

## **REGULAR MEETING**

**September 17, 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 Neuberger, to approve the minutes of the meeting of September 3, 2013. Motion carried, all voting, “Aye.” A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to approve the minutes of the special meeting of September 10, 2013. Motion carried, all voting, “Aye.” Appropriation Ordinances #C0831-13 and #P0910-13 were discussed and reviewed.

There were two additional agenda items. Robbin added an executive session as #9A, and Ron added bids for hay ground as #9B. A motion was made by Commissioner Wade, seconded by Commissioner Miller, to approve the agenda, with the addition of #9A and #9B. Motion carried, all voting, “Aye.”

Greg Penfield of Manhattan, Kansas was present to discuss weed notices and the mowing of property by the City. He cited the property at 820 West Day, and the property next door to it. Both were cut in June, and had not been cut since. After asking Ron Strickland two weeks ago why they were not cut, 820 West Day has been cut. He noted that Lot 19 at the trailer park also has not been cut. Mr. Penfield then accused the City of only cutting the properties where they know that the bills will be paid, and added that it is “totally wrong” that the City makes money by cutting grass and charging an enormous amount, and he said that he would expose the person that set this rule. He also was upset that Ron did not call him back concerning a cut order, and then he found out the grass was cut anyway, and he was charged \$100.00. He insisted that this is “theft.” Greg concluded by saying that he feels that Ron is not a competent person to be City Manager, and he accused the City officials of being corrupt.

Chuck Jarnot then discussed unmanned aircraft. He stated that Kansas is in the top seven states for the aircraft, and it would bring \$489 million dollars to Kansas in the next 36 months. Chuck explained that Kansas State University is attempting to take over our airport by applying for their own COA, and not getting permission from the City of Herington. What Chuck was wanting the Commission to do is to put in writing what has been our policy all along, that anyone must go through the City and follow our standard operating procedure before they can fly unmanned aircraft at our airport. He noted that we have an open air field for general aviation, but that unmanned aircraft are not general aviation. He then added that KSU should be welcome to fly at our airport, but under the City COA, and they should also pay \$1,200/week and follow our SOP that has been in place since 2007. Fred felt that he would like to see the whole picture, and didn’t think he has enough answers to vote on this. Robbin agreed. Chuck again insisted that KSU wants our air field under their control, and that we would have no legal leverage if they bring in their own COA. Brad asked if KSU can even get a COA, and Chuck Jarnot said they applied 60 days ago, and may be granted it as early as this week. Ron commented that we already have our HUFF and SOP in place. Airport Manager Merlin Oswald said that he thought that the airport being used by KSU would be good publicity for us. Chuck again warned the Commission that once we allow someone to bring in their own COA, we would be legally obligated to let everyone else do it too. Brad said that

he needs to look this over. Chuck mentioned that he has a right to file a complaint if he feels his rights have been violated. Commissioner Neuberger then made a motion to not do anything until this can be discussed further, and to continue with what we currently have in place. Commissioner Miller seconded the motion and it was discussed. When the vote was taken, Commissioner Neuberger voted "Aye," and Mayor Bell and Commissioners Olsen, Wade, and Miller voted "Nay," so the motion failed.

A motion was made by Commissioner Olsen, seconded by Commissioner Wade, to appoint Rick Freeman to the Convention and Visitors Bureau to fill a vacancy, term to expire 4-30-14. Motion carried, all voting, "Aye."

Ron presented a proposal for a sound system from Dale Henderson for the Commission room for \$1,767.50 without installation. It included eight microphones, amplifier, wiring, speakers, etc. Ron recommended not purchasing it at this time, due to budget concerns. D.J. said that he had found the same equipment for less money. Fred was skeptical about ordering random equipment from the internet, citing what we would do if it didn't work. Robbin insisted that we need to do something now, so he made a motion to accept the bid from Dale Henderson. The motion died due to lack of a second. D.J. then made a motion to direct the City Manager to look at other places for a sound system. This motion also died due to lack of a second. Cynthia Naylor suggested moving the meetings to the Community Building where a sound system is already in place. The Commission directed Brad Jantz to check with other cities that he works for and find out what kind of sound systems they have.

At 5:38 p.m. a motion was made by Mayor Bell, seconded by Commissioner Wade, for the City Commission, City Manager, and City Attorney to go into executive session for 20 minutes, the reason being attorney/client privilege for contact negotiations. Motion carried, all voting, "Aye." At 5:59 p.m. a motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to re-convene into regular session. Motion carried, all voting, "Aye." At 6:01 p.m. a motion was made by Mayor Bell, seconded by Commissioner Wade, to continue the executive session for another 10 minutes. Motion carried, all voting, "Aye." At 6:11 p.m. a motion was made by Commissioner Olsen, seconded by Commissioner Miller, to re-convene into regular session. Motion carried, all voting, "Aye."

A motion was made by Commissioner Olsen, seconded by Commissioner Wade, to table the hay ground bids until the contract revisions are approved. Motion carried, all voting, "Aye."

Ron gave an update on his trip to St. Louis with Chuck Jarnot to discuss UAV's with the St. Louis Police Department. He also reported that we have had three water leaks recently.

Beth said that she would like to re-look the golf cart issue, especially the amount we charge, plus regulations, stickers, etc. D.J. asked what is being done about handicapped parking at the Community Building. He also suggested that we initiate self-compliance on our ADA issues instead of waiting for someone to re-schedule our compliance check. D.J.'s other concern was the water fountain at City Hall.

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

Also present at the meeting were Alice Bell, Virginia Neuberger, Bev Oswald, Merlin Oswald, Rick Freeman, Gloria Boomer, Wendy Jones, Mike Ryan, Pat Moyer, Cynthia Naylor, Paula Strickland, Greg Penfield, David Jones, Bob Clark, Ruth Clark, Chuck Jarnot, Ken Staatz, J.R. Sparke, and Stephanie Berry of the Herington Times.

Debra Wendt  
City Clerk