

REGULAR MEETING
January 21, 2014

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 January 7, 2014. Motion carried, all voting, “Aye.” Appropriation Ordinances #C1230-13 and #P0110-14 were discussed and reviewed. There were no additional agenda items. A motion was made by Commissioner Neuberger, seconded Commissioner Wade, to approve the agenda. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Wade, seconded by Commissioner Olsen, to re-appoint Ed Mueller to the Convention and Visitors Bureau, term to expire 4-30-15. (City or Boards Member) Motion carried, all voting, “Aye.”

A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to appoint Jeanne Schantz to the Convention and Visitors Bureau, term to expire 4-30-16. (City or Boards Member) Motion carried, all voting, “Aye.”

A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to appoint Diane Walters to the Convention and Visitors Bureau, term to expire 4-30-16. (General Public Member) Motion carried, all voting, “Aye.”

A motion was made by Commissioner Wade, seconded by Commissioner Olsen, to appoint Anne Otte to the Convention and Visitors Bureau, term to expire 4-30-16. (Tourism, Historic Member) Motion carried, all voting, “Aye.”

Rick Freeman was present to discuss some ADA issues. He said that when the people from the Independent Connection came down to do an ADA compliance evaluation, Ron was not available either time. Also, Ron told them that we typically don’t allow people to report at meetings, so they will not be reporting their findings to the City Commission. Rick felt this was poor representation from our City Manager. His next complaint was for several areas downtown, including handicapped parking near the Family Resource Exchange, concrete in front of City Hall, and a clump of weeds growing out of a crack. Rick also said that the parking spaces that were put in at the Community Building are not ADA compliant. He then stated that Ron is ignorant and that he doesn’t care, and he asked the Commission to fix the minor problems and budget for the more extensive ones. Ron said that he has not yet received the ADA report, and when he does, he will share it with the Commission.

Ron suggested changing the way our overtime is figured. At the present time, we pay overtime for anything over 40 hours per week. Ron wants to change the policy so that it would only be paid for hours worked over 40. This means that if an employee takes any sick leave, vacation, or comp time in that week, they would not get overtime unless their actual working time would exceed 40 hours. He sees this as a cost saving measure, and felt obligated to bring it up. Chuck said he doesn't want to punish the employees, and favors leaving it the way it is. D.J. wanted to look at paying the police more money. Fred said he is proud of the employees, and Beth agreed with changing the policy. Debbie said that even though Ron's suggestion complies with federal laws, she sees the present policy as a way to recruit and retain employees. The consensus of the Commission was to leave the present policy in place. D.J. asked about changing the personnel policy to include the residency requirements from the Charter Ordinance. The ordinance is now in the protest period, and won't be effective until 3-25-14. Brenda said that the zoning ordinance needs to be reviewed.

Housing Authority Director Debbie Goemmel presented a resolution of support for a grant application.

RESOLUTION NO. 841

A RESOLUTION OF THE CITY OF HERINGTON, KANSAS.

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

The City Commission of Herington, Kansas has been informed by the Herington Housing Authority that a housing tax credit application will be filed with the Kansas Housing Resources Corporation for the development of affordable rental housing to be located in the City of Herington, Kansas, with the addresses and legal description as follows:

201 East Helen. Lots One (1), Three (3), Five (5), Seven (7), Nine (9), Eleven (11), Thirteen (13), Fifteen (15), Seventeen (17), Nineteen (19), Twenty-one (21), Twenty-three (23), and the East Sixty-six (66) feet of Lots Two (2), Four (4), Six (6), Eight (8), Ten (10), Twelve (12), Fourteen (14), Sixteen (16), Eighteen (18), Twenty (20), Twenty-two (22), Twenty-four (24), all in block 20, in Bert L. Thompson's Addition to the City of Herington, Dickinson County, Kansas.

1319 West Main Street. All lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 in Block 174, Luce and Wilson's Addition to the City of Herington, Dickinson County, Kansas.

