

Hillsboro, Kansas
August 4, 2020

1. The city council met in regular session on Tuesday, August 4, 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: Phyllis Zorn, Hillsboro Star Journal; Josh Boehm, City Attorney; Wayne & Neva Kreutziger; Jonah Gehring, Marion County Commission; Matt Stiles, 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. APPROVAL OF MINUTES FROM 7-21-2020 REGULAR MEETING – Motion was made by Council member Gehring and seconded by Council member Driggers to approve the minutes of the 7-21-2020 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 \$447,566.56. Motion carried unanimously.

7. 2021 BUDGET HEARING – The 2021 budget hearing notice was published in the 7-15-2020 edition of the Hillsboro Star Journal with a maximum mill levy of 47.274. Since then, City Administrator Stiles has made some adjustments to bring the mill levy down to 46.279, which is .995 less than the current mill levy. This represents a \$.26 per year increase in the tax bill for an average house in Hillsboro. No public comments were received. The budget hearing closed and motion was made by Council member Driggers and seconded by Council member McCarty to approve the 2021 budget. Council was polled with the following vote: Council members McCarty, yes; Gehring, yes; Driggers, yes; Loewen, yes. Motion carried unanimously.

8. AGREEMENT BETWEEN CITY & TABOR COLLEGE, RE: OLD HOSPITAL – Council received copies of Tabor’s reopening plan and the proposed lease between the City and Tabor for use of the old hospital. The term of the lease is for 10 months. City Attorney Boehm said it included everything in the MOU, plus some added items regarding maintenance, utilities, liability insurance, etc. After further discussion, motion was made by Council member McCarty and seconded by Council member Loewen to approve the mayor signing the lease. Motion carried unanimously.

9. ADD VETERAN’S DAY AND MARTIN LUTHER KING, JR DAY TO LIST OF CITY HOLIDAYS – In order to add these holidays, Council would need to modify the handbook. City Administrator Stiles said the direct cost for each day would be approximately \$1,350.00. Each police officer gets 8 hours for holiday pay, and it includes on-call for water and sewer. There is room in both budgets (2020 & 2021) for the additional cost. Motion was made by Council member McCarty and seconded by Council member Loewen to approve adding Veteran’s Day and Martin Luther King, Jr Day to the City holiday list in the employee handbook. Motion carried unanimously.

10. REIMBURSEMENT REQUEST #24 – KDHE WATER IMPROVEMENTS – Motion was made by Council member Gehring and seconded by Council member Driggers to approve Payment Request #24 to KDHE for the water project for EBH & Associates for \$1,102.00. Motion carried unanimously.

11. CDBG FUNDING & REQUEST FOR PROPOSALS FOR ADMINISTRATION – Last week, we were notified that the City was awarded \$132,000.00 from the Department of Commerce for the CDBG-CV grant under Round Two. This money can be granted to local businesses and used for inventory, wages, rent, utilities, and other essential expenses. To be eligible for this money, the business must: Incurred some sort of loss because of COVID-19 (Loss of revenue or additional expenses); 51% of its employees must be low-moderate income. The City has seven, and possibly eight, applications. Ten percent of the grant can be used for professional administration. Motion was made by Council member Driggers and seconded by Council member McCarty to approve the mayor signing the Grant Agreement No. 20-CV-088; and, to approve sending out requests for proposals for grant administration. Motion carried unanimously.

12. ORDINANCE 1314 – REGARDING FIRE DEPARTMENT APPOINTMENTS – The Council took action to allow the City Administrator to appoint the firefighters that have completed the prospecting process; however, the City Code still required that the Council approve all firefighters. Ordinance 1314 addresses

that in Section 1. Motion was made by Council member McCarty and seconded by Council member Driggers to approve Ordinance 1314 – *(AN ORDINANCE REPEALING AND REPLACING ORDINANCES 568 AND 612 RELATING TO THE FIRE DEPARTMENT IN THE CITY OF HILLSBORO, KANSAS, ITS ORGANIZATION, GOVERNMENT AND REGULATIONS)*. Council was polled with the following vote: Council members McCarty, yes; Gehring, yes; Driggers, yes; Loewen, yes. Motion carried unanimously.

13. PROPERTY SALE IN HILLSBORO HEIGHTS – Last week, Wayne & Neva Kreutziger offered to purchase Lot 3, Block 3 in Hillsboro Heights. The listed lot price is \$4,591.00. The Kreutzigers have offered to purchase it for \$4,000.00. They have also purchased the gun store located west of the lot. Kessler Kreations has moved to this location. They plan to either put self-storage units or a laundromat on Lot 3. Motion was made by Council member McCarty and seconded by Council member Loewen to accept this offer of \$4,000.00. Motion carried unanimously.

14. LARGE CHEMICAL PURCHASE – The Water Department normally purchases powdered activated carbon at 15 bags per order. One 900 lb. bag lasts about a month. If the Water Department would purchase a whole load of 20 bags, the savings would be \$9,000.00. City Administrator Stiles said the Water Department has sufficient funds and storage space to make this purchase. Motion was made by Council member McCarty and seconded by Council member Gehring to approve this chemical purchase for \$23,040.00. Motion carried unanimously.

15. ORDINANCE 1315 – CREATING A SPECIAL LAW ENFORCEMENT TRUST FUND – Forfeited assets from criminal cases would be deposited in the Special Law Enforcement Trust Fund. Motion was made by Council member McCarty and seconded by Council member Loewen to approve Ordinance 1315 – *(AN ORDINANCE ESTABLISHING A SPECIAL LAW ENFORCEMENT TRUST FUND IN CONFORMANCE WITH K.S.A. 60-4101 ET SEQ., WITHIN THE CITY OF HILLSBORO, KANSAS)*. Council was polled with the following vote: Council members McCarty, yes; Gehring, yes; Driggers, yes; Loewen, yes. Motion carried unanimously.

16. FIRE SPRINKLER REPAIR @ OLD HOSPITAL – In order for the college to use the old hospital, the fire sprinkler system needs to be repaired. (Sprinkler heads need to be replaced and the system needs to be pressurized). The bid from American Fire Sprinkler to do this is \$13,860.00. Motion was made by Council member McCarty and seconded by Council member Driggers to approve the bid from American Fire Sprinkler for \$13,860.00 to repair the sprinkler system in the old hospital. Motion carried unanimously.

17. ELCON INVOICE – Motion was made by Council member Driggers and seconded by Council member Loewen to approve Invoice 12231 to Elcon Services, Inc., in the amount of \$140.06, for work at the water plant. Vote: Council members McCarty, Driggers, & Loewen, yes. Council member Gehring abstained. Motion carried.

18. PROCLAMATION RE: WEARING MASKS – Because of the increase of COVID-19 cases in Marion County, Mayor Thurston proposed issuing a proclamation strongly urging the use of face coverings by residents of, or visitors to, any business within the city of Hillsboro until such time as the COVID-19 case data for Marion County indicates the pandemic has abated. This states that any person five years old or older should, whenever practical, wear a face covering whenever the person is in a common area of any building open to the public; or, in an outdoor public space is within 6' of any other person who is not a member of the person's family or household. The following comments were made by Council member Loewen: *While I do not disagree with the mask proclamation, without consequence or enforcement, I do not believe that it will result in any change in the number of people wearing masks in public in Hillsboro.*

I believe that a temporary ordinance is necessary if the need to stem the tide of COVID19 is indeed a reality. According to Deidre Serene, we have entered a phase of the spread called community spread, which means that locating the source of the spread is next to impossible.

We, as a community, are about to experience an influx of 500+ students from various parts of the country. This will lead to a further complication in the ability to trace the source of the virus. As school starts on August 9, almost every student in USD 410 will be required to wear a mask.

As adults in businesses and patrons of those businesses, I believe that it behooves us as examples to these children by wearing masks also. This would be a tremendous boost if students saw a caring community that desires to support them with adult cooperation.

Yes, it is uncomfortable. But the first two weeks of every season, I found it to be uncomfortable to wear a football helmet during my nine-year career. But was it worthwhile? You bet, I wouldn't have played the game without it. We can get used to donning a mask every time we enter a public venue. It is a

small price to pay even if it saves one life in the city of Hillsboro. What value in dollars can we put on a human life?

What will it do to business? I believe that there will be a whole lot more customers feeling comfortable entering our businesses when they see the employees and managers wearing masks. For the ones serving the customers are the ones that come into contact with a greater variety of people than do almost any of the patrons. I do not believe that it will chase business to other places such as Wichita and other nearby cities, which already have mask ordinances.

At this time, I believe that an ordinance for wearing masks in Hillsboro is appropriate and timely. I would support going a step further than a proclamation and putting teeth into it by fining people for not wearing masks.

Voluntary compliance has not been achieved and since a proclamation has no teeth to it, I believe that it will not work with the making of a proclamation either.

Mayor Thurston said he had heard from people on both sides. He felt if the proclamation didn't work, we would need to do something more. Council member Gehring said she felt there should be an end date in the proclamation. Council member Driggers agreed. City Administrator Stiles said if masks were mandated, the police chief's main concern was enforcement. Council member McCarty said he agreed with Council member Loewen's comments. Council member Gehring was not in favor of a mandate. After further discussion, motion was made by Council member McCarty and seconded by Council member Driggers to approve the proclamation with the following edits: Include an end date (12-31-2020) or when advised by the County Health Department that wearing masks is not recommended to stop the spread of COVID-19, whichever comes first; and, add mask or shield where social distancing cannot be maintained. Vote: Council members McCarty, yes; Gehring, yes; Driggers, yes; Loewen, yes. Motion carried unanimously. Mayor Thurston said he knew this was not an easy decision for Council to make.

19. BOARD APPOINTMENTS – none

20. CITY ADMINISTRATOR'S REPORT –

Intersection Ash & D – City Administrator Stiles said he received estimates from Street Superintendent Dale Dalke for changes to the Ash & D Street intersection. Replacing three ADA ramps would be \$3,500.00; crosswalk improvements - \$1,200.00; and, signage - \$800.00. Replacing and widening 120' of sidewalk to the north, 40' of sidewalk to the south and 100' to the east would be another \$5,500.00, for a total of \$11,000.00. The sidewalks have a lot of tree root damage and should be replaced. Our crew will be doing the work, so the cost could be less. It was the consensus of the council to direct City Administrator Stiles to spend up to \$10,000.00 to do the improvements, plus sidewalk replacement.

Bicycle Safety – City Administrator Stiles said he has asked the library and Police Department to come up with some creative training built around bicycle safety education. Mayor Thurston felt the schools and Tabor should be included in this too.

Arts & Crafts Fair – The Arts & Crafts Association has cancelled the Arts & Crafts Fair this year due to COVID-19 concerns.

21. ADJOURNMENT – Meeting adjourned at 4:25 p.m.

/s/
LOUIS THURSTON, MAYOR

ATTEST:

/s/
JANICE K. MEISINGER, CITY CLERK