

**Regular Meeting**  
**February 1, 2022**  
**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 Eric Gares, Commissioner Vance Donahue, Commissioner Robbin Bell, Commissioner Debi Urbanek, and Commissioner Ben Castleberry. Also in attendance were City Manager Branden Dross, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Chief of Police Chad Langley, Fire Chief Andrew Avantagiato, Neighborhood Enforcement Officer Crystal Parris, Carl Urbanek, Todd Anderson, and Larry Mann.

The meeting opened with the Pledge of Allegiance.

Mayor Gares called the meeting to order. Commissioner Donahue made a motion to approve the minutes from the joint planning and commission meeting January 15, 2022, the regular commission meeting January 18, 2022, and the special meeting January 28, 2022, seconded by Commissioner Castleberry. Motion carried 3-2 with Commissioner Bell and Commissioner Urbanek abstaining from the vote as they were absent from the special meeting on the 28<sup>th</sup>.

Public Forum – None.

Additional Agenda Items – Move item 17 to 6a, add 10a CMB Licenses and 10b CMB Licenses.

Commissioner Bell made a motion to approve the agenda with the revisions, seconded by Commissioner Donahue. Motion carried 5-0.

Wastewater Treatment Professional Services Agreement - Todd Anderson with SMH Consultants spoke about using North Central Regional Planning Commission to write a grant for the wastewater treatment plant project, saying he felt confident we could receive it this year or next. Commissioner Donahue made a motion to approve the professional service agreement with North Central Regional Planning Commission for \$3,500, seconded by Commissioner Bell. Motion carried 5-0.

Police Update – There were 178 calls for service, 38 traffic stops, 9 arrests 6 were misdemeanors and 3 were felony. Officer Cottone finished FTO. Setting up interviews for 3 applicants. KBI will be down soon for an NCIC course with the chief of police and the police records clerk. Officer Cervera will be attending an advance traffic stop course and Officer Schantz will be attending an advanced criminal investigation class.

Fire Update – There were 40 calls for service. 2 structure fires, 3 grass fires, 1 rubbish fire, 16 medical assists, 2 MVA, 1 gas leak, 1 fluid spill, 1 assist government agency, 8 burn permits, 1 prescribed fire, 1 smoke alarm, 1 CO alarm and 2 unauthorized burns. Training covered annual hazmat, bloodborne pathogen and sexual harassment training. Jim Roberts and the fire chief are enrolled in incident safety officer and health and safety program management. 4 firefighters enrolled in ice rescue tech. Air packs arrived, still waiting on bottles. Received a grant from Gary Sinise foundation for \$17,223 for turnout gear,

Kansas State Fire Marshals Office for \$3400 for turnout gear and Firehouse Subs grant for \$19,500 for ice rescue equipment and training. Received reimbursement from Kansas State Forestry for \$2600. Total grants \$42,723. Hosting Traffic Incident Management class on March 7. Open to all emergency service, dispatchers, tow companies and anyone that works in or around traffic.

Neighborhood Enforcement Officer Update – Electric work on the pool house will begin next week. Waiting on roof until electrical is done, hopefully something can be done in house. A court summons was sent out to the owner of 201 S 11<sup>th</sup>. Stroda plumbing will secure the Masonic Temple. Still trees and brush that need to be cleaned up from the storm. Waiting on one more estimate for the Tri-County Fair building. Building permits have slowed down. Application process for permits has been updated.

City Clerk Update – The City Clerk told the Commissioners that all the appropriate taxes and paperwork have been filed for the 2021 year. Will have 2021 financials to the Commissioners soon so they can review.

Cereal Malt Beverage – Commissioner Urbanek made a motion to approve the temporary cereal malt beverage permit for the wrestling event at the community building on February 18, 2022, seconded by Commissioner Bell. Motion carried 5-0.

Cereal Malt Beverage – Commissioner Urbanek made a motion to approve the temporary cereal malt beverage permit for the wrestling event at the community building on May 20, 2022, seconded by Commissioner Donahue. Motion carried 5-0.

Update on Trapp Street/Business US 56 CCLIP Project – The city manager gave the Commissioners an update on the Trapp Street/Business US 56 CCLIP Project saying that the city could take over responsibility of the street in exchange for funds to get the work done. Commissioners asked Branden to provide a breakdown of financial impact.

Pool Professional Engineering Reports Update – The city manager has received 4 bids back and will be going with Earles for \$5,800.

Ordinance 1858 – Commissioner Urbanek made a motion to approve Ordinance 1858 and authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

#### **ORDINANCE 1858**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPEAL AND REPLACE CHAPTER 1, ARTICLE 1, SECTION 1 -104 REGULATING THE TIME AND SCHEDULING OF MEETINGS OF THE HERINGTON CITY COMMISSION AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THERE OF IN CONFLICT HEREWITH.**

Resolution 950 – Commissioner Bell made a motion to approve Resolution 950 and authorize the mayor's signature, seconded by Commissioner Castleberry. Motion carried 5-0.

## **RESOLUTION 950**

### **A RESOLUTION REGARDING THE WAIVER OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND TO WAIVE THE REQUIREMENTS OF K.S.A. 75-1120a.**

#### **Executive Session –**

Mayor Gares made a motion to move the City of Herington Commission 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) in order to discuss potential litigation to include the governing body, city manager, city attorney and city clerk with the open meeting to resume at 6:45 pm, seconded by Commissioner Bell. Motion carried 5-0. The regular meeting resumed with no action taken.

#### **Executive Session –**

Mayor Gares made a motion to move the City of Herington Commission 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) in order to discuss contract negotiation to include the governing body, city manager, city attorney and city clerk with the open meeting to resume at 6:57 pm, seconded by Commissioner Bell. Motion carried 5-0. The regular meeting resumed with no action taken.

#### **Executive Session –**

Mayor Gares made a motion to move the City of Herington Commission into executive session, pursuant to the personnel matters of non-elected personnel exception K.S.A. 75-4319(b)(1) in order to personnel updates to include the governing body and city manager with the open meeting to resume at 7:07 pm, seconded by Commissioner Bell. Motion carried 5-0. The regular meeting resumed with no action taken.

City Manager Comments – The water treatment plant pump house came in \$22,000 less than expected. Working on finding a contract management system. Lake signage has been drafted. Merlin, Brad and Branden are going to go over the airport leases. Spoke with Randy about the possibility of moving up the audit.

Commissioner Bell – Asked about annexing in the lake roads for police jurisdiction.

Commissioner Urbanek – Confirmed hay and grazing leases are done. Airport leases are next. Suggested reviewing and revising the annual customer permit process for pet licenses, lake permits and side by side registrations.

Commissioner Castleberry – Wanted to make sure the snow removal plan was ready and in place.

Commissioner Donahue – Asked about the status of the application to get the pool house registered historic, Branden said it was placed on hold. Also mentioned the lights that are out in the auditorium at the hilltop and suggested getting them fixed because we have sports teams that use the building, and they are currently in the dark.

Mayor Gares – Asked about the online payment portal and asked that we try and escalate our issues with the company to try and get it fixed.

Adjourn – Commissioner Castleberry made a motion to adjourn, seconded by Commissioner Donahue.  
Motion carried 5-0.

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Megan Lawrenz, City Clerk