

REGULAR MEETING
August 19, 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. A motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to approve the minutes of the meeting of August 5, 2014. Motion carried, all voting, “Aye.” Appropriation Ordinances #C0731-14 and #P0810-14 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.”

The results of the Herington Sales Tax Question that was on the August 5, 2014 ballot were as follows:

Yes:	317
No:	97

Brad Jantz went over our condemnation process. He pointed out that nuisances such as junk vehicles and weeds go through municipal court, and that dilapidated structures go through the City Commission. Brad explained that owners or interested parties receive notification of pending condemnation, and they can speak at the hearing that is set by resolution. The City Commissioners are the fact finders—they determine if the structure can be saved, and set a time frame. If the structure is beyond repair, the City has the right to demolish it, and put a lien on the property for the value of the demolition. Fred asked if the City has the right to board up windows. Brad said that if it constitutes a nuisance, then we have the right and obligation to secure the premises.

The condemnation hearing for 401 North E was continued. Kenny Staatz reported that the house is vacant and has roof damage, and he recommended pursuing abatement. He was directed to bring a condemnation resolution for consideration at the next meeting. The hearing was closed.

The condemnation hearing for 312 North 1st was continued. Kenny said the property was damaged in a fire, and recommended pursuing abatement. A condemnation resolution will be considered at the next meeting. The hearing was closed.

The condemnation hearing for 316 South 3rd was continued. Kenny said that the property has been vacant quite some time, and he recommended pursuing abatement. Owner D.J. Neuberger asked Kenny if he had talked to the owner about the property, and Kenny said he had talked to him (D.J.) a year ago. D.J. said he is pursuing having the property torn down. A condemnation resolution will be considered at the next meeting. The hearing was closed.

At 4:40 p.m. a motion was made by Mayor Wade, seconded by Commissioner Walter, for the City Commission, City Manager, City Attorney, Mark Detter, and J.T. Klaus to go into executive session for 20 minutes for attorney/client privilege for matters for potential litigation. Motion carried, all voting, “Aye.” At 5:10 p.m. the meeting was re-convened into regular session. No action was taken.

The following Ordinance was considered:

ORDINANCE NO. 1761

AN ORDINANCE OF THE CITY OF HERINGTON, KANSAS, AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$945,000, FOR THE PURPOSE OF ADVANCE REFUNDING A PORTION OF CERTAIN OUTSTANDING ELECTRIC SYSTEM REVENUE REFUNDING BONDS, SERIES 2010 OF THE CITY; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

J.T. Klaus reported that this ordinance would authorize the refinancing of our electric utility revenue bonds, and would amount to approximately \$31,000 in savings, after expenses. This is a savings of 3.371%. A motion was made by Commissioner Olsen, seconded by Commissioner Walter, to adopt Ordinance No. 1761. The vote was as follows:

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

The following Resolution was considered:

RESOLUTION NO. 857

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014, IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF \$945,000, OF THE CITY OF HERINGTON, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 1761 OF THE CITY; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THERERWITH.

J.T. pointed out that in two places, the wording had been changed from "\$74,000" (which was in the Commission packets) to "other funds of the City." A motion was made by Commissioner Stanford, seconded by Mayor Wade, to adopt Resolution No. 857, with the changes made by J.T. Klaus. Motion carried, all voting, "Aye."

The 2015 budget hearing was opened. Commissioner Stanford suggested dropping the five mills to the hospital since the sales tax question passed. Commissioner Miller agreed, and asked why the Police Department needs \$400,000.

D.J. Neuberger, 9 South 2nd, asked about the transfer of \$35,000 from the light fund to debt service, where the sales tax money is going, and what happened to the five-year street plan. D.J. also had questions on the Street Department budget, capital outlay in the Parks and Cemetery budget, and the Community Building and Municipal Court budgets.

Mark Wendt, 201 East Trapp, said that the City can't take away the entire five mills for the hospital. They would have to at least leave in one-half mill. Mark also said that because of the lack of City Commission action last spring, the sales tax money would not be available until the second quarter of 2015. He said that \$50,000 was lost by the election being delayed, and he felt that the five mills for the hospital should stay in the budget. He added that as of today, the Hospital electric bill owed to the City is down to \$124,000, and that they need help in getting people to sign the hospital district petition.

Cynthia Naylor, 522 South D, asked if our electric fund would be in better shape if the hospital paid their bill. Marcia Mathias, 502 East Lewerenz, said that she thought that if the sales tax passed, the hospital would not ask for property tax money. She supports the one-half mill, but not five.

