

REGULAR MEETING
April 2, 2013

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: Commissioner Fred Olsen, Commissioner Woodie Haire, Commissioner D.J. Neuberger, Commissioner Beth Wade, City Manager Ron Strickland, City Attorney Brad Jantz, and City Clerk Debra Wendt. Mayor Robbin Bell arrived late, so Vice-Mayor Fred Olsen opened the meeting.

A motion was made by Commissioner Wade, seconded by Commissioner Haire, to approve the minutes of the meeting of March 19, 2013. Motion carried, all voting, “Aye.” Appropriation Ordinance #P0325-13 was discussed and reviewed. There were no additional agenda items, but one item, #9, was removed due to the fact that Theresa Williamson could not make it to the meeting to discuss a roller derby team. A motion was made by Commissioner Neuberger, seconded by Commissioner Wade, to approve the agenda, with the deletion of #9. Motion carried, all voting, “Aye.”

Frank Lisle was present to ask for forgiveness of the mowing fees for 318 South 5th. He explained that he purchased the property at a tax sale, and then found out later that there were delinquent mowing specials of \$1,484.45 on the parcel. He added that he is in the process of making the house livable and that he has paid for half of the specials. Brad said that he would check and see why the amounts of the charges were not released at the time of the purchase. Kenny said that they are typically written off before a tax sale. A motion was made by Commissioner Olsen, seconded by Commissioner Neuberger, to forgive one-half of the delinquent mowing charges on 318 South 5th. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Wade, seconded by Commissioner Haire, to appoint Linda Polston to the Library Board for a four-year term, to expire 4-1-17. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to appoint Brian Schantz to the Convention and Visitors Bureau for a two-year term, to expire 4-30-15. Motion carried, all voting, “Aye.”

Mayor Bell arrived at this time.

The updated water conservation plan was discussed. The State Water Office has reviewed the new plan and found it to be consistent with the current Kansas Water Office Guidelines for municipal water conservation plans. The Commission wanted to know what had been changed from the original water plan. A motion was made by Commissioner Olsen, seconded by Commissioner Neuberger, to table this until the next meeting. Motion carried, all voting, “Aye.”

Bart Hinkle was present to discuss budgets, finances, and competitive bids. He asked if Dennis Kissinger is an attorney, and noted that there are many problems with the City Manager’s contract. Bart also pointed out that the City Manager, as well as his goals, are to be reviewed on an annual basis. He doesn’t feel that oral reviews are sufficient, and there is no record of them being done. He urged the Commission to decide on an evaluation process and form. Bart then asked each Commissioner if they had read Chapter 1 of the City Code Book, and wondered why, if the City owns the hospital, it isn’t listed in the Code Book along with the other city-owned property. Some of his other concerns were the inconsistencies in the surety bonds, that the City Attorney only works for the “City’s side,” and that competitive bids were not being taken. Bart said that all he is asking for is a transparent, legal government, with Commissioners and staff that are familiar with the code book. He added that he feels that City Manager’s recent raise was not earned, due to poor performance, and then asked the City Commission to read the code book and get their bonds in order.

David Stroda spoke next about the City Manager's contract and salary. He pointed out that there is not an end date in the contract, and that the only way to end the contract is if the City Manager retires or quits. David also questioned why the City Manager could put himself in for a \$15,000 raise, to be taken from several different funds, when employees were told that money is not in the budget for raises. Mayor Bell commented that the Commission only approves the City Manager's raise, and not the employee's raises. David then recommended that the Commission rescind the \$5,000 raise for the City Manager that was given at the last meeting, and re-negotiate the contract at a salary that is more in line with other cities.

Debbie Goembel spoke about KOMA, budgeting, and pensions. She passed out some information on the Kansas Open Meetings Act, pointed out that executive sessions shall include a statement of justification and the subject to be discussed, and asked the City Attorney why this is not being followed. Brad said that he would provide an opinion on the matter, but that he would not answer the general question. Debbie asked that the Commission read the KOMA information, and said she feels like the Commission acts bored when the public is addressing them. Her next area of concern was that the last several years of City budgets that are posted on the State of Kansas website are "red-marked" due to budget violations. Ron explained that the federal government sometimes takes a long time to provide reimbursement of grant funds, and that this may not show up in the same year. Debbie responded that it doesn't seem legal to submit budgets that are in violation of the law. Another concern she had was that a new government accounting standard rule that would take effect in 2014 requires that cities would have to report pensions as a liability on the books. Debbie's final comment was that the Commission sets the example of "maybe we will follow through on our decisions, maybe not," so why should the citizens follow the rules and ordinances.

A motion was made by Mayor Bell, seconded by Commissioner Haire, to approve the contract with Lindburg, Vogel, Pierce, Faris, Chartered for the 2012 audit. The motion passed 4-1, with Commissioner Neuberger casting the dissenting vote.

Ron said that he is looking at ways to prevent damages at the Community Building, and make the people who rent the building more responsible. One possibility would be to have the building inspected before and after each function and to raise the rental rates to cover the cost of the inspection. Ron also gave a brief report on activity at the airport, and said that he would like to schedule a town meeting at the end of this month to get input from the citizens on what projects they would like to have done.

Commissioner Neuberger asked about repairing pot holes on gravel roads, start dates for several upcoming projects, and repairs of the emergency communication system at Homestead Village. He added that Bret Beye gave a good presentation at the Kansas Rural Water Conference. Beth said that the fountain at Father Padilla Lake is ready to quit again. Robbin asked Ron if he has a plan to train people to run the water plant, if he has any more information on the sound system for the Commission meeting room, and if he has found any camp hosts for the lakes. He also commented on a letter that was received from Hospital CEO Mike Ryan.

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

Also present at the meeting were Alice Bell, Virginia Neuberger, Lyle Wade, Tandi Arevalo, Linda Herbel, Lawrence Killer, Mike Ryan, Pat Moyer, Chuck Miller, Mike Herbel, David Stroda, Buck Buckner, Debbie Goembel, B.J. Davis, Karla Mann, Michelle Stanford, Terrie Greenemeyer, Karen Ketterer, Paula Strickland, Wendy Jones, Jackie Mueller, Michelle Clore, Frank Lisle, Cynthia Naylor, Bart Hinkle, Bob Clark, Ruth Clark, John Pritchard, Dale Harris, Kenny Staatz, Cindy Roberts, Keith Longabaugh, Rick Freeman, Karla Cartwright, J.R. Sparke, and Stephanie Berry of the Herington Times.

Debra Wendt
City Clerk