

REGULAR MEETING

August 6, 2013

The Board of City Commissioners of the City of Herington, Kansas met at City Hall at 4:30 p.m. on the above date—the following being present: Mayor Robbin Bell, Commissioner Fred Olsen, Commissioner D.J. Neuberger, Commissioner Beth Wade, Commissioner Chuck Miller, City Manager Ron Strickland, City Attorney Brad Jantz, and City Clerk Debra Wendt.

A motion was made by Commissioner Wade, seconded by Commissioner Olsen, to approve the minutes of the meeting of July 16, 2013. Motion carried, all voting, “Aye.” A motion was made by Commissioner Wade, seconded by Commissioner Olsen, to approve the minutes of the special meeting of July 16, 2013. Motion carried, all voting, “Aye.”

D.J. had a change for the minutes of the special meeting of July 30, 2013. The first motion that he made to set the date of the budget hearing should have read “August 20, 2013” instead of “August 6, 2013.” This will be changed. A motion was made by Commissioner Neuberger, seconded by Commissioner Wade, to approve the minutes of the special meeting of July 30, 2013, with the correction. Motion carried, all voting, “Aye.”

Appropriation Ordinance #P0725-13 was discussed and reviewed.

There were no additional agenda items. D.J. suggested making a priority list for the condemnation properties. This was not added to the agenda. A motion was made by Commissioner Olsen, seconded by Commissioner Wade, to approve the agenda. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Wade, seconded by Commissioner Olsen, to appoint Mary Ann Schlesener to the Hilltop Advisory Board for a three-year term, to expire 3-20-16. Motion carried, all voting, “Aye.”

We will be advertising for members for the Housing authority. Director Debbie Goembel reported that they need two members, and that she is putting a packet together for potential members so they will understand what is involved with the Housing Authority.

Tom Biehler was present to ask that the special assessment for demolition be removed from 701 East Arnold. He is interested in purchasing the property, as it adjoins some of his farm land, but only if the assessments are removed. It was noted that the \$5,200 demolition cost has not been sent to the county yet, but it would be by August 25th of this year. After discussion, it was decided to see how much property tax is owed, and to table this until the August 20th meeting.

Lynn and Anne Otte requested the forgiveness of the future special assessments at 1458 Gehrke Court. They do not meet the criteria for abatement, as there is not a house built on the lot. However, all of the taxes and assessments are paid in full. Robbin felt that it is not fair to the owners of the other lots at Logan Pointe, as the City definitely has an advantage by being able to offer their twenty-one lots without special assessments. D.J. said that the citizens of Herington should not be bailing out someone for making a bad choice. Fred asked Brad if he should abstain from voting because he is the President of the Economic Development Corporation. Brad said it would not be a conflict of interest. A motion was made by Mayor Bell, seconded by Commissioner Olsen, to forgive the future special assessments for 1458 Gehrke Court. The motion passed 3-2, with Commissioners Neuberger and Miller casting the dissenting votes.

The Economic Development Corporation also owns three lots at Logan Pointe, and they asked for forgiveness of future special assessments. Their taxes are also paid up. A motion was made by Mayor Bell, seconded by Commissioner Olsen, to forgive the future special assessments for the HEDC's three lots at Logan Pointe. The motion passed 3-2, with Mayor Bell and Commissioners Olsen and Wade voting "Aye," and Commissioners Neuberger and Miller voting "Nay." D.J. suggested that any of the lots that the City may sell should be done with a warranty deed and not a quit claim deed. Brad disagreed and then explained the difference in the two deeds.

Several condemnation resolutions were considered:

RESOLUTION NO. 831

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED: 18 South 7th, 0212611104019008000 Lots 18, 20, 22, 24, Block 134, Creech Addition, OF THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the enforcing officer of the City of Herington, Kansas, did on the 6th day of August, 2013, file with the governing body of said city a statement in writing that the structure, hereinafter described, was unsafe and dangerous, and

WHEREAS, the governing body did by Resolution No. **820** fix the time and place of a hearing at which the owner, his agent, any lien holders of record and any occupant of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and did duly publish and serve said resolution in the manner provided by law, and

WHEREAS, on this 6th day of August, 2013, the governing body has heard all evidence submitted by: (No one spoke at the public hearing)

as well as evidence submitted by the enforcing officer.

NOW THEREFORE, Be It Resolved by the Governing Body of the City of Herington:

That said governing body hereby finds that structure located at 18 South 7th of the City of Herington, Dickinson County, Kansas, is unsafe and dangerous and hereby directs such structure to be repaired or removed and the premises made safe and secure. The owner of such structure is hereby given thirty (30) days from the date of publication of this resolution within which to commence the repair and removal of the same and if such owner fails to commence such repair or removal within the time stated or fails to diligently prosecute the same work until the work is completed, said governing body will cause the structure to be razed and removed and the costs of such razing, removing and the cost of providing notice, less salvage, if any, will be sent to the owner of such property by restricted mail. Such notice shall state that the payment of such cost is due and payable within thirty (30) days following receipt of such notice. If the cost is not paid within the thirty (30) day period and if there is no salvageable material or if the moneys received from the sale of salvage are insufficient to pay the cost of such work, the balance shall be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

BE IT FUTHER RESOLVED, that the city clerk shall cause this resolution to be published once in the official city paper and a copy mailed to the owners, agents, lien holders and occupants as provided by law.

