

**REGULAR MEETING**  
**April 15, 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, City Manager Ron Strickland, City Attorney Brad Jantz, and City Clerk Debra Wendt. Commissioner Chuck Miller was absent, and Commissioner Beth Wade was present by speaker phone.

A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to approve the minutes of the meeting of April 1, 2014. Motion carried, all voting, “Aye.” Appropriation Ordinances #C0331-14 and #P0410-14 were discussed and reviewed. There were no additional agenda items. A motion was made by Commissioner Olsen, seconded by Commissioner Wade, to approve the agenda. Motion carried, all voting, “Aye.”

Robbin read the results for the April 1, 2014 general election.

**HERINGTON CITY COMMISSION**

*Michelle Stanford	117
*Kathleen L. Walter	103

**HERINGTON HOSPITAL TRUSTEE**

Gloria Boomer	27
*Howard Hailey	128
*Edwin (Ed) Mueller	167

**HERINGTON HOSPITAL TRUSTEE (Unexpired Term)**

*Leslie Mayes (write-in)	35
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The following resolution was considered:

**RESOLUTION NO. 845**

**A RESOLUTION AUTHORIZING THE SALE, POSSESSION, AND CONSUMPTION OF CEREAL MALT BEVERAGES UPON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF HERINGTON, KANSAS.**

Be It Resolved by the Governing Body of the City of Herington, Kansas that:

**Section 1.** Pursuant to Section 5-111 of the Code of the City of Herington, Kansas, the sale, possession, and consumption of cereal malt beverages shall be permitted on the following described real property:

Herington Regional Airport

Commencing on April 26, 2014 at 10:00 a.m. and ending on April 26, 2014 at 8:00 p.m.

A motion was made by Commissioner Olsen, seconded by Commissioner Wade, to adopt Resolution No. 845. Motion carried, all voting, “Aye.”

A special event permit to sell cereal malt beverages at the airport for the drag races on April 26, 2014 was considered. David Gehrke applied for the permit on behalf of the American Legion. D.J. questioned why the spousal information wasn’t filled out. The information was added. A motion was made by

Commissioner Neuberger, seconded by Commissioner Olsen, to approve the CMB special event permit for April 26<sup>th</sup> from 10:00 a.m. to 8:00 p.m. at the airport. Motion carried, all voting, "Aye."

A motion was made by Commissioner Wade, seconded by Commissioner Olsen, to approve a cereal malt beverage license for packaged only for BNK Inc. at the Spot, 304 West Walnut. Motion carried, all voting "Aye." A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to approve a cereal malt beverage license for BNK Inc. for consumption on the premises at the Spot. Motion carried, all voting, "Aye." Both licenses will expire on 12-31-14.

A motion was made by Commissioner Olsen, seconded by Commissioner Neuberger, to authorize the Mayor to sign a proclamation declaring April 27 – May 4, 2014 as H.O.P.E. Center Emphasis Week in Herington. Motion carried, all voting, "Aye."

A motion was made by Commissioner Neuberger, seconded by Mayor Bell, to accept the resignation of Ralph DeZago from the Housing Authority. Motion carried, all voting, "Aye."

Don Osenbaugh presented a City Commission Orientation. He is currently a self-employed consultant, he works for KMIT, he was employed by the League of Kansas Municipalities for twelve years, and he also has municipal government experience. Ron asked him to come and give a presentation. Don explained that we have the "classic" form of Manager/Commission government, and he went over the statutory duties of the City Manager, as well as covering open meeting laws and related items. He stressed that city business should be conducted at a meeting, explained how executive sessions work, and answered questions from D.J. and Debbie Goembel. Don then touched on city budgeting basics, ethical behavior, and conflict of interest. Public forums were discussed. Don was not in favor of them, saying that the audience should attend the meetings so they can listen. He added that the citizens should go to the City Manager with their concerns. D.J. asked if the Commission can ask people in the audience for their input during the meeting. Don said there are different policies in every city. He then told about the wide variety of great training, conferences, and publications that the League offers. Ron thanked him for coming.

Ron presented a bridge inspection agreement with KDOT. A motion was made by Commissioner Olsen, seconded by Commissioner Wade, to authorize the Mayor to sign the agreement. Motion carried, all voting, "Aye."

