

REGULAR MEETING
June 3, 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 Beth Wade, Commissioner Fred Olsen, Commissioner Chuck Miller, Commissioner Michelle Stanford, Commissioner Kitty Walter, City Manager Ron Strickland, City Attorney Brad Jantz, and City Clerk Debra Wendt.

A motion was made by Commissioner Olsen, seconded by Commissioner Miller, to approve the minutes of the meeting of May 20, 2014. Commissioner Stanford stated that at the May 20th meeting, the City Attorney said that consent agendas are not generally used in this form of government, not public forums as was incorporated in the minutes. The vote failed, with Mayor Wade and Commissioners Olsen, Miller, and Stanford voting “Nay,” and Commissioner Walter voting “Aye.” A motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to approve the minutes of the meeting of May 20, 2014, with the aforementioned change. Motion carried, all voting, “Aye.”

Appropriation Ordinance #P0525-14 was discussed and reviewed. There were no additional agenda items. A motion was made by Commissioner Olsen, seconded by Commissioner Miller, to approve the agenda. Motion carried, all voting “Aye.”

Several condemnation resolutions were considered:

RESOLUTION NO. 848

WHEREAS, a statement has been submitted by the building Code Official declaring the following-described real property, to wit:

SEC 12 TWP 16 RNG 4 Lot S 80- Lots 1, 2, 3, Block No. 61 SubDiv: Herington Town Company Addition; 401 North E, Korgol, Randy, Lacy Matherly, Thomas L. 505 S. Broadway, Herington, KS 67449.

To contain an unsafe and dangerous structure; and

WHEREAS, the Governing Body, pursuant to K.S.A. 12-1752 to 1756, as incorporated by reference in Section 2-306 of the City Code, has the authority to cause the abatement of unsafe or dangerous structures within the City, after proper notice and hearing.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS, as a hearing will be conducted at 4:30 p.m. on Tuesday, August 5, 2014, in the City Commission Meeting Room at the City Offices, Herington, Kansas, at which time the owner, the owner’s agent, any lien holders of record, of such structure may appear and show cause why such structure should not be condemned and ordered to be removed; and that this resolution shall be published once a week for two (2) consecutive weeks in the official city newspaper, with the last publication being more than thirty (30) days prior to the public hearing and that a copy of this resolution shall be mailed by certified mail within three (3) days of the first publication to each owner, agent, lien holder or occupant, to the last known place of residence and shall be marked “deliver to addressee only.”

A motion was made by Commissioner Olsen, seconded by Commissioner Walter, to adopt Resolution No. 848. Motion carried, all voting, “Aye.”

RESOLUTION NO. 849

WHEREAS, a statement has been submitted by the Building Code official declaring the following-described real property, to wit:

SECTION 11 TWP 16 RNG 4 Lot: 10 & S 10' Lot 8 Block No. 8; SubDiv: Town of Herington; Troy A. Staatz 316 North First, Herington, Kansas 67449.

To contain an unsafe and dangerous structure; and

WHEREAS, the Governing body, pursuant to K.S.A. 12-1752 to 1756, as incorporated by reference in Section 2-306 of the City Code, has the authority to cause the abatement of unsafe structures within the city; after proper notice and hearing.

(Same as Resolution No. 848)

A motion was made by Commissioner Olsen, seconded by Commissioner Stanford, to adopt Resolution No. 849. Motion carried, all voting, "Aye."

RESOLUTION NO. 850

WHEREAS, a statement has been submitted by the Building Code official declaring the following-described real property, to wit:

SECTION 12 TWP 16 RNG 4 Lot: 12, 14, 16, Block No. 129; SubDiv: Herington BLKS 118-131; 316 South 3rd; D.J. Virginia Neuberger 9 South 2nd Herington, Kansas 67449.

To contain an unsafe and dangerous structure; and

WHEREAS, the Governing Body pursuant to K.S.A. 12-1752 to 1756, as incorporated by reference in Section 2-306 of the City Code, has the authority to cause the abatement of unsafe or dangerous structures within the city, after the proper notice and hearing.

(Same as Resolution No. 848)

A motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to adopt Resolution No. 850. Motion carried, all voting, "Aye."

Ron recommended adding "serves as animal control officer" to the essential functions of the Chief of Police job description. A motion was made by Commissioner Stanford, seconded by Commissioner Walter, to add this. Motion carried, all voting, "Aye."

Mark Detter, financial advisor, told the Commission that it might be advantageous to refinance our 2010 electric revenue bond into a general obligation bond. It could save some money, and the bond reserve proceeds could be used. Ron asked how it would affect our borrowing rate, and Debbie asked how many years it would add to the life of the bond.

At 4:46 p.m. a motion was made by Commissioner Olsen, seconded by Commissioner Stanford, for the City Commission, City Manager, City Attorney, and J.T. Klaus to go into executive session for 20 minutes for attorney/client privilege for potential litigation. Motion carried, all voting, "Aye." At 5:09 p.m. a motion was made by Commissioner Olsen, seconded by Commissioner Miller, to reconvene into regular session. Motion carried, all voting, "Aye." A motion was made by Commissioner Olsen, seconded by Commissioner Wade, to continue the executive session for another fifteen minutes, with the same people, for the same reason. Motion carried, all voting, "Aye." At 5:24 p.m. a motion was made by Commissioner Miller, seconded by Commissioner Stanford, to reconvene into regular session. Motion carried, all voting, "Aye." No action was taken.

Brad brought some items for informational purposes. The first was an ordinance regulating street closings and parking. He said he discovered that we don't have one in place, so he wrote it as an addition to Chapter VI, Article 5 of the City Code Book. With this in place, temporary street closures could be done by resolution. Brad also presented a resolution that would prohibit parking in front yards, and an ordinance that would limit truck traffic and parking on D and Trapp Streets during the Highway 77

bridge project. This could be done as a resolution after the street regulations ordinance is passed. It was suggested that "local deliveries" be allowed during the Highway 77 project.

Ron said that the Broadway Street bridge contractor would like to change the stone on the bridge. After looking at pictures, a motion was made by Mayor Wade, seconded by Commissioner Walter, to stay with the original plan. Motion carried, all voting, "Aye."

At 5:30 p.m. a motion was made by Commissioner Stanford, seconded by Commissioner Walter, for the City Commission, City Manager, and City Attorney to go into executive session for twenty minutes to discuss attorney/client privilege for contract negotiations. Motion carried, all voting, "Aye." At 5:53 p.m. a motion was made by Commissioner Olsen, seconded by Commissioner Walter, to reconvene into regular session. Motion carried, all voting, "Aye." No action was taken, but the Commission reached a consensus that they want Brad Jantz to move forward with negotiations with Hodgdon Powder Company related to an environmental cleanup project. Hodgdon officials will be invited to come to the next meeting.

Ron answered some questions on the voltage change and the bridge project. Kitty said there would be a seminar on community gardening in July at Manhattan, and it would be great if someone could attend.

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

Also present at the meeting were Mark Detter, J.T. Klaus, Tammy Miller, D.J. Neuberger, Paula Strickland, Pat Moyer, Mike Ryan, Greg Young, Cynthia Naylor, J.R. Sparke, and Stephanie Gilbert of the Herington Times.

Debra Wendt
City Clerk