A motion was made by Commissioner Neuberger, seconded by Mayor Bell, to adopt Resolution No. 831. Motion carried, all voting, "Aye."

RESOLUTION NO. 832

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED: 18 NORTH 12TH, 0212611104013002000 LOTS 17, 19, 21, 23, 25, 27, 29, 31 BLOCK 161, BRADSHAW & MORGAN ADDITION, OF THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

(Same as Resolution No. 831, hearing set by Resolution No. 821, and no one spoke at the public hearing.)

A motion was made by Commissioner Wade, seconded by Mayor Bell, to adopt Resolution No. 832. Motion carried, all voting, "Aye."

RESOLUTION NO. 833

A RESOLUTION FINDING THAT THE STRUCTUE LOCATED: 109 WEST WALNUT, 0212611203037001000 LOTS 1, 2, 3, 4, 5 & E 18' LOT 16, BLOCK 31, HERINGTON ADDITION OF THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

(Same as Resolution No. 831, hearing set by Resolution No. 822, and Larry Lawrenz spoke at the public meeting.)

A motion was made by Mayor Bell, seconded by Commissioner Olsen, to adopt Resolution No. 833. Motion carried, all voting, "Aye."

RESOLUTION NO. 834

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED: 114 NORTH 2ND, 0212611203021003000 LOTS 8, SOUTH 12' LOT 6 & NORTH 18' LOT 10, BLOCK 19, HERINGTON ADDITION OF THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED AND THE PREMISES MADE SAFE AND SECURE.

(Same as Resolution No. 831, hearing set by Resolution No. 823, and Leon Baronda spoke at the public meeting.)

A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to adopt Resolution No. 834. Motion carried, all voting, "Aye."

RESOLUTION NO. 835

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED: 204 SOUTH 11TH, 0212611104035003010 LOTS S11, T16, BEG 59' S INTER S LN PINE STREET & E LN 11TH ST, TH E 140', S 11', W 140', N 111' TO POB CREECH ADDITION OF THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND PREMISES MADE SAFE AND SECURE.

(Same as Resolution No. 831, hearing set by Resolution No. 824, and Mary Ann Epperson Nilson spoke at the public meeting.)

Kenny said that this is the property that has sold to a new owner, but Dickinson County still lists Mary Ann Epperson as the owner. He has not made contact with the new owner. Brad said that we do not need to start the condemnation over. A motion was made by Commissioner Wade, seconded by Commissioner Olsen, to adopt Resolution No. 835. The motion passed 4-1, with Commissioner Neuberger casting the dissenting vote.

RESOLUTION NO. 836

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED: 210 SOUTH 10TH, 0212611104034004000 LOTS S 11, T16, R04, BEG 150' SW COR BLOCK 150, CREECH ADDITION OF THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

(Same as Resolution No. 831, hearing set by Resolution No. 825, and no one spoke at the public meeting.)

A motion was made by Commissioner Olsen, seconded by Commissioner Neuberger, to adopt Resolution No. 836. Motion carried, all voting, "Aye."

Kenny recommenced taking 310 South 2nd off of the abatement list. The owner installed siding and paint, etc. A resolution was not considered for this property. A motion was made by Commissioner Wade, seconded by Commissioner Olsen, to remove 310 South 2nd from the abatement list. Motion carried, all voting, "Aye."

RESOLUTION NO. 837

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED: 801 WEST WALNUT, 0212611104021001000 LOTS 1, 3, & E 5' OF LOT 5, BLOCK 146, CREECH ADDITION OF THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

(Same as Resolution No. 831, hearing set by Resolution No. 827, and no one spoke at the public meeting.)

A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to adopt Resolution No. 837. Motion carried, all voting, "Aye."

RESOLUTION NO. 838

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED: 812 WEST DAY, 0212611104021009000 LOTS 14 & 16 BLOCK 146, CREECH ADDITION OF THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

(Same as Resolution No. 831, hearing set by Resolution No. 828, and no one spoke at the public meeting.)

A motion was made by Commissioner Neuberger, seconded by Mayor Bell, to adopt Resolution No. 838. Motion carried, all voting, "Aye." Kenny said that this property will be sold at the next sheriff's sale.

A resolution in support of a hospital district was considered:

RESOLUTION NO. 839

A RESOLUTION DECLARING THE INTENT OF THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS, TO SUPPORT THE FORMATION OF A DISTRICT HOSPITAL CONSISTENT WITH THE AUTHORITY AND REQUIRMENTS ENUMERATED IN KANSAS STATUTES ANNOTATED CHAPTER 80, ARTICLE 25, AND TO FOLLOW THE PROVISIONS OF KANSAS STATUTES ANNOTATED 80-2505 FOR TRANSFER OR LEASE OF CERTAIN PROPERTY AS WELL AS LIABILITIES IF ALL PREREQUISITE CONDITIONS FOR THE FORMATION OF A VALID HOSPITAL DISTRICT WHICH SHALL INCLUDE THE JURISDICTIONAL LIMITS OF THE CITY OF HERINGTON, KANSAS WITHIN SUCH DISTRICT.

WHEREAS, the City of Herington, Kansas has and currently maintains a municipal hospital within its corporate limits; and

WHEREAS, said municipal hospital is managed by an independently elected board of directors; and

WHEREAS, the Governing Body of the City of Herington, Kansas and the Herington Municipal Hospital Board of Directors have reviewed the process and requirements for creation of a hospital district consistent with the authority granted under Kansas Statutes Annotated Chapter 80, Article 25 et.seq.; and

WHEREAS, the Governing Body of the City of Herington, Kansas and the Herington Municipal Hospital Board of Directors have determined that efforts to form such a hospital are both advisable and appropriate, and have made the following findings consistent therewith;

- (a) That the formation of such a district will serve to enhance the ongoing viability of the existing hospital and serve to more readily provide medical services to both the City of Herington, Kansas citizens as well as surrounding townships and neighboring communities; and
- (b) That the formation of such a district will provide an expanded tax base and therefore a broadened and stable financial base of hospital patrons to support a local medical facility for the use and benefit of these patrons.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS:

SECTION 1. The Governing Body of the City of Herington, Kansas, does hereby declare its intent to support the formation of a hospital district, consistent with and subject to the requirements set out under current Kansas law pursuant to the applicable provisions of Kansas Statutes Annotated Chapter 80, Article 25 et. seq.

SECTION 2. The Governing Body of the City of Herington, Kansas, does hereby further declare its intent to follow the provisions for transfer or lease of assets, provided all liabilities are also transferred contemporaneously, under the provisions of Kansas Statutes Annotated 80-2505 and provided all prerequisite requirements for the valid formation of a hospital district under Kansas Statutes Annotated Chapter 80, Article 23 have been fully met and properly verified and certified by the governmental entities charged with the duty to do so.

SECTION 3. This Resolution shall take effect and be in force as a nonbinding declaration of intent from and after its passage and approval, and shall remain in effect for a period of one year after its passage and approval, at which time it shall expire unless subsequently renewed and extended by the further resolution of the Governing Body of the City of Herington, Kansas.

A motion was made by Mayor Bell, seconded by Commissioner Wade, to adopt Resolution No. 839. Motion carried, all voting, "Aye."

Ron presented a farm lease form for hay ground and pasture land at the lakes, airport, industrial park, etc. It prohibits sub leasing without City permission. D.J. found a couple of typing errors that will be corrected. A motion was made by Commissioner Neuberger, seconded by Mayor, to approve the farm lease form. Motion carried, all voting, "Aye."

The following ordinances were considered:

ORDINANCE NO. 1753

AN ORDINANCE ADOPTING BY REFERENCE THE STANDARD CODE IDENTIFIED AS "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2013" AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to adopt Ordinance No. 1753. The vote was as follows:

Ayes: Mayor Bell, Commissioners Olsen, Neuberger, Wade, and Miller.
Nays: None. Motion carried.

ORDINANCE NO. 1754

AN ORDINANCE ADOPTING BY REFERENCE THE STANDARD CODE IDENTIFIED AS "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2013," AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

A motion was made by Commissioner Neuberger, seconded by Commissioner Wade, to adopt Ordinance No. 1754. The vote was as follows:

Ayes: Mayor Bell, Commissioners Olsen, Neuberger, Wade, and Miller.
Nays: None. Motion carried.

Ron mentioned that he is getting the paperwork going to stock trout in Father Padilla Lake. Beth reminded everyone that we need to be aware that Westar is raising their rates. Ron recommended raising our electric rates, and Robbin asked for rates of the rural electric companies and cities around us.

D.J. asked if we got the results from the handicapped accessibility assessment. He also said that the City crews did a good job of trimming trees in the bus routes, and added that the citizens also need to cut their own tree limbs. Cynthia Naylor suggested having a service organization or volunteers transport limbs to the brush pile, as many people do not own trucks. Beth said that the limbs and branches at Father Padilla need to be cleaned up, and she also commented that in light of the projected mill levy increase, we need to stand together as a community. Robbin brought up the possibility of giving away some commercial property.

A motion was made by Commissioner Neuberger, seconded by Commissioner Wade, to adjourn the meeting. Motion carried, all voting, "Aye."

Also present at the meeting were Tom Biehler, Wendy Jones, Kenny Staatz, Heather Felpel, Tandi Arevalo, Cynthia Naylor, Mike Ryan, Ray Perez, Cathy Stinnett, Ed Seastrom, Paula Strickland, Alice Bell, Charlie Ray, Larry Mein, Virginia Neuberger, Rick Freeman, Michelle Clore, Tammy Miller, Debbie Goembel, Pat Moyer, Nick Gonzolas, J.R. Sparke, and Stephanie Berry of the Herington Times.

Debra Wendt
City Clerk

