

REGULAR MEETING
March 19, 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 Woodie Haire, Commissioner D.J. Neuberger, Commissioner Beth Wade, 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 March 5, 2013. Motion carried, all voting, “Aye.” Appropriation Ordinances #C0228-13 and #P0310-13 were discussed and reviewed. D.J. had two additional agenda items. “Use of a speaker system” was added as #4A, and “seating and where we have our meetings” was added as #4B. A motion was made by Commissioner Neuberger, seconded by Commissioner Olsen, to approve the agenda, with the addition of #4A and #4B. Motion carried, all voting, “Aye.”

D.J. wanted to know why we weren’t using the speaker system for the meeting. Ron explained that the one used at the last meeting was borrowed from the school district, and that ours doesn’t work. Ron said he would look into purchasing a new sound system, and D.J. reminded everyone to speak up so they can be heard.

D.J. then said that since there is not enough seating for the meeting, he made a motion to move the Commission meeting to a larger place. The motion died due to a lack of a second.

The following resolution was considered:

RESOLUTION NO. 819

A RESOLUTION CONSISTENT WITH THE CITY OF HERINGTON, KANSAS ORDINANCE NUMBER 1580 RELATING TO WATER DROUGHT OR EMERGENCY CONDITIONS AND CERTAIN DECLARATIONS AUTHORIZED PURSUANT THERETO; DECLARATION OF A WATER WATCH PURSUANT TO SECTION 3 OF SAID ORDINANCE; AUTHORIZING STEPS TO INFORM THE PUBLIC, AND REQUESTING VOLUNTARY REDUCTIONS IN WATER USE BY THE PUBLIC.

WHEREAS, the Governing Body of the City of Herington, Kansas has previously passed Ordinance No. 1580 regarding water drought or emergency conditions and establishing procedures to be considered in the event of such conditions; and

WHEREAS, the Governing Body of the City of Herington finds that circumstances currently indicate that the current persistent drought conditions have and continue to significantly impact the existing water supply; and

WHEREAS, the Governing Body of the City of Herington wishes to raise public awareness and seek public assistance to voluntarily reduce water usage wherever and whenever possible unless and until the current drought conditions abate.

NOW THEREFORE, the Governing Body of the City of Herington, Kansas does hereby find and determine that it is advisable and necessary to declare a Water Watch pursuant to Section 3 of Ordinance No. 1580, of the City of Herington, Kansas and do hereby direct its implementation and all steps consistent therewith effective after its publication in the official city newspaper.

PUBLICATION; EFFECTIVE DATE: This resolution shall be published one time in the official City newspaper and shall take effect and be in force from and after said publication.

It was noted that the cities of Hope and Woodbine are included in the water watch. A motion was made by Commissioner Wade, seconded by Commissioner Haire, to adopt Resolution No. 819. After the

motion, Commissioner Neuberger suggested using water from the old lake. Water Plant Superintendent David Gehrke said that there is a lot of mud in the lake, and it would have to be a real emergency to use that water. When the vote was taken, the motion passed unanimously.

A motion was made by Mayor Bell, seconded by Commissioner Olsen, to allow the GM Circus to have a circus in Herington on September 10, 2013. Motion carried, all voting, "Aye." They need 1500 gallons of water and a dumpster for trash.

A motion was made by Commissioner Wade, seconded by Mayor Bell, to appoint Mike Wendt as the voting delegate and David Gehrke as the alternate voting delegate to the Kansas Municipal Utilities annual meeting on May 10, 2013. Motion carried, all voting, "Aye."

Leslie Mayes asked the Commission to consider changing the time of the Commission meetings to 5:30 p.m. or 6:00 p.m. The Commission directed Brad to prepare an ordinance to change the Commission meeting time to 6:00 p.m. on the first and third Tuesdays of the month.