1420 West Walnut Street. All lots in 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 in Block 182, Luce and Wilson's Addition to the City of Herington, Dickinson County, Kansas.

That this housing development will contain 40 units; That these units will be targeted to low and very low income families; That the development will be an acquisition and rehabilitation; That this property will have the following amenities: bike rack, washer-dryer hook-ups, outdoor uncovered seating, picnic tables, garden area, barbeque grills, green area with walking paths, security landscaping, ceiling fans, basketball court, organized recreation activities.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Herington, Kansas, that we support and approve the development of the aforesaid housing in our community, subject to City Ordinances and the building permit process. This resolution is effective until December 31, 2014. In the event that any of the characteristics mentioned above should change prior to the issuance of a building permit that this Resolution be null and void.

Debbie explained the process and what they hope to accomplish. She added that the City would not be responsible for any cost, they are only asking for the City's blessing and support. Ron asked if there would be a raise in rent because of the renovation. Debbie replied that it would not change the rate structure, and added that they plan to use local contractors and purchase the materials locally. A motion

was made by Commissioner Wade, seconded by Commissioner Miller, to adopt Resolution No. 841. Motion carried, all voting, "Aye."

At 5:10 p.m. a motion was made by Commissioner Wade, seconded by Mayor Bell, to recess the Commission meeting until 5:45 p.m. Motion carried, all voting, "Aye."

At 5:47 p.m. a motion was made by Mayor Bell for the City Commission, City Manager, City Attorney, Hospital Board Members present, and Pat Moyer to go into executive session for 45 minutes for attorney/client privilege for potential litigation. D.J. said that he felt we are doing the people in the audience a disservice by excluding them. J.R. Sparke questioned why all of the hospital board was included. The motion died due to lack of a second. At 5:51 p.m. a motion was made by Mayor Bell, seconded by Commissioner Wade, for the City Commission, City Manager, City Attorney, Pat Moyer, and Hospital Board Chairman Mark Wendt to go into executive session for 45 minutes for attorney/client privilege for potential litigation, with the option to bring in the other Hospital Board members that are present. (Milt Fleming and Phyllis Bettles) The motion passed 4-1, with Commissioner Neuberger casting the dissenting vote.

At 6:37 p.m. a motion was made by Commissioner Miller, seconded by Commissioner Olsen, to reconvene into regular session. Motion carried, all voting, "Aye."

Mark Wendt gave an update on the petition to form a hospital district. They have 940 signatures, and need between 1500 and 1600. If enough signatures are gathered, the petition would go to Dickinson County for validation and then the district would be formed. Robbin mentioned that the hospital's audit showed that they are short approximately \$200,000 to \$300,000 each year. Additional revenue sources were discussed, including sales tax. It was decided that a public meeting should be held to discuss sales tax, other revenue ideas, the petition, and alternatives. Several dates were considered. A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to schedule a special meeting for Tuesday, February 11, 2014 at 6:30 p.m. at the Community Building to discuss the future of the hospital. Motion carried, all voting, "Aye."

Ron commented on the disassembly of the engines at the power plant, and answered questions on floodplain compliance. D.J. asked if Homeowners Association letters for Logan Pointe have gone out. He also mentioned that he heard that the Police Department doesn't enforce handicapped signs on private property. Rick Freeman said that the ADA overrides any City ordinance. Robbin asked if we hired an engineer to inspect a condemned building. Ron said that the Fire Chief has the authority to seek the help of a professional engineer if he needs it.

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

Also present at the meeting were Janet Wade, Charlie Ray, Bob Gentz, Debbie Goembel, Virginia Neuberger, Milton Fleming, Brenda Wildman, Wendy Jones, Ray Perez, Mark Wendt, Kenny Staatz, Paula Strickland, Phyllis Bettles, Ken Walters, Diane Walters, Michelle Stanford, Tandi Arevelo, Kathleen Walter, Pat Moyer, Larrie Fisher, Rick Freeman, J.R. Sparke, and Stephanie Berry of the Herington Times.

Debra Wendt
City Clerk

