

REGULAR MEETING
April 1, 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 Chuck Miller, City Manager Ron Strickland, City Attorney Brad Jantz, and City Clerk Debra Wendt. Commissioner Beth Wade was present by speaker phone for a portion of the meeting.

A motion was made by Commissioner Wade, seconded by Commissioner Olsen, to approve the minutes of the meeting of March 18, 2014. D.J. wanted the minutes to include that we would deed “x” number of feet to Kay’s Pharmacy. It was noted that we don’t have a legal description of the property yet. D.J. insisted that it is important for this to be included in the minutes. The motion failed, with Mayor Bell and Commissioner Wade voting “Aye,” and Commissioners Olsen, Neuberger, and Miller voting “Nay.” Commissioner Neuberger then made a motion to approve the minutes of the meeting of March 18, 2014, adding that the City Commission discussed obtaining the legal description of Kay’s Pharmacy wall, and deeding a couple of feet of our property to Kay’s Pharmacy so we won’t have a problem with the wall again. Motion carried, all voting, “Aye.”

Appropriation Ordinance #P0325-14 was discussed and reviewed. There were no additional agenda items. A motion was made by Commissioner Neuberger, seconded by Commissioner Miller, to approve the agenda. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Neuberger, seconded by Commissioner Miller, to authorize the Mayor to sign a proclamation declaring May 2, 2014 as Arbor Day in Herington. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Wade, seconded by Commissioner Olsen, to re-appoint Jason Baird as the Recreation Commission representative to the Hilltop Advisory Board for a three-year term, to expire 3-20-17. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Wade, seconded by Mayor Bell, to appoint Lucille Heiser as the resident member of the Hilltop Advisory Board for a three-year term, to expire 3-20-17. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Olsen, seconded by Mayor Bell, to re-appoint Helen Mitchell as an at-large member of the Hilltop Advisory Board for a three-year term, to expire 3-20-17. The motion passed 4-1, with Commissioner Neuberger casting the dissenting vote.

Commissioner Neuberger asked where the Hilltop Advisory Board positions had been advertised, and Lori Dornbusch advised him that one of the positions had to be a representative of the Recreation Commission, and one had to be an apartment resident, and she told him where the positions had been posted.

A motion was made by Commissioner Wade, seconded by Mayor Bell, to appoint Debbie Wendt as the voting delegate and Mike Wendt as the alternate voting delegate to the KMU annual conference on May 9, 2014. Motion carried, all voting, “Aye.”

Mark Wendt of Hodgdon Company introduced Frank Arnwine and Chris Busch of Blackstone Environmental Company. They want the City to accept an Environmental Use Control (EUC) that KDHE is requesting as part of a perchlorate contamination cleanup. There would be no cost to the City.

Ron said that he and Merlin had looked at the proposal from Blackstone, and he recommended having an attorney that specializes in environmental law review it. The City owns the land, located at the airport, and leases it to Hodgdon. After discussion, it was decided to have Brad review the documents and give a recommendation at the next meeting, and if he needs some assistance, to have someone with EPA experience look at it.

Commissioner Wade excused herself from the meeting, and was no longer present by phone. At 5:08 p.m. a motion was made by Mayor Bell, seconded by Commissioner Olsen, for the City Commission, City Attorney, City Manager, and Financial Advisor Mark Dettler to go into executive session for twenty minutes to discuss attorney/client privilege for potential litigation. Motion carried, all voting, "Aye." At 5:28 p.m. a motion was made by Commissioner Miller, seconded by Commissioner Olsen, to re-convene into regular session. Motion carried, all voting, "Aye." At 5:29 p.m. a motion was made by Mayor Bell, seconded by Commissioner Neuberger, to continue the executive session for another fifteen minutes, for the same reason, with the same people. Motion carried, all voting, "Aye." At 5:44 p.m. a motion was made by Commissioner Olsen, seconded by Commissioner Miller, to re-convene into regular session. Motion carried, all voting, "Aye."

Commissioner Neuberger discussed ADA requirements and regulations. He asked if we are in compliance. Ron commented that the sidewalks in residential areas are privately owned, and he said he obtained some information from the City Administrator and City Attorney from Humbolt. Ron added that he is confident we are complying the best that we can. D.J. said that there is nothing he has found that negates his findings on ADA compliance. Rick Freeman offered some comments. Fred added that we are doing what we can with the funding that is available. A motion was made by Commissioner Neuberger, seconded by Commissioner Miller, to direct the City Manager to put in curb cuts in streets that have been done recently as opposed to putting curbs where no pavement exists. The motion was discussed, and when the vote was taken, it failed, with Commissioner Neuberger voting "Aye," and Mayor Bell and Commissioners Olsen and Miller voting "Nay."

The cost of utilities at the Homestead Village, Hilltop, and the Community Building were discussed. D.J. favors billing these entities for electric and depositing the money in the electric fund. If more apartments were rented, it would help the general fund pay the cost of the bond issue. Lori Dornbusch reported where she has been advertising the apartments. Debbie Goembel said that the citizens of Herington are paying the utility bills for the apartments. Brenda Wildman added that even though the utilities are included in the rent, the meters are read every month.

Electric rates were discussed. A motion was made by Commissioner Neuberger, seconded by Commissioner Miller, to have the utility bills paid from any money received from rent that has the bills included. It was brought up that this was not budgeted for 2014, but could be incorporated into next year's budget. The motion failed, with Commissioner Neuberger voting "Aye," and Mayor Bell and Commissioners Olsen and Miller voting "Nay."