The proposed cemetery fees that were discussed at the last meeting were presented in ordinance form:

#### **ORDINANCE NO. 1758**

#### **AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 3, SECTION 6-307 AND 6-308, CODE OF THE CITY OF HERINGTON, KANSAS RELATING TO SUNSET HILL CEMETERY.**

A motion was made by Mayor Bell, seconded by Commissioner Neuberger, to adopt Ordinance No. 1758. The vote was as follows:

Ayes: Mayor Bell, Commissioners Olsen, Neuberger, and Wade.

Nays: None. Motion carried.

Ron recommended approval of the proposed business incentive program. Brad said he made some minor changes. It was noted that the HEDC is paying half of the cost, and that the program could be eliminated

if no funds are available. A motion was made by Mayor Bell, seconded by Commissioner Neuberger, to approve the business incentive program. Motion carried, all voting, "Aye."

Brad announced that the publication time frame would not work for the County Clerk on the sales tax resolution, so a resolution that would rescind Resolution No. 844 and the notice of special election was considered:

#### **RESOLUTION NO. 846**

**A RESOLUTION RESCINDING RESOLUTION NUMBER 844 APPROVING FOR SUBMISSION 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**, the Governing body of the City of Herington, Kansas has passed Resolution No. 844 to submit a proposition to the qualified electors of the City of Herington, Kansas, a proposition for levying a sales tax consistent with **K.S.A. 12-187, *et. seq.*** in support of health care and public services within the city limits along with a Notice of Special Election approved in furtherance thereof; and

**WHEREAS**, it has been determined that the date approved for the election contemplated cannot be utilized due to certain scheduling conflicts and notice requirements; and

**WHEREAS**, it is the desire of the Governing Body of the City of Herington, Kansas to rescind and repeal Resolution No. 844;

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

**SECTION ONE:** That Resolution No. 844 of the City of Herington, Kansas passed on the 1<sup>st</sup> day of April, 2014 along with the Notice of Special Election approved in furtherance thereof are hereby fully rescinded and repealed.

**SECTION TWO:** Further action on the subject of any special election on this proposition shall be undertaken by separate Resolution and Notice duly passed and approved by the Governing Body of the City of Herington, Kansas.

A motion was made by Commissioner Olsen, seconded by Commissioner Wade, to adopt Resolution No. 846. Motion carried, all voting, "Aye."

A new resolution that would put the sales tax question on the August 5<sup>th</sup> election ballot, and begin collection on January 1, 2015 was considered.

#### **RESOLUTION NO. 847**

**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 fifth (5<sup>th</sup>) day of August, 2014, for the purpose of submitting to the qualified electors of the City of Herington, Kansas (the "City"), the question of levying a retailer's sales tax in the amount of one percent (1.0%) in the City, 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 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 (1<sup>st</sup>) day of January, 2015 and be effective until December thirty-first (31<sup>st</sup>), 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 Mayor Bell, seconded by Commissioner Olsen, to adopt Resolution No. 847. The motion failed 4-0. A motion was then made by Mayor Bell, seconded by Commissioner Olsen, to adopt Resolution No. 847, and to approve the notice of special election question as to form. Motion carried, all voting, "Aye."

Robbin asked about the traffic through town, and Ron said that he and Brad are still reviewing the Environmental Use Control that Hodgdon Company presented at the last meeting. Beth thanked Robbin and D.J. for their service on the Commission, and welcomed Michelle and Kathleen.

D.J. brought up that by the time the proposed sales tax is collected, the hospital will be behind approximately \$221,000. He encouraged everyone to shop locally and use the hospital, and added that the hospital also needs to tighten up their budget. D.J. commented on the electric fund, and Robbin asked if the swings at the park have been fixed.

Robbin and D.J. thanked everyone for the opportunity to serve on the Commission. Fred Olsen presented plaques to Robbin and D.J. and thanked them for their service.

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

Also present at the meeting were David Gehrke, Kathleen Walter, Michelle Stanford, Rick Freeman, Virginia Neuberger, Rita Gehrke, Don Osenbaugh, Cynthia Naylor, Pat Moyer, Debbie Goembel, J.R. Sparke, and Stephanie Gilbert of the Herington Times.

Debra Wendt  
City

Clerk