

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

The meeting was opened with the Pledge of Allegiance. A motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to approve the minutes of the meeting of July 1, 2014. Motion carried, all voting, “Aye.” Appropriation Ordinances #C0630-14 and #P0710-14 were discussed and reviewed. There was one additional agenda item—Commissioner Stanford added Gloria Boomer as #5A. A motion was made by Commissioner Olsen, seconded by Commissioner Stanford, to approve the agenda, with the addition of #5A. Motion carried, all voting, “Aye.”

Gloria Boomer, who lives on 7<sup>th</sup> Street, said that she is annoyed that she received a nuisance letter. She said she cleans up her property, to the best of her ability, and not in the heat of the day. Gloria went over the series of violations listed in the letter. Kitty asked who sent the letter. Ken Staatz replied that he had, that it is a standard nuisance form for which she was cited for weeds and debris in her yard, and that she is not the only one that received a letter. He added that he has been directed by the City Manager to send letters and get the town cleaned up. The form gives the person five days to remedy the nuisance problem, but he will give more time if they are trying to clean up. Kitty asked what the process is after five days, and Ken said that it then goes to court. Ron said that Gloria helps out the City by cleaning ditches and other areas. Gloria said that her yard contains wildflowers, and that she doesn't own a lawn mower. It was noted that nuisance abatement is an on-going process, and that we need to be consistent. Fred said that we need to work with the people so the town will be cleaned up.

A motion was made by Commissioner Stanford, seconded by Mayor Wade, to reappoint Brenda Swinney to the Convention and Visitors Bureau as the motel representative, term to expire 4-30-16. Motion carried, all voting, “Aye.”

The following resolution was considered:

**RESOLUTION NO. 856**

**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:

Broadway Street from Main to McClaren, and Walnut Street, from 1<sup>st</sup> to A  
Commencing on August 23, 2014 at noon, and ending on August 23, 2014 at midnight.

A motion was made by Commissioner Olsen, seconded by Mayor Wade, to adopt Resolution No. 856. Motion carried, all voting, “Aye.” This is in conjunction with the Vintage Days celebration.

A motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to approve a special event permit for Tom Biehler, Knights of Columbus, to sell cereal malt beverages during Vintage Days on August 23, 2014 from noon to midnight at the Pocket Park. Motion carried, all voting, “Aye.”

Ken Reitz was present to talk about recycling. He passed out some information and said he has a business called Image Recycling. He pointed out that the way to help ourselves is to reduce what we use, reuse, and recycle. He added that many counties save money by having residents recycle, and told of the success in Ottawa County. Ken then went over some ways that recycling could be done in Herington, and said he would be willing to work with our trash provider, M & K Trash Service. The Commission told Mr. Reitz that they would like to see a plan, and know what this would cost us and what we would get out of it.

Ron presented some bids for wind damage at the airport. He recommended the low bid from Becker Construction of Topeka for \$55,056.00. He added that they did the repair on the same building two years ago and did a very good job. It will cost the City around \$6,000-\$7,000 after insurance. A motion was made by Commissioner Olsen, seconded by Mayor Wade, to award the bid for wind damage at the airport to Becker Construction for \$55,056.00. Motion carried, all voting, "Aye."

The following ordinance was considered:

#### **ORDINANCE NO. 1760**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS TO SUPPLEMENT AND ADD A SECTION OF CHAPTER II, ARTICLE 3, SECTION 2-319 PROHIBITING AND REGULATING THE PARKING OF MOTOR VEHICLES OR PARTS OF SUCH VEHICLES WITHIN CERTAIN AREAS IN RESIDENTIAL ZONES OF THE CITY; PROVIDING PENALTIES THEREFORE; AND REPEALING ANY OTHER CURRENT ORDINANCES THEREOF IN CONFLICT HERewith.**

Ron said this ordinance has been brought up before and tabled, and that it deals with parking in yards in residential areas. Michelle said that she has a real problem with not allowing tagged, operable, insured vehicles to park in the front or side yards, and that there may be health reasons involved. Kitty thought that it is common courtesy to not park in yards. Michelle said that "people trust us to not place undue burdens on them." Lisa Williams said that she pulls in a yard to pick up her handicapped brother. Fred asked Brad if other cities are doing this, and D.J. Neuberger asked who would enforce the ordinance. Ron added that he has been instructed to clean up the City, and this is one step toward this. The vote on the ordinance was as follows:

Ayes:	Mayor Wade, Commissioners Olsen and Walter
Nays:	Commissioner Stanford. Motion carried.

The proposed animal ordinance was discussed. Mayor Wade said she would take comments from the audience, and that they would each be allowed three minutes to speak. Fred said his main concern is chickens, and when he asked who the animal control officer would be, was told it is the Police Chief. Michelle noted that there is nothing in the ordinance that deals with diseased animals, and said she has went over the Commission meeting minutes for the last year or so, and felt it is time to get busy and get this ordinance done. Kitty said she would like to get the horse out of town. Beth commented that she would not like to have chickens in her neighborhood. Fred pointed out there are two distinct sides to allowing chickens, and asked Brad if someone could have a petition that would allow then. Brenda added that at the present time, they are only allowed in an agricultural zone. Lisa Williams, 601 North B, said that she has chickens, that she has a privacy fence, no close neighbors, and they are her pets. She doesn't agree that two acres is needed to keep chickens. She would be willing to pay for a permit. Doing away with the restrictions on pit bulls was also discussed. Gloria Boomer asked "why are you prejudiced against chickens?" and Cynthia Naylor felt that we shouldn't penalize animal lovers. Fred felt that people abuse the privilege, Beth cited that there is a horse in the center of town, and Michelle said a

Facebook poll had been done concerning the chickens. Brenda feared that if chickens are allowed, people will not complain because of their neighbor's possible retaliation. D.J. Neuberger commented that an animal control officer could not enforce all of these rules, and that two acres for chickens is not realistic. Brenda said there are a lot of problems with the proposed ordinance, and that it needs to be consistent with the zoning regulations. Officer Eric Gares pointed out some of the inconsistencies in the ordinance. Initially, it was the job of the City Manager and a committee to come up with a new ordinance. Commissioner Stanford left the meeting at this time. Ron suggested that the Commission start reviewing the ordinance by going over the definitions. Fred asked if the final draft of the proposed ordinance was reviewed by the committee, and when he found out it was not, he wanted to know why. The ordinance was tabled until the committee reviews it and brings it back to the Commission.

A motion was made by Mayor Wade, seconded by Commissioner Walter, to call a special meeting for Monday, July 28, 2014 at 6:00 p.m. at City Hall for the purpose of approving the 2015 notice of budget hearing for publication. Motion carried, all voting, "Aye."

Kitty suggested putting out comment cards at City Hall. Beth commented that the Commission represents all of the citizens, even the ones that don't publically voice their opinions.

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

Also present at the meeting were Ken Reitz, D.J. Neuberger, Gloria Boomer, Ken Staatz, Eric Gares, Lisa Williams, Mike Ryan, Paula Strickland, Brenda Wildman, Ken Walters, Lyle Wade, Virginia Neuberger, Ray Perez, Cynthia Naylor, and Stephanie Gilbert of the Herington Times.

Debra Wendt  
City Clerk