Bart Hinkle was present to talk about insurance policies. He first spoke briefly about the Kansas Open Meetings Act, the Kansas Open Records Act, the City Manager's employment agreement, whether Dennis Kissinger is an attorney, and what properties are owned by the City. He noted that the City Manager's job description states that he should have knowledge of Kansas Statutes within six months to one year of employment. Bart then brought up some discrepancies in the public officials bonds. The City code requires each Commissioner to have a \$5,000 bond, but some of them are for a lower amount. He contended that because of this, the City Commission has made illegal and non-binding motions. The City Attorney explained the different classes of cities and how statutes apply to them. He said that if the City had no other insurance, he would agree with Bart, but as it is, we have blanket surety riders, linebacker, and comprehensive policies that provide more than a sufficient amount of coverage. Our underwriter has been contacted and the policy has been reviewed. Also, all of the surety bonds have been increased to \$10,000. Bart then wanted to know why the City is overpaying on these bonds with taxpayers money. Ron said that the bonds were changed to \$10,000 with no additional fee. Bart still insisted that the taxpayers are being put in jeopardy, and that the bonds should be in order before a legal vote is taken.

Janet Wade spoke about the future of Herington. She presented some information on "Public Square Communities" which is a program used for identifying, connecting, and developing civic leaders who transform towns, cities, counties, and regions into thriving communities which nourish youth, engage citizens, and foster partnerships. Janet went over the strategy, current status, and four-phase development of the program, and noted that the vision and goals are unique to this community, with a focus on youth. The goal is to "pull together" the businesses, government, education, human services, and citizens. USD #487 has shown their support for this program. The initial commitment of \$3,500 has to come from the community. Janet said that today she is asking for the Commission's support in principle, and to move ahead with the application process. Ron stressed that this would require 100% participation of the whole community. The Commission expressed support of this project.

Cynthia Naylor asked that the Commission meetings be moved to Saturdays. She also said that the City Manager's raise came as quite a shock, and suggested that written evaluations be done on all employees. Cynthia then asked the Commissioners why none of them (except D.J.) had responded to her e-mails. She suggested taking their e-mail addresses off of the City website if they are not going to respond. D.J. felt that we need work sessions on Saturdays that would include a public forum.

At 5:50 p.m. a motion was made by Mayor Bell, seconded by Commissioner Wade, for the City Commission, City Manager, and City Commission to go into executive session for thirty minutes to discuss attorney/client privilege. Motion carried, all voting, "Aye."

At 6:18 p.m. a motion was made by Commissioner Haire, seconded by Commissioner Wade, to reconvene into regular session. Motion carried, all voting, "Aye."

Ron gave a brief report on the Trapp Street drainage, Broadway Street Bridge, airport hanger, and dam inspections. He also said that the water contracts with Hope and Woodbine have both been signed.

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 Lyle Wade, Rod Coon, Tandi Arevalo, Ruth Clark, Bob Clark, Lawrence Killer, Dale Hull, Paula Strickland, Virginia Neuberger, Max LaRussa, Debbie Goembel, Heather Felpel, B.J. Davis, Cynthia Naylor, Chuck Miller, Gregg Hackerott, Pat Moyer, Buck Buckner, Karla Mann, Larry Mann, Walt Clark, Leslie Mayes, Abby Mayes, Michelle Stanford, Mike Ryan, Terrie Greenemeyer, David Gehrke, Bart Hinkle, Marcia Mathias, Michelle Clore, Jackie Mueller, Gloria Boomer, Jean Lardenois, Thomas Arevalo, Ray Perez, Cindy Roberts, Dannie Idleman, Dee Kline, Keith Longabaugh, Janet Wade, Alice Bell, David Stroda, Wendy Jones, Jerry Barta, Ray Mueller, Sandy Merrifield, Pamela Dalton, Tammy Miller, Rita Gehrke, John Pritchard, Dale Harris, and Stephanie Berry of the Herington Times.

Debra Wendt
City Clerk