON, MAYOR

ATTEST:

/s/
JANICE K. MEISINGER, CITY CLERK