

Hillsboro, Kansas
August 18, 2020

1. The city council met in regular session on Tuesday, August 18, 2020 at 4:00 p.m. in the City Hall East Meeting Room with Mayor Lou Thurston and Council members Byron McCarty, Renee Gehring, Brent Driggers, and David Loewen present.

2. Others Present: Jared Jost, Jost Funeral Home; Phyllis Zorn, Hillsboro Star Journal; Jonah Gehring, Marion County Commissioners; 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. APPROVAL OF MINUTES FROM 8-4-2020 REGULAR MEETING – Motion was made by Council member McCarty and seconded by Council member Loewen to approve the minutes of the 8-4-2020 meeting as presented. Motion carried unanimously.

6. VOUCHERS – Motion was made by Council member McCarty and seconded by Council member Loewen to approve the vouchers in the amount of \$450,020.53. Motion carried unanimously.

7. PURCHASE OF ELECTRIC POLES – The Electric Department would like to purchase 41 electric poles to complete current projects and replenish stock. Two prices were received – Bell Lumber - \$15,436.00 (delivery in seven weeks); Bridgewell Resources, LLC - \$13,067.30 (delivery in two weeks). Motion was made by Council member Loewen and seconded by Council member Driggers to approve the purchase of utility poles from Bridgewell Resources, LLC at a cost of \$13,067.30. Motion carried unanimously.

8. ZONE CHANGE ORDINANCE #1316 – JOST FUNERAL HOME – Jared Jost, Jost Funeral Home, has applied for a zoning change from its current R-2 (Two Family Dwelling) zoning to C-2 (General Business District) to allow for the installation of a crematory unit to be installed in the existing garage on the property. The Planning Commission held a public hearing on July 30, 2020 with no public speaking against the project. Jared Jost was present to provide information and answer questions regarding the proposed crematory. Crematories are tightly regulated by the Kansas State Board of Mortuary Arts and are regularly inspected multiple times per year. A crematory facility is relatively small (9'x12'x8') and does not produce any unpleasant smells or sounds. Mr. Jost has run a crematory facility in the past and has indicated that the requests for the service have led to this decision. The Planning Commission, as part of approving this zone change, recommends that the City Council consider amending the R-2 zoning to allow for funeral homes and crematories. Currently, the zoning code allows for funeral homes and crematories in conjunction with a cemetery in lower zoning use categories, such as R-S and A-L, with a conditional use permit. If Council was to amend the R-2 zoning, Mr. Jost has indicated a willingness to zone the property back to R-2. Motion was made by Council member McCarty and seconded by Council member Driggers to approve Ordinance 1316 – *(AN ORDINANCE REZONING A PARCEL OF PROPERTY FROM R-2 (TWO FAMILY DWELLING DISTRICT) TO C-2 (GENERAL BUSINESS DISTRICT) PROVIDED FOR BY CHAPTER 24-1.01 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.

9. RESOLUTION 2020-07, KPERS 457 – KPERS 457 is an optional retirement program that employees can voluntarily participate in. The plan is a tax advantaged (pre-tax contributions) and open to KPERS members. Funds are managed like a traditional 401(K) or IRA funds, but have higher contribution limits and lower fees because of the 457(b) tax classification. Contributions can be automatically deducted from employee’s paychecks and require no contributions from the City. Motion was made by Council member Driggers and seconded by Council member McCarty to approve Resolution 2020-07 – (*A RESOLUTION AUTHORIZING A DEFERRED COMPENSATION PLAN FOR THE EMPLOYEES OF THE CITY OF HILLSBORO, KANSAS*). Council was polled with the following vote: Council member Gehring, yes; McCarty, yes; Loewen, yes; Driggers, yes. Motion carried unanimously.

10. OVERTIME PAY – EMPLOYEE HANDBOOK CHANGE – The current handbook states that pay for hours worked over 40 (or 86 for police officers) will be taken as compensatory time off rather than overtime. The practice has been to allow employees to select comp time or overtime with a cap of 24 hours. However, those practices go against the official policy. The new policy language would allow for both comp time and overtime pay if approved by the department head or city administrator. A cap of 36 hours would be put in place. The same amount of time accrues whether it is comp or overtime pay. Motion was made by Council member McCarty and seconded by Council member Gehring to approve the following:

Overtime Work – Compensation for authorized overtime work shall be at the rate of one and one-half times the employee’s regular rate of pay, and shall be given in the form of compensatory time off or overtime pay. All employees must physically work forty (40) hours per week before accruing any overtime. Compensatory time cannot be used to substitute for the required forty (40) hours. Employees can only accumulate thirty-six (36) hours of compensatory time. The city administrator may compel the use of compensatory time off at the City’s discretion.

No person employed in an exempt administrative, executive or professional position, as defined by the Federal Fair Labor Standards Act, shall be eligible for overtime pay. These positions are defined as “FLSA-Exempt”.

All “FLSA Non-Exempt” employees shall be eligible to receive overtime compensation for all hours worked in excess of the normal city work week, except for full-time police officers and firefighters. Full-time police officers shall be eligible to receive overtime compensation only for work hours in a work period which exceed 86 hours per 14-day work period (or for any proportionate number of hours worked in a work period from 7 to 28 days at the City’s option). City employees who serve as volunteer firefighters will not receive overtime as part of their volunteer activities.

All overtime work must have prior authorization by the employee’s department head or the city administrator. Department heads or the city administrator shall determine if overtime is to be paid as overtime wages or as compensatory time. The payroll clerk shall maintain the official record of overtime worked and compensatory time accrued. Upon termination of employment, any accrued compensatory time will be paid to the employee at the final regular rate of pay received.

