

Hillsboro, Kansas
April 15, 2008

1. The city council met in regular session on Tuesday, April 15, 2008 at 4:00 p.m. in council chambers with Mayor Delores Dalke and Council members Bob Watson, Shelby Dirks, Shane Marler & Byron McCarty present.

2. Others Present: Don Ratzlaff, Hillsboro Free Press; Susan Berg, Hillsboro Star Journal; Bob Previtera, Reiss & Goodness Engineers; Dan Baldwin, City Attorney; Mark Pankratz, 218 N. Adams; Tootsie Schmidt, 401 Floral Drive; Ronald Brown, 115 Floral Drive; Dr. Jeffrey Henderson, 511 S. Wilson; Anita Unruh, Representative for Jr. Trojan Baseball; Ron Herbel, 403 Floral Drive; Tom Koslowsky, 406 S. Oak; Jerry & Joan Jost, 802 West "B"; Stan Eitzen, 307 Floral Drive; Pat Nuss, 705 West "B"; Larry Paine, City Administrator; and, Jan Meisinger, City Clerk

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

4. PUBLIC COMMENTS – Dr. Jeffrey Henderson, 511 S. Wilson, said he had come before council in August 2007 with concerns about the easement between Wilson & Adams Streets. He had asked for a plan for the asphalt removal and the reseeding of the easement to grass. The engineer has confirmed that the area in the 500 block of South Wilson is in fact an easement and not an alley. The asphalt is impinging across his property line, and he has taken steps in his backyard so water will drain away from his house. If the asphalt is removed, the area will absorb more water, and there will be less runoff. City Administrator Paine said the city has been looking at drainage as a whole. Some specific remedies are not going to be simple ones to deal with and might complicate the problem more for other property owners. He said he hoped to resolve this problem later this summer. Dr. Henderson said his neighbor, Dale Franz, also started having drainage problems after the placement of the asphalt.

5. MINUTES – The minutes of the 3-27-08 special meeting were approved as distributed.

6. VOUCHERS – City Clerk Meisinger said there was a correction to the voucher list. The payment to Kansas Publishing Ventures needed to be increased by \$30.40. The Recreation Commission is paying half (not all) of the ad for summer help at the sports complex. This addition would make the total \$144,272.06. Motion was made by Council member Dirks and seconded by Council member Marler to approve the vouchers with the above correction. Motion carried unanimously.

7. OATHS OF OFFICE AND COUNCIL REORGANIZATION – PBC MEETING
– City Clerk Meisinger administered oaths of office to Byron McCarty & Shelby Dirks.

Motion was made by Council member Marler to nominate Shelby Dirks for council president. Motion was seconded by Council member McCarty. No other nominations were made. Motion carried unanimously.

At 4:19 p.m., council recessed to a Public Building Commission meeting. The regular council meeting resumed at 4:20 p.m. Council member Bob Watson was elected chairman of the Public Building Commission.

8. PUBLIC HEARING – NEIGHBORHOOD REVITALIZATION – At 4:20 p.m., council recessed into a public hearing to consider the adoption of a Neighborhood Revitalization Plan for the area along “D” Street, and areas along Ash, Birch & Cedar Streets.

City Administrator Paine distributed copies of the entire plan, including property owners and market values, plus a map of the designated area. The public hearing notice was published two times in the city’s official newspaper. This plan would provide a mechanism for property owners to apply for and get a 95% rebate on their property tax bill if \$5,000.00 is spent on appraised improvements on residential property and \$15,000.00 is spent on appraised improvements on commercial property for a period starting at 10 years. The rebate would be on the additional improvements. No public comments were received. The public hearing closed at 4:26 p.m., and the regular council meeting resumed.

9. ORDINANCE 1168, RE: NEIGHBORHOOD REVITALIZATION – Motion was made by Council member McCarty and seconded by Council member Marler to approve Ordinance 1168 – *AN ORDINANCE ADOPTING A NEIGHBORHOOD REVITALIZATION PLAN AND DESIGNATING A NEIGHBORHOOD REVITALIZATION AREA*. Council was polled with the following vote: Marler, yes; McCarty, yes; Dirks, yes; Watson, yes. Motion carried unanimously.

10. ASSIGNMENT OF SALE OF CONCESSIONS TO HILLSBORO JR. TROJAN BASEBALL – The concessions agreement approved last month allowed for the assignment of the concession operations to another group, with the approval of the Lions Club. The city has received a request to assign the concessions to Anita Unruh, representative for Jr. Trojan Baseball, on April 26-27, 2008 for a baseball tournament. This tournament, approved by the Hillsboro City Recreation Director, will use the baseball fields at the Sports Complex and Memorial Field.