Rick Freeman, 201 East Helen, #5, had questions on the special highway fund, interest on investments, and the connects, reconnects, and transfers in the light fund. Donald Warren, 201 East Helen, #20, offered some comments, and David Jones, 103 North 16th, felt that more accountability is needed for the electric that is being used at the pool, Homestead, Hilltop, Community Building, etc. He also commented that the mill levy has gone up 27% in the last two years. Tandi Arevelo, 589 Union Road, thought that the hospital mill levy should be one-half mill, not five. Howard Hailey, 109 South 10th, said that the hospital wouldn't need the five mills if the Commission would have passed the sales tax ordinance sooner. Rick Freeman asked why the airport is included in our budget.

Michelle asked why we have to give one-half mill to the hospital. Fred said that the citizens have done their part by voting on the sales tax. Chuck supported the one-half mill, said he hated hearing that it is the City's fault that the sales tax didn't pass sooner, and that he doesn't understand the animosity toward us. Kitty asked what the hospital has done to help themselves, and where they have cut back. Mark Wendt encouraged her to come to the hospital board meetings.

The budget hearing was closed. A motion was made by Commissioner Stanford, seconded by Commissioner Olsen, to approve the 2015 budget, with one-half mill for the hospital instead of five mills, and no other changes from what was published, making the total levy 78.850. After the motion, Chuck said he would like to see the different funds paying for their electric usage. D.J. Neuberger said it is especially important that this be done where the entities are paying rent, such as the Homestead, Hilltop, and Community Building. When the vote was taken, it passed 4-1, with Commissioner Miller casting the dissenting vote.

A revised parking ordinance was considered. It was found that Ordinance No. 1760 did not include the zoning designations of R-3, M-H, or A-1. Two revisions were presented—one that added R-3 and M-H, and one that added R-3, M-H, and A-1.

ORDINANCE NO. 1762

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, 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; SPECIFICALLY AMENDING SECTION 2-319(a) TO ADD ADDITIONAL ZONES TO WHICH PARKING RESTRICTIONS SHALL APPLY; AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

This ordinance adds R-3 and M-H to City Code 2-319(a). A motion was made by Commissioner Olsen, seconded by Mayor Wade, to adopt Ordinance No. 1762. The vote was as follows:

Ayes: Mayor Wade, Commissioners Olsen and Walter.

Nays: Commissioners Miller and Stanford. Motion carried.

A motion was made by Commissioner Olsen, seconded by Commissioner Stanford, to appoint Beth Wade as the voting delegate to the League of Kansas Municipalities Conference that will be held October 11-13, 2014. Motion carried, all voting, "Aye." A motion was made by Commissioner Stanford, seconded by Mayor Wade, to appoint Kitty Walter as the alternate voting delegate to the League meeting. Motion carried, all voting, "Aye."

At 6:15 p.m. a motion was made by Commissioner Stanford, seconded by Mayor Wade, for the City Commission, City Manager, and City Attorney to go into executive session for five minutes for attorney/client privilege-contract negotiations. Motion carried, all voting "Aye." At 6:25 p.m. the meeting was back in regular session. No action was taken.

Ron reported that Dickinson County has approved funding for the County wide EDC. Our share will be around \$625.00. He also gave an update on the Broadway Street Bridge. A company has asked if we would like to receive the property at 209 South 1st as a gift. Kenny will go look at it. Ron asked if we want to bid on some property on Trapp Street when it comes up at the delinquent tax sale. Beth asked about the roof repairs at Homestead, Hilltop, and the airport.

Michelle apologized for the comments she made at the last meeting about the office staff. She indicated that it was not the proper venue and time. Fred asked about the trout stocking and the fountain at Father Padilla Lake.

Rick Freeman said that fund raising will be held for the purchase of a handicapped accessible vehicle for Donald Warren. A large portion will be paid for by a corporate organization. Stephanie Gilbert reminded everyone that "Vintage Days" will be held this weekend.

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

Also present at the meeting were D.J. Neuberger, Dave Jones, Mark Wendt, Mike Ryan, Donald Warren, Paula Strickland, Gloria Boomer, Beverly Bayes, Norma Mosier, Rick Freeman, Ken Walters, Wendy Jones, J.T. Klaus, Mark Detter, Brenda Wildman, Marcia Mathias, Terri Greenemeyer, Michelle Clore, Kenny Staatz, Serena Staatz, Cynthia Naylor, Howard Hailey, Tandi Arevelo, Jake Dallman, Ray Perez, J.R. Sparke, and Stephanie Gilbert of the Herington Times.

Debra Wendt
City Clerk

