

REGULAR MEETING

August 5, 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.

The meeting was opened with the Pledge of Allegiance. Commissioner Stanford requested a change to the minutes of the meeting of July 15, 2014. She said there was a Facebook poll concerning chickens, but that she did not do the poll. A motion was made by Commissioner Stanford, seconded by Mayor Wade, to approve the minutes with the aforementioned change. Motion carried, all voting, “Aye.” Commissioner Stanford also requested a change for the minutes of the special meeting of July 28, 2014. In the sentence concerning Medicare reimbursement, she requested that “an urgent care facility would not” be changed to “an urgent care facility might not.” A motion was made by Commissioner Stanford, seconded by Commissioner Walter, to approve the minutes with the change. Motion carried, all voting, “Aye.”

Appropriation Ordinance #P0725-14 was 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 Walter, seconded by Commissioner Stanford, to appoint Toby Osburn to the Recreation Commission for a four-year term, to expire 5-18-2018. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Walter, seconded by Commissioner Stanford, to appoint David Duval to the Housing Authority to fill a vacancy, term to expire 12-31-16. Motion carried, all voting, “Aye.”

The Commission considered Conditional Use Permit #C2-2014, which would allow a church to be established in the B-5 Central Business District. The Planning Commission approved the permit by a vote of 6-2. Deb Wiles, Pastor of the Rock Island Church, explained that the church would like to bid on the building at 7 North 1st if it ever goes up for auction, and they wanted to have the conditional use permit in place. Fred said that he has the same problem as “last time,” and that he thinks the building should house a business. He added that he has nothing against the church. Chuck asked if they have looked at any other buildings. Pastor Wiles said that this is a unique situation, and that the congregation would like a non-traditional building. Fred asked if they could build a new building, and Deb replied that they are currently debt free, and that would not be fiscally responsible. Brad Jantz said that he had made an assumption that they had a contract to purchase the building. He explained that the church won’t be able to ask for a conditional use—the owner could, but the church can’t. Since the conditional use could not be considered, a consensus of the Commission was taken. Beth, Fred, and Kitty were not receptive to the idea of a conditional use, Michelle is receptive, and Chuck said it would take some hard convincing for him.

The condemnation hearing for 312 North 1st was opened. No comments were heard. Fire Chief Kenny Staatz was not able to attend the meeting. The hearing was closed. A motion was made by Commissioner Olsen, seconded by Commissioner Miller, to continue the hearing until August 19, 2014.

Motion carried, all voting, "Aye."

The condemnation hearing for 401 North E was opened. No comments were heard, and the hearing was closed. A motion was made by Commissioner Stanford, seconded by Mayor Wade, to continue the hearing until August 19, 2014. Motion carried, all voting, "Aye."

The condemnation hearing for 316 South 3rd was opened. Owner D.J. Neuberger said he would have boarded up the property a long time ago, but no one ever contacted him. He felt the City Manager, Police Chief, or Fire Chief should have contacted him. Beth told him that it is his responsibility to take care of his property. Michelle said she has a problem with the City going on private property and felt we have no right to do this. Ron explained that the City has the right to secure an unsafe structure. Brad agreed, and asked that this hearing be continued. He would also like to go over the condemnation process with the Commission. The hearing was closed. A motion was made by Commissioner Olsen, seconded by Commissioner Stanford, to continue the hearing until August 19, 2014. Motion carried, all voting, "Aye."

Financial Advisor Mark Detter said that the low bidder on the refunding of the 2010 electric revenue bonds is D. A. Davidson & Company. He explained that the company treated this as a proposal and not a bid, and thought they could get an even lower rate. He recommended tabling the bond ordinance and resolution, as D. A. Davidson & Co. does not want to lock in the rate yet, but if they can't market the bonds, there would be no obligation to us. A motion was made by Commissioner Miller, seconded by Commissioner Stanford, to table the proposed bond ordinance and resolution. Motion carried, all voting, "Aye." Under Mark Detter's suggestion, a motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to approve the underwriting engagement letter at the quoted rate or less with liability limitation and subject to staff review with D.A. Davidson & Co. Motion carried, all voting, "Aye." A motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to authorize the Mayor to sign documentation assuring that D.A. Davidson & Co. can perform as proposed. Motion carried, all voting, "Aye." A motion was then made by Mayor Wade, seconded by Commissioner Stanford, to reject the other bids on the bonds, from Commerce Bank and Country Club Bank. Motion carried, all voting, "Aye."

A motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to approve the 2014 fire protection agreement for \$17,227.97 with Lyons Township, Dickinson County. Motion carried, all voting, "Aye."

A motion was made by Commissioner Olsen, seconded by Mayor Wade, to approve the 2014 fire protection agreement for \$2,038.73 for certain sections of Union Township, Dickinson County. Motion carried, all voting, "Aye."

A motion was made by Commissioner Stanford, seconded by Mayor Wade, to approve the 2014 fire protection agreement for \$9,375.28 with Fire District #7, Morris County. Motion carried, all voting, "Aye."

A motion was made by Commissioner Olsen, seconded by Commissioner Stanford, to approve the 2014 fire protection agreement for \$4,309.70 with Fire District #11, Morris County. Motion carried, all voting, "Aye."

Ron mentioned some drainage issues with the Broadway Street Bridge, and suggested selling the bollards from the old bridge for \$10.00 each, one per customer. Tandi Arevelo suggested donating one to the Historical Museum. It was the consensus of the Commission to do this.

Michelle commented on the playground equipment that has been ordered for the West Side Park, and Beth asked about the animal ordinance. Brad said he would like to set up a work session after the final staff review of the animal ordinance.

Kitty said she has had phone calls about chickens, and asked about signs for the D Street detour. She also suggested having one officer that would strictly deal with code enforcement. She was told that Kenny Staatz is our code enforcement officer now. Brad told about how other small cities have hired one code enforcement officer to work in several cities. Ron was directed to look into this.

Chuck said he has had a “billion” phone calls concerning recently passed ordinance No. 1760, dealing with parking in yards. He would like to discuss the repeal of this ordinance. Fred said he has been hearing the opposite of Chuck, and thinks people have cleaned up their yards because of the ordinance. Chuck and Michelle would like to re-visit the ordinance, but Beth, Fred, and Kitty do not want to change it. Michelle said she has received citizen comments about parking, chickens, and disrespectful employees at City Hall.

A motion was made by Commissioner Olsen, seconded by Commissioner Miller, to adjourn the meeting. Motion carried, all voting, “Aye.”

Also present at the meeting were Wendy Jones, Dave Jones, Paula Strickland, D.J. Neuberger, Virginia Neuberger, Rick Freeman, Rev. Deb Wiles, Craig Jones, Stan Wiles, Mike Ryan, Duane Bauer, Cynthia Naylor, Jake Dallman, Ray Perez, Mark Detter, Brenda Wildman, Tandi Arevelo, J. R. Sparke, and Stephanie Gilbert of the Herington Times.

Debra Wendt
City Clerk