A motion was made by Commissioner Neuberger, seconded by Commissioner Olsen, to allow the use of electric on the poles downtown for the car show, and to authorize the volunteer firefighters to assist at the drag races on April 26, 2014. Motion carried, all voting, "Aye."

A motion was made by Mayor Bell, seconded by Commissioner Miller, to approve some changes to the personnel policy, section F-4, that were suggested by KMIT, our new workers compensation carrier. Motion carried, all voting, "Aye." It was noted that the reporting of injuries is covered in section E-8 of the personnel policy. D.J. questioned the definition of "as soon as possible" in section E-8 (a).

Ron explained a proposed business incentives program that the City would implement in partnership with the HEDC. It would give everyone an opportunity to become an ambassador for economic development, using a cash incentive for being in business for one year. Brad would like to review the proposal, so it was tabled until the next meeting.

Cemetery fees were discussed. Ron went over the current rates, as well as some proposed rates recommended by the Cemetery Sexton. A motion was made by Mayor Bell to charge \$100.00 per space, \$300.00 for opening/closing, \$100.00 for cremation, and an additional \$100.00 for work done on Saturday and Sunday. It was brought up that any changes would need to be in ordinance form. The motion died due to lack of a second. An ordinance will be considered at the next meeting.

The revised animal ordinance was reviewed. It was decided that it should be gone over "step by step," possibly at a special meeting. This was tabled until the new commissioners are on board, after the election.

Brad explained the proposed sales tax ordinance and noted that it did not include a mandate on how the funds are to be spent.

RESOLUTION NO. 844

A RESOLUTION TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF HERINGTON, KANSAS THE PROPOSITION OF LEVYING A ONE PERCENT (1.0%) RETAILERS SALES TAX IN THE CITY OF HERINGTON, KANSAS FOR THE PURPOSES OF GENERATING REVENUE TO FINANCE THE PROVISION OF HEALTH CARE SERVICES AND AN ADEQUATE LEVEL OF PUBLIC SERVICES TO IMPROVE AND MAINTAIN THE HERINGTON MUNICIPAL HOSPITAL, AND FOR OTHER PURPOSES.

WHEREAS, K.S.A. 12-187 et seq. and amendments thereto, authorizes the Governing Body to submit to the qualified electors of the City of Herington, Kansas (the "City"), the question of levying a retailer's sales tax to be collected by the State Department of Revenue with revenue therefrom returned to this City; and

WHEREAS, The Governing Body of the City has determined that additional revenue is needed for the purpose of financing the provision of health care services and an adequate level of public services to improve and maintain the Herington Municipal Hospital, to avoid property tax increases, if possible, to give voters a choice as to the method used to finance such services, and to provide for such other general governmental purposes as may be in the best interest of the City.

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

SECTION ONE. A special question election shall be held in the manner prescribed by the law on the thirteenth (13th) day of May, 2014, for the purpose of submitting to the qualified electors of the City of Herington, Kansas (the "City"), the question of levying a retailers' sales tax in the amount of one percent (1.0%), in the City, for the purpose of financing the provision of health care services to improve and maintain the Herington Municipal Hospital, to avoid penalty tax increases if possible, to give voters a choice as to the method used to finance public services and to provide for such other general governmental purposes as may be in the best interest of the City in the amount of one percent (1.0%), such tax to take effect on the first day of October, 2014 and be effective until December 31, 2017 when such sales tax for the stated purpose shall cease, all if approved by the majority of the electors voting thereon.

SECTION TWO. If approved by a majority of the electors voting thereon, such tax shall be subject to all applicable state laws and administrative rules and regulations of the Kansas Department of Revenue. The services of the Kansas Department of Revenue shall be utilized to administer, enforce, and collect such tax.

SECTION THREE. The City Clerk and County Election Officer shall cause notices to be published of this special election, as provided by law.

A motion was made by Commissioner Olsen, seconded by Mayor Bell, to adopt Resolution No. 844, and approve the notice of special election question as to form. Motion carried, all voting, "Aye."

At 7:10 p.m. a motion was made by Commissioner Neuberger, seconded by Mayor Bell, for the City Commission and the City Attorney to go into executive session for 15 minutes for the purpose of attorney/client privilege regarding contractual information. Motion carried, all voting, "Aye." At 7:25 p.m. a motion was made by Commissioner Miller, seconded by Commissioner Olsen, to re-convene into regular session. Motion carried, all voting, "Aye."

D.J. asked that an item he placed on the agenda, executive session to discuss non-elected personnel, be removed from the agenda.

Ron announced that David Gehrke has been named Kansas Rural Water Association's water operator of the year. He also presented the proposed signs for Logan Pointe and the Commercial Park.

D.J. had a question on the Homestead Village rent and Chuck stated that he seconded two motions that he voted against so there could be discussion on the items.

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

Also present at the meeting were Rick Freeman, Virginia Neuberger, Michelle Stanford, Mark Detter, Debbie Goembel, Wendy Jones, Charlie Ray, Karen Ketterer, Ken Walters, Diane Walters, Ray Perez, Chris Busch, Frank Arnwine, Mark Wendt, Kenny Staatz, Kathleen Walter, Lori Dornbusch, Buck Buckner, Brenda Wildman, Cynthia Naylor, Pat Moyer, Cathy Stinnett, Tammy Miller, J.R. Sparke, and Stephanie Gilbert of the Herington Times.

Debra Wendt
City Clerk