

**Regular Meeting**  
**December 7, 2021**  
**5:30 p.m.**

The Board of City Commissioners of the City of Herington, Kansas met at City Hall at 5:30 p.m. on the above date – the following being present: Mayor Debi Urbanek, Commissioner Curtis Hartman, Commissioner Vance Donahue II, and Commissioner Ben Castleberry. Absent was Commissioner Robbin Bell. Also in attendance were City Manager Branden Dross, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Police Chief Chad Langley, Fire Chief Andrew Avantagiato, Neighborhood Enforcement Officer Crystal Parris, Police Officer Brian Schantz and family, Police Officer Alan Cottone, Police Officer Ronald Cervera, Eric Gares, Gabbi Simmons, Galen Schneider and Janet Wade.

The meeting opened with the Pledge of Allegiance.

Mayor Urbanek made a motion to approve the minutes from the regular meeting November 16, 2021, seconded by Commissioner Donahue. Motion carried 4-0.

Commissioner Donahue made a motion to approve the revisions to the minutes from the regular meeting January 5, 2021, seconded by Commissioner Castleberry. Motion carried 4-0.

Public Forum – Galen Schneider – 211 South C, Herington, KS 67449 – New and old lakes.

Additional Agenda Items – None.

A motion was made by Mayor Urbanek, seconded by Commissioner Hartman to approve the agenda as written. Motion carried 4-0.

Public Hearing – Neighborhood Revitalization Plan – The public hearing for the Neighborhood Revitalization Plan opened at 5:39pm, hearing no comments from the public the hearing was closed at 5:39pm.

Police Update – There were 182 calls for service. 1 felony arrest and 2 misdemeanor arrests. Officer Cottone is attending FTO training. The police department is still looking to fill one position. Officer Brian Schantz was promoted to Detective.

Fire Update – There were 38 calls for service. 1 trash/rubbish fire, 1 excessive heat, 7 medical assists, 5 motor vehicle accidents with injuries, 3 gas leaks, 2 assists, 2 unauthorized burnings, 11 controlled burns, 3 smoke scares and 3 smoke detector malfunctions. Training topics were, MAYDAYS pumping, joint ice rescue class with Chapman might be scheduled for February 20, 2022, and Safety Chief Roberts and Fire Chief Avantagiato will be attending incident safety and department health and medical officer training, this training will also be open to others in the department. Staffing update, the fire department is always looking for more volunteer firefighters. Department and Equipment Update, air packs have been delayed estimated shipping date is 12/12/2021. The fire station committee met and narrowed down 3 possible locations for the fire station. ISO came back, City is an ISO 4, within five miles of the station is an ISO 6 and

the airport is an ISO 10. Need to improve out training program, more hours and officer training. Received a grant from Gary Sinise foundation for \$18,000 for turnout gear. Received a grant from Kansas State Fire Marshalls office for \$3400 for turnout gear. State Fire Marshal grant set to expire next year and was cut this year, please contact state representatives for support of this grant. Looking at big increases in equipment prices at the first of the year. Submitting a AFG for a new tanker/pumper. \$16,600 city portion to cost share of \$350k if awarded. Will be a year before we find out results, will help with hauled water, reserve pumper, replace brush 4.

Neighborhood Enforcement Update – Crystal had an ISO interview last Monday. We scored extremely high this year. They were last here 7 years ago before we adopted the ICC. The interviewer drove around our community before the meeting and saw many improvements around town. Crystal has started classes for the IPMC training and should be certified within the next four to five months. After IPMC she plans to start IBC training and plans to be certified in the beginning of 2023. After that she plans to start on the trade inspection certifications, as of now David Kahle is going on plumbing and electrical inspections with her. There are three condemnations this month. She has started the abatement process for next year. There are currently four properties on the list. Crystal has been working to learn about the floodway and flood plain and has been working with the state to get citizens questions answered. We have collected \$5530.90 in permit fees and inspection fees as of the end of October.

City Clerk Update – October’s financials were given to the Commissioners, and she explained that there were some funds moved out of General Admin to Water and Light Admin to utilize that budget. It’s a learning process, and staff was unaware that those budgets were available to use for city hall administrative expenses.

Mayor Urbanek made a motion to approve Ordinance 1843 and authorize the mayor’s signature, seconded by Commissioner Hartman. Motion carried 3-1, with Commissioner Donahue casting the dissenting vote.

### **ORDINANCE 1843**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO ADD CHAPTER IV, ARTICLE 6, SECTIONS 4-609 AND 4-610 ESTABLISHING BOND AND INSURANCE REQUIREMENTS FOR ANYONE PERFORMING ANY SERVICES UNDER THE MECHANICAL CODE, AND TO WHICH SUCH CODE APPLIES, AS SET OUT IN THE CODE FOR THE CITY OF HERINGTON, KANSAS CHAPTER IV, ARTICLE 6 AND REPEALING ANY OTHER CURRENT ORDINANCES, OF PORTIONS THEREOF, IN CLONFLICT HEREWITH.**

Fire Protection Agreement – Mayor Urbanek made a motion to approve an agreement for fire protection services for Fire District 11, Clarks Creek Township for \$5326.69, and authorize the mayor’s signature, seconded by Commissioner Donahue. Motion carried 4-0.

Fire Protection Agreement – Mayor Urbanek made a motion to approve an agreement for fire protection services for Fire District 7, Morris County for \$10,783.84, and authorize the mayor’s signature, seconded by Commissioner Donahue. Motion carried 4-0.

Fire Protection Agreement – Mayor Urbanek made a motion to approve an agreement for fire protection services for all Sections 1-36 in Lyon Township, Dickinson Count, Kansas for \$20,436.59, and authorize the mayor’s signature, seconded by Commissioner Donahue. Motion carried 4-0.

