

REGULAR MEETING

August 20, 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 Neuberger, seconded by Commissioner Wade, to approve the minutes of the meeting of August 6, 2013. Motion carried, all voting, “Aye.” Appropriation Ordinances #C0731-13 and #P0810-13 were discussed and reviewed.

Beth Wade suggested changing agenda item #11 to include appointing two members to the Housing Authority instead of one. B.J. Davis said that Director Debbie Goembel would like to speak to the Commission before they appoint another resident to the board. D.J. favored appointing one member as the agenda states. No changes were made to the agenda. A motion was made by Commissioner Olsen, seconded by Commissioner Wade, to approve the agenda. Motion carried, all voting, “Aye.”

The public hearing for the 2014 budget was opened. David Ebersole asked the Commission what they are spending money on. Mayor Bell asked him if he had read the budget. Commissioner Neuberger said that there are things that shouldn’t have been cut, but we didn’t have a choice. The public hearing was closed.

A motion was made by Commissioner Neuberger, seconded by Commissioner Wade, to approve the 2014 budget with a total mill levy of 76.499 mills. Motion carried, all voting, “Aye.”

The following Ordinance was considered:

ORDINANCE NO. 1755

AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUES FOR BUDGET YEAR 2014 FOR THE CITY OF HERINGTON.

A motion was made by Commissioner Neuberger, seconded by Commissioner Wade, to adopt Ordinance No. 1755. The vote was as follows:

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

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

A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to appoint Roger Boelling to the Library Board for a four-year term, to expire 4-1-17. Motion carried, all voting, “Aye.”

Rick Freeman spoke to the Commission about an open position on the Housing Authority Board. He said that he has had his application in for over a year, and he would like to be considered. He also questioned why Lanett Frazier’s resignation has not been turned in to the City.

Three people applied for a position on the Housing Authority—Rick Freeman, Lynn Otte, and Marcella Barton. D.J. commented that one applicant had previous board experience, mostly in Little League, and he also said he doesn't like it when applications are not completely filled out. Beth felt that the appointment of Marcella Barton might be a conflict of interest because her daughter is employed by the Housing Authority. A motion was made by Commissioner Wade, seconded by Mayor Bell, to appoint Lynn Otte to the Housing Authority to fill a vacancy, term to expire 12-31-15. After the motion, discussion continued, and when the vote was taken, it passed 3-2, with Mayor Bell and Commissioners Olsen and Wade voting "Aye," and Commissioners Neuberger and Miller voting "Nay."

The request from Tom Biehler for the abatement of the demolition cost for 701 East Arnold was again discussed. Tom is interested in purchasing the property, but only if the \$5,200 demolition cost is taken off. It was noted that the taxes for 2011 and 2012 are not paid. Commissioner Neuberger made a motion to reduce the special assessments by 50%. This died due to lack of a second. No action was taken on this request, so the demolition cost of \$5,200 will go to Dickinson County with the rest of the special assessments by August 25th. Commissioner Neuberger stated that if Mr. Biehler would purchase the property, he would be interested in reducing the assessment by one-half.

Verl Ledy was present to speak to the Commission about businesses in Herington. He said he has been here for 38 years, and then he went over many of the former businesses that have closed throughout the years. He noted that there are a total of 24 buildings downtown that are either empty or have junk stored in them. Verl told the story of how he opened a variety store in Herington and went over all of the civic organizations and activities he has been involved with. He then asked the Commission to reconsider the decision made on the conditional use permit to allow a church to operate in his building at 9 South Broadway. D.J. said that he would stand by his "no" vote, as he still believes that churches should not be located downtown, and he also felt that the Rock Island Church did not look at some other buildings that may have suited their needs. Chuck said he feels that Mr. Ledy deserves the Commission looking at this again, so he made a motion to reconsider the conditional use permit for the Rock Island Church for 9 South Broadway. It was seconded by Commissioner Neuberger. More discussion was held, and B.J. Davis offered some comments. The motion failed, with Mayor Bell and Commissioners Olsen, Wade, and Neuberger voting "Nay," and Commissioner Miller voting "Aye."

A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to authorize the Mayor to sign airport grant agreement AIP No. 3-20-0029-007 for equipment. Motion carried, all voting, "Aye."

Allowing fowl in the City limits was discussed. Brad presented two ordinances for consideration—one that would allow fowl, and one that would prohibit them. He went over both of the ordinances. Various things were discussed, including enforcement, fines, rules, and other animals. Brenda Wildman and Police Officer Eric Gares offered some comments. They felt that without a full time animal control officer, enforcement would be difficult, and they also brought up the "gray area" on other domestic animals. It was decided that the Commission needs to decide whether to allow fowl or not, and then work on the ordinance later, including a better definition of domestic animals. A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to prohibit fowl in the City limits. The motion failed 3-2, with Commissioners Wade and Olsen voting "Aye," and Mayor Bell and Commissioners Neuberger and Miller voting "Nay." A motion was made by Mayor Bell, seconded by Commissioner Miller, to allow fowl. This motion passed 4-1, with Commissioner Wade casting the dissenting vote. Brad gave the Commission some options, and it was decided that a work session would be set at a later time to look at staff recommendations and go through the present and proposed ordinances.

A motion was made by Commissioner Olsen, seconded by Mayor Bell, to appoint Beth Wade as the voting delegate to the League of Kansas Municipalities Conference in Overland Park on October 12-14. Motion carried, all voting, "Aye." A motion was made by Commissioner Miller, seconded by Commissioner Wade, to appoint D.J. Neuberger as the alternate voting delegate to the League Conference. Motion carried, all voting, "Aye."

Robbin had a question on the UAV Conference. D.J. and Beth commended the electric crew for their work during the power outage. Beth encouraged the Commissioners to attend LKM educational sessions.

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

Also present at the meeting were Alice Bell, Glenn Catlin, Verl Ledy, Jeff Ledy, B.J. Davis, Rick Freeman, Eric Gares, Wendy Jones, Jerry Barta, Ed Seastrom, Ashlee Seastrom, Angela Martin, David Ebersole, Cathy Hagerman, Brenda Wildman, Pat Moyer, Mike Ryan, Cynthia Naylor, Paula Strickland, J.R. Sparke, and Stephanie Berry of the Herington Times.

Debra Wendt
City Clerk