The Hillsboro Jr. Trojan Baseball team agrees to the following terms:

- (1) The Hillsboro Jr. Trojans will sell concessions at the pavilion at the Hillsboro Sports Complex and will not use the Lions Club concession building.
- (2) Concessions will include, but not be limited to: hot dogs and/or hamburgers, nachos, candy, pop, Gatorade & bottled water.
- (3) The Hillsboro Jr. Trojans will pay the City of Hillsboro twelve percent (12%) of gross sales, excluding sales tax, from the sales of concessions at the Hillsboro Sports Complex. This payment will be made by June 1, 2008.

This proposal has been approved by the Lions Club. Mayor Dalke also wanted to make clear that if there was an injury, ice would be provided. Mrs. Unruh agreed. Motion was made by Council member Watson and seconded by Council member Dirks to approve this contract for sale of concessions for April 26-27, 2008. Motion carried unanimously.

11. RESOLUTION 2008-02 – GAPP WAIVER – Motion was made by Council member Watson and seconded by Council member McCarty to approve Resolution 2008-02 – *A RESOLUTION REGARDING THE WAIVER OF GENERAL ACCEPTED ACCOUNTING PRINCIPLES IN THE PREPARATION OF FINANCIAL STATEMENTS AND FINANCIAL REPORTS FOR THE CITY OF HILLSBORO, KANSAS FOR FISCAL YEAR 2007*. Council was polled with the following vote: Marler, yes; McCarty, yes; Dirks, yes; Watson, yes. Motion carried unanimously.

12. WEST WIND DEVELOPMENT ISSUES – City Administrator Paine said the city was asked to issue a building permit for the relocation of a house on “B” Street in the area that is generally called West Winds. Concerns were raised by the neighbors that stormwater would cause an adverse effect on their property. This could also affect property owners along Floral Drive. He said there were two competing and appropriate issues. (1) Property owners have a right to develop property as they see fit; and, (2) any possible adverse effects the development might incur must be dealt with. The concerns come from two different parts. Street drainage on “B” and the utility easement between “A” & “B” Streets. There are water, sewer, electric, gas telephone, and cable lines in the easement. Although an easement is part of private property, all utility entities have the right of ingress. Easements are usually given as part of the platting process. One problem is that sometimes people assume that this space is an alley, which is a public right-of-way. A utility easement is not a drainage easement. City Administrator Paine had asked Bob Previterra, Reiss & Goodness Engineers, to look at this area and offer some solutions on how to deal with potential stormwater. He has made a study and recommendation of the area on Floral Drive/Oak Street. Since the water from “B” Street will eventually end up in this area, the solutions need to tie together. Mr. Previterra said that possibly the easement between “A” & “B” Streets would need to be regraded to get water to move better. Ron Herbel expressed concern about the amount of water that he has had in his backyard and basement. Council has discussed the ditches on both sides of Oak Street, and enlarging the culvert to move water across the street to the south side of “D” Street. Ron Brown had several ideas on how to make this situation better, which included cutting “B” Street down, paving it, and installing curb & gutters. Mr. Previterra agreed that improvements to streets would help, but it wasn’t the entire answer. Council had copies of the minutes from when West Winds was first developed. The agreement was that streets could go in after five years or when all the houses were built, whichever occurred first. This could have happened as early as 2000, but didn’t. Mayor Dalke pointed out that if this were to occur, the cost would be charged back to the property owners as special assessments to anyone who benefited from it. After further discussion, motion was made by Council member Watson and seconded by Council member Dirks to retain Bob Previterra, Reiss & Goodness Engineers, to develop a plan for this area that will tie in with his earlier proposal. Motion carried unanimously. Mr. Previterra estimated that this will probably take 4-6 weeks. Council wanted to make clear to

everyone present that they have been discussing drainage issues at almost every meeting. City Administrator Paine is on board now, and there are two different council members. Council is aware that drainage is a major concern for the entire town. It then becomes a matter of setting priorities and figuring out how to pay for improvements. Mrs. Nuss said she had until August to move the house. The next time it rains, city officials are going to observe the flow of rainwater in different areas of the city.

13. ARBOR DAY PROCLAMATION – Motion was made by Council member McCarty and seconded by Council member Watson to approve the mayor signing the Arbor Day Proclamation. Motion carried unanimously.

14. PAY ESTIMATES – SEWER LAGOON PROJECT – Motion was made by Council member Marler and seconded by Council member Watson to approve Pay Estimate No. 1 to APAC-Kansas in the amount of \$131,650.02. Motion carried unanimously.

Motion was made by Council member McCarty and seconded by Council member Marler to approve Invoice 6612 to EBH, for construction inspector, in the amount of \$8,525.20. Motion carried unanimously.

Motion was made by Council member Marler and seconded by Council member Dirks to approve Invoice 6613 to EBH, for construction staking, in the amount of \$6,250.00. Motion carried unanimously.

Motion was made by Council member Watson and seconded by Council member Dirks to approve Invoice 6614 to EBH, for engineering services, in the amount of \$27,656.00. Motion carried unanimously.

Motion was made by Council member Marler and seconded by Council member Watson to approve the mayor signing the request for disbursement of funds from KDHE in the amount of \$174,081.22. Motion carried unanimously.

15. NOISE ORDINANCE VARIANCE – TABOR COLLEGE – Cindy Denning, Tabor Student Activities Board Sponsor, is requesting a variance on the city's noise ordinance. Tabor College plans to have an all-afternoon event of live music on Saturday, April 19th. They have bands scheduled to play until 10:40 p.m. The city's noise ordinance limits noise to 10:00 p.m. Motion was made by Council member Dirks and seconded by Council member Marler to approve this request. Vote: Dirks, Marler, Watson, yes; McCarty, abstained. Motion carried.

16. RESOLUTION 2008-03/ICMA-RC DEFERRED COMPENSATION PLAN – Motion was made by Council member McCarty and seconded by Council member Watson to approve Resolution 2008-03 establishing an ICMA-RC Deferred Compensation Plan. Council was polled with the following vote: Marler, yes; McCarty, yes; Dirks, yes; Watson, yes. Motion carried unanimously. This plan is open to all

employees and was part of the employment provisions in City Administrator Paine's employment agreement.

17. REVIEW 2008 CHIP SEAL PROJECTS – Last fall, Dale Dalke proposed doing a chip seal project that included a number of streets. Due to the weather turning cold before the project was started, we postponed that phase. Dale has worked up a list of streets for the 2007 projects and a 2008 project. The streets include:

2007 Chip Seal Projects

<u>Street</u>	<u>Between</u>	<u>Sq yard</u>
Adams	“A” to “B”	1,770
“A”	Eisenhower to Jefferson	6,740
Elementary School	Circle Drive	450
Jefferson	Grand to “A”	2,444
Main	“D” to “F”	3,200
“F”	Ash to Washington	2,160

2008 Chip Seal Projects

“C”	Adams to Kennedy	2,480
Kennedy	“A” to “C”	2,859
Wilson	“A” to “C”	3,468
Wilson	“C” to “D”	1,290

The total estimated cost is going to be between \$32,000.00-33,000.00 (\$1.28 sq yd). Council felt these projects should be completed by the end of July while the weather is hot. Motion was made by Council member Watson and seconded by Council member Marler to proceed with these projects. Motion carried unanimously.

18. ENGINEER'S REPORT –

Hillsboro Business Park – Mr. Previtera told council that FEMA has approved the letter of map amendment for the Hillsboro Business Park. This means tenants will not be required to purchase flood insurance.

19. BOARD APPOINTMENTS – none

20. FOLLOW-UP FROM PREVIOUS COUNCIL MEETINGS –

Economic Development Policy – This will be discussed at the second council meeting in May.

AMPI - The PEC team will be coming back a second time to look at additional roofing issues. We can also have them look at the basement for structural integrity.

Drainage – Council discussed drainage issues on North Adams. The ditch in the railroad right-of-way needs to be cleaned. The Willow Road ditch needs to be dealt with as well. Mayor Dalke reminded everyone that the Third Street project was a drainage project, not a street project. The city has also applied several times, unsuccessfully, for grants to redo Adams Street. She said we needed to look at the “big picture” and not just at one area. City Administrator Paine said the appropriate way to deal with this is to develop a capital improvements plan for a number of years. The city does not have enough money to fix all of the problems that he knows about. We need to bite off small chunks at a time so we are not creating more problems down the way. We will have to do what we can with the money we have.

Buxton – Still working with the class at Tabor on retail selections.

Replace Phone System – Reminder that this is still a need.

Wastewater Treatment Facility Improvements – Project is under construction.

21. CITY ADMINISTRATOR’S REPORT – The city received a check for Lots 4 & 5 in Hillsboro Heights, which is between the motel & Sonic, for \$20,000.00. The actual asking price is \$25,250.00. Council felt it would be appropriate to do a counter offer of \$22,500.00.

22. ADJOURNMENT – Motion was made by Council member McCarty and seconded by Council member Marler to adjourn at 6:23 p.m. Motion carried unanimously.

DELORES DALKE, MAYOR

ATTEST:

JANICE K. MEISINGER, CITY CLERK