Fire Protection Agreement – Mayor Urbanek made a motion to approve an agreement for fire protection services for Union Township, Dickinson County Kansas for \$2504.72, and authorize the mayor’s signature, seconded by Commissioner Donahue. Motion carried 4-0.

CMB License Renewal – Commissioner Hartman made a motion to approve the cereal malt beverage license renewal for Pizza Hut for the year ending 12/31/2022, seconded by Commissioner Donahue. Motion carried 4-0.

CMB License Renewal – Commissioner Hartman made a motion to approve the cereal malt beverage license renewal for Uncle Bob’s Bowling Center for the year ending 12/31/2022, seconded by Commissioner Donahue. Motion carried 4-0.

CMB License Renewal – Commissioner Hartman made a motion to approve the cereal malt beverage license renewal for Ampride for the year ending 12/31/2022, seconded by Commissioner Donahue. Motion carried 4-0.

CMB License Renewal – Commissioner Hartman made a motion to approve the cereal malt beverage license renewal for Family Dollar/Dollar Tree for the year ending 12/31/2022, seconded by Commissioner Donahue. Motion carried 4-0.

Tri-County Free Fair Board Lease – Mayor Urbanek made a motion to approve the lease extension with the Tri County Free Fair Board for 820 S Broadway, seconded by Commissioner Donahue. Motion carried 4-0.

Special Meeting City Commissioners with Planning Commissioners – Mayor Urbanek made a motion to set a special joint meeting between the city commissioners and planning commissioners on Saturday, January 15, 2022, at 9am, seconded by Commissioner Castleberry. Motion carried 4-0.

Mayor Urbanek made a motion to approve the revisions made to Ordinance 1840 and approve Ordinance 1844 and authorize the mayor’s signature, seconded by Commissioner Castleberry. Motion carried 4-0.

#### **ORDINANCE 1844**

**AN ORDINANCE AMENDING ORDINANCE NO. 1840 GRANTING A CONDITIONAL USE PERMIT ON CERTAIN PROPERTY LOCATED AT 110 N. BROADWAY TO SPECIFY ONLY A LIMITED CONDITIONAL USE WITHIN THE CITY OF HERINGTON, DICKINSON COUNTY, STATE OF KANSAS, FOR A SPECIFIC PORTION OF THE PREMISES, A SEPARATE RESIDENTIAL DWELLING ONLY, LOCATED IN THE REAR OF THE COMMERCIAL STRUCTURE ONLY, UNDER THE AUTHORITY GRANTED BY ORDINANCE 1490 ADOPTING ZONING REGULATIONS FOR THE CITY OF HERINGTON, KANSAS; REPEALING EXISTING ORDINANCES; AND INCORPORATING ALL SUCH PROVISIONS BY REFERENCE.**

Conditional Use Permit for 602 N D St – Mayor Urbanek made a motion to approve the conditional use permit for 602 N D St., Herington, KS 67449 for business signage, Ordinance to be numbered in the next sequential order and authorize the mayor's signature, seconded by Commissioner Hartman. Motion carried 4-0.

McClaren Right of Way – City Manager Branden Dross updated the commissioners that it could cost between \$15,000 and \$25,000 to vacate and dedicate McClaren right of way issues and may investigate a cost sharing option with residents effected.

2021 Lake Season Financials – City Manager Branden Dross provided a spreadsheet of revenues and expenses for the lake for 2019, 2020 and 2021. He was advised to double check revenues recorded from the lake reservation software and asked to investigate a sum of money the city received in 2012 to be used for lake improvements.

Executive Session – Mayor Urbanek motioned to that the Herington City Commission recess into executive session, pursuant to the consultation with an Attorney on matters that would be deemed privileged in the attorney-client relationship exception K.S.A. 75-4319 (b)(2) to discuss matters of litigation to include the Governing Body, City Manager, City Attorney and City Clerk with the open meeting to resume at 6:35pm, seconded by Commissioner Hartman. Motion carried 4-0. No action taken.

Executive Session – Mayor Urbanek motioned to that the Herington City Commission recess into executive session, pursuant to the consultation with an Attorney on matters that would be deemed privileged in the attorney-client relationship exception K.S.A. 75-4319 (b)(2) to discuss contract negotiation to include the Governing Body, City Manager, City Attorney and City Clerk with the open meeting to resume at 6:55pm, seconded by Commissioner Hartman. Motion carried 4-0. No action taken.

City Manager Comments – Will be attending council meetings in Woodbine and Hope in January and February of 2022 to discuss water rate increases. The water treatment plant loan increase was approved with USDA but was not given to KDHE, staff is working through that now. Chuck Scott gave his notice effective January 1, 2022. A pool house tour is scheduled for Friday form 2:30 to 3:30pm. Staff have been working on tree trimming at the lake on Sand and Salt. Looking into implementing a consent agenda in the future. Staff is working on the websites for the lakes. Looking into options for a community improvement district along highway 77.

Commissioner Castleberry – Reminded the community about the lake meeting at the community building at 5:30. Mentioned Corkie working on the signage at highway 77 and 56 and mentioned the CVB and Chamber possibly cost sharing.

Commissioner Donahue – Mentioned the contractors boards, and encouraged the community to attend the start of the basketball tournament at the school

Commissioner Hartman – None.

Mayor Urbanek – Followed up about the leases. City Attorney advised that they are done, and he is working on an inventory list.

Adjourn – Commissioner Hartman made a motion to adjourn, seconded by Commissioner Castleberry.  
Motion carried 4-0.

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Megan Lawrenz, City Clerk