Motion carried unanimously.

11. APPROVAL OF DOWNTOWN MOVIE ON SEPTEMBER 12TH – The Chamber and CVB are requesting that the City close Main Street from 1st to Grand to host a community movie night downtown. The City has also been asked to help with hanging the 25’ movie screen for the event. The exact location is to be determined by the best location for the screen. Movie night would include up to four food truck

vendors starting around 5:00 p.m. The people would be encouraged to bring lawn chairs and have approximate social distance or watch from their cars. Midway Motors is providing the screen, will handle the projection, and will provide popcorn. The CVB is planning to screen cartoons for children before showing "Grease". The intention is to provide a safe, family friendly activity around the time that the now cancelled craft fair would have been. Police Chief Dan Kinning can close streets temporarily for parades, but the traditional practice has been for council to approve closures for events like the one proposed. Motion was made by Council member Gehring and seconded by Council member Driggers to approve the closure of streets in the downtown area for the September 12th Community Movie Night. Motion carried unanimously. It was the consensus of the Council to give the city administrator the authority for street closings of this nature in the future.

12. ELCON INVOICES – Motion was made by Council member Driggers and seconded by Council member Loewen to approve Invoices 12248, 12260 and 12261 to Elcon Services, Inc. for items for the sign, and Street and Water Departments. Total due is \$1,730.00. Vote: Council member Driggers, yes; Loewen, yes; McCarty, yes; Gehring, abstained. Motion carried.

13. PBC MEETING TO APPROVE INVOICES – At 4:25 p.m., council recessed into a Public Building Commission meeting to approve invoices relating to the old hospital. The meeting adjourned at 4:27 p.m. and the regular council meeting resumed.

14. BOARD APPOINTMENTS – none

15. 2019 AUDIT REPORT – DANIELLE HOLLINGSHEAD – ADAMS, BROWN, BERAN & BALL – Danielle Hollingshead, Adams, Brown, Beran & Ball presented the 2019 Audit Report. The City exceeded its budget authority by \$34,557.00 in the General Fund and \$16,351.00 in the Fire Equipment Replacement Reserve Fund, which is a violation of K.S.A. 79-2935. She also reviewed the Governance Letter and the Management Letter. Motion was made by Council member Driggers and seconded by Council member Loewen to receive the 2019 Audit Report from Adams, Brown, Beran & Ball as submitted. Motion carried unanimously.

16. CITY ADMINISTRATOR'S REPORT –

Fiber Project: Our fiber project is moving along much faster than we had hoped. The pre-construction meeting is scheduled for August 24th. Despite some delays caused by the Army Corps of Engineers, TCT was able to move forward. The project build time is estimated at 5.5 months. They hope to be completed with the Hillsboro deployment by April, if the weather cooperates. The first phase is to do the business clients, then move into residential zones. City Administrator Stiles also applauded our congressional delegation, Rep Marshall and Sen. Moran, for their support and advocacy with the Corps of Engineers. They have since contacted the Corps to help prevent further delays on behalf of communities like ours.

KDOT Projects: KDOT notified the City that the project at US-56 and Industrial, and the hospital trail project, have been delayed. The contractor, Andale Construction, asked for the project to be moved due to scheduling issues. The original pre-construction date was August 25 and has now been moved to mid-October. Construction would be in mid-November or possibly early spring depending on the weather.

Fire Protection Meeting: Chief Steketee and City Administrator Stiles met with our fire protection partners from Liberty Township, Risley Township, Lehigh Township, and Menno Township on Thursday,

August 13th. The City of Lehigh was invited, but could not attend because it was their budget meeting night. The intention was to give an update on our service, introduce City Administrator Stiles, and talk about how the Fire Advisory Board functions. It was a productive meeting, and they should have more recommendations for the Fire Advisory Board membership.

Council Room AV and Zoom Meetings – Glanzer Pro Audio is working on our proposal, but has hit a snag with availability of some of the equipment. Chris is seeking additional options from suppliers and will have something as soon as possible.

KPP – Mayor Thurston and City Administrator Stiles attended a seminar from KPP on Advanced Metering Infrastructure (AMI). It is a step up from our current drive-by system that allows meters to be read, connected/disconnected, and monitored from City Hall. The system would also need to support our water infrastructure. We’ve made a big investment in a Sensus system on the water side, but there are other options. KPP could finance the upgrades, and Brooke Carroll may discuss those options at the orientation.

Community Plaza – Our staff met with Staci Silhan on the Community Plaza project. To move the project forward, we need to invest in an official architectural or engineering plan. City Administrator Stiles plans on putting out an RFP to solicit bids from architect or engineering firms. The Plaza Committee has raised, or has commitments of, approximately \$100,000.00; and, KPP has programs that would support pay for up to \$25,000.00 in solar power deployment. With a formal adopted plan, we can begin working on the project, and the Committee can intensify the private fundraising efforts. City Administrator Stiles hopes to have proposals back in a month for consideration.

Tabor/Hospital Project – Working in cooperation with Tabor and MDS, we added two new exit doors to the facility to satisfy code requirements. The sprinkler replacement is in process with heads and materials awaiting delivery. Once the fire marshal’s code review and the fire sprinklers are completed, all the necessary work will be completed for Tabor’s use. As of Friday, August 14th, Tabor has had no positive Covid-19 tests.

Mayor Thurston expressed his frustration at the slow down on the KDOT projects. He said it was disappointing that the contractor requested a delay when the other bidder was ready to go.

17. ADJOURNMENT – Council meeting adjourned at 4:44 p.m.

/s/
LOUIS THURSTON, MAYOR

ATTEST:

/s/
JANICE K. MEISINGER, CITY CLERK

