

**Regular Meeting
November 15, 2022
6:00 p.m.**

The Herington City Commission met on the above date and time in the city commission chambers at city hall. In attendance were Mayor Eric Gares, Commissioner Vance Donahue, Commissioner Debi Urbanek, Commissioner Robbin Bell, Commissioner Ben Castleberry, City Manager Branden Dross, City Attorney Brad Jantz, Deputy Clerk Chanda Wilson, Larry Mann, Dan McDonald, Christina McDonald, Gabriele Simmons, Carl Urbanek, Marion Schweitzer, Mark Noble, Donalyn Biehler, Morgan Hanschu, Todd Anