

REGULAR MEETING
June 17, 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 Stanford, seconded by Commissioner Olsen, to approve the minutes of the meeting of June 3, 2014. Motion carried, all voting, “Aye.”

Appropriation Ordinances #C0531-14 and #P0610-14 were discussed and reviewed. There were no additional agenda items. A motion was made by Commissioner Olsen, seconded by Commissioner Stanford, to approve the agenda. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to appoint Richard Olson to the Library Board, term to expire 3-14-18. Motion carried, all voting, “Aye.”

Mike Townsend, Chairman of the Dickinson County Economic Development Steering Committee spoke about the citizen-led group’s efforts to create an organization that will foster economic growth in the county. He and Janelle Dockendorf gave a power point presentation that explained the goals of the organization, the net migration over the last several decades, and the progress they have made so far. Mike added that the EDC is different from the Chambers of Commerce, and that they have received tips from Clay County and Finney County. Their proposed budget included \$150,000 from Dickinson County, and \$8,284.75 total of all cities and the county based on \$.25 per capita. Our share would be around \$631.00. Fred asked if our airport would be included since it is in Morris County. Mike said it would, and he concluded by saying he hopes the Commission will give favorable consideration to participation in the County-wide EDC.

Mark Detter of Central States Capital Markets presented a financial advisory agreement for refinancing of our 2010 electric revenue bond with a general obligation bond. He recapped the other three bonds that his company has refinanced for us. The projected savings for this bond is between \$30,000 and \$35,000. He recommended going out and searching the market and added that if there are no savings, there would be no refinancing. A motion was made by Commissioner Olsen, seconded by Mayor Wade, to approve the agreement with Central States Capital Markets. Motion carried, all voting, “Aye.”

The resolution for the refunding of the bonds was presented. Mark said that the resolution included that the bonds would not be issued unless it resulted in a net savings of at least 2.5%. He said that could be changed to 3%, but the Commission decided to leave it at 2.5%.

RESOLUTION NO. 851

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS (THE “CITY”) DECLARING IT NECESSARY TO ADVANCE REFUND THE CITY’S ELECTRIC SYSTEM REVENUE REFUNDING BONDS, SERIES 2010; TO ISSUE GENERAL OBLIGATION ELECTRIC UTILITY REFUNDING BONDS OF THE CITY IN AN AMOUNT NOT TO EXCEED \$945,000, FOR THE PURPOSE OF PAYING THE COSTS THEREOF; AUTHORIZING AND PROVIDING FOR THE SALE OF THE CITY’S GENERAL OBLIGATION ELECTRIC UTILITY REFUNDING BONDS; SETTING FORTH THE DETAILS OF SAID SALE; AND PROVIDING FOR THE PUBLICATION OF THE NOTICE OF SUCH INTENTION IN THE MANNER REQUIRED BY LAW.

A motion was made by Commissioner Miller, seconded by Commissioner Stanford, to adopt Resolution No. 851. Motion carried, all voting, "Aye."

Brenda Wildman reported that the Planning Commission had unanimously approved Conditional Use Permit C-1-2014 that would allow the First Baptist Church to build a church in the R-1 zone located at 201 East Hawley. Pastor Darrell Geist showed pictures of the proposed church. Ron asked if the facility would have a storm shelter. Rev. Geist said there are no plans for one at the present time, but they are looking for grant money. A motion was made by Mayor Wade, seconded by Commissioner Walter, to approve Conditional Use Permit #C-1-2014. Motion carried, all voting, "Aye."

A motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to approve a contract for audit services for the year ending 12-31-13 with Lindburg, Vogel, Pierce, Faris Chartered for a fee not to exceed \$11,500. Motion carried, all voting, "Aye."

Pat Moyer presented the Herington Municipal Hospital budget for the fiscal year ending June 30, 2015. She noted that the Hospital Board has already approved the budget, and that she was here as a courtesy to go over it with the City Commission. They are asking for five mills from the City budget, and no potential sales tax is included. Pat went over the income statement and full time equivalents by department, and said that their cash flow is better than it was six months ago. Kitty asked how many patients are usually in the hospital, and Pat replied that the average is five per day for "in patients" and that twenty-six per day "come and go." Pat answered questions and gave a brief summary of the capital improvements by department. She added that the Hospital Foundation would also get the list of capital needs. Mark Wendt stated that this would be the last time that Pat will present the budget, as she is retiring. He thanked her for the job she has done.

D.J. Neuberger said that the citizens that hauled tree branches after the recent storm should be thanked. He said he called the City Office and was referred to an arborist, and then he read the article found on the City's web page. He did not think it was appropriate to send letters to people if they do not pick up their limbs, he felt that the City should not tell him to hire an arborist, and that the City should pick up the limbs. Ron stated that people should be able to take care of their own homes. Chuck and Michelle thought that maybe the elderly, disabled, and low income citizens needed some help, and Kitty added that we are here to serve the community. Ron said that if the Commission tells us to pick up the limbs, we will. Fred felt that the people would take advantage of this, and it is a tremendous expense to the City. Beth said that it is the property owner's responsibility to take care of their own yards, and added that it is not fair to ask employees to not do their job so they can pick up limbs. Tandi Arevelo asked how many people called for help, and said she was impressed with the number of people helping each other with tree limb removal. It was suggested to gather a list of groups and individuals that would be willing to help with clean up and post them on the City's web site.

The following resolution was considered:

RESOLUTION NO. 852

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: Demolition Derby Arena, Herington Fairgrounds, Commencing on July 12, 2014 at 4:00 p.m. and ending on July 12, 2014 at midnight.

A motion was made by Commissioner Olsen, seconded by Commissioner Stanford, to adopt Resolution No. 852. Motion carried, all voting, "Aye."

A motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to approve a cereal malt beverage special event permit for David Gehrke, American Legion, for July 12, 2014 from 4:00 p.m. to midnight at the Demolition Derby Arena, Herington Fairgrounds. Motion carried, all voting, "Aye."

One of the condemnation resolutions from the last meeting had an incorrect address. This will correct that.

RESOLUTION NO. 853

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

SEC TWP 16 RNG 4; Lot 10 & S. 10' Lot 8 Block No. 8; SubDiv: Town of Herington; Troy A. Staatz, 312 North First, 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 holder 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 Stanford, seconded by Commissioner Walter, to adopt Resolution No. 853. Motion carried, all voting, "Aye."

The ordinance that would regulate street closings and parking by resolution was reviewed. Debbie was concerned that the format of the ordinance is not consistent with the city code book.

ORDINANCE NO. 1759

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO SUPPLEMENT AND ADD A SECTION OF CHAPTER VI, ARTICLE 5, SECTION 6-518 TO FACILITATE THE REGULATION OF STREET CLOSINGS AND PARKING WITHIN THE CITY LIMITS OF HERINGTON, KANSAS; ESTABLISHING PROCEDURES FOR STREET CLOSURES, PARKING, AND NO PARKING ZONES WITH ATTENDANT TIME LIMITATIONS AND RELATED MATTERS; AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

A motion was made by Commissioner Stanford, seconded by Mayor Wade, to adopt Ordinance No. 1759, subject to staff review to amend the format to be consistent with the code book. The vote was as follows:

Ayes:	Mayor Wade, Commissioners Olsen, Miller, Stanford, and Walter.
Nays:	None. Motion carried.

Ron presented an anti-drug and alcohol misuse prevention policy from TMHC that is required to be in place at the Hilltop. A motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to authorize the Mayor to sign the policy. The motion passed 4-1, with Commissioner Miller casting the dissenting vote.

The Commission discussed scheduling a work session to review the proposed animal ordinance for June 24th. Several people could not attend, so the item will be on the agenda for the regular meeting of July 1, 2014.

As an opportunity to make up for losses in the electric fund, the fuel adjustment was discussed. Debbie explained the history of the fuel adjustment, and added that it is figured monthly, and that by city ordinance, it is at the option of the City and must be ordered by the governing body. David Gehrke explained how the fuel adjustment is figured. David was directed to bring some more information to the next meeting. Beth said that we need to either look at raising electric rates or adding a fuel adjustment.

Ron briefly discussed the Highway 77 project, the Broadway Street Bridge, and storm damage. Michelle thanked the citizens and city crews who cleaned up after the storm. Kitty suggested doing the pledge of allegiance before every Commission meeting. It was the consensus of the Commission to do this.

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 Rick Freeman, D.J. Neuberger, David Gehrke, Wendy Jones, Dave Jones, Mark Wendt, Pat Moyer, Mike Ryan, Paula Strickland, Mark Detter, Brenda Wildman, Ken Walters, Tammy Miller, Darrell Geist, Ed Mueller, Tandi Arevelo, Cynthia Naylor, Ray Perez, Janelle Dockendorf, Mike Townsend, Tim Hamilton, J. R. Sparke, and Stephanie Gilbert of the Herington Times.

Debra Wendt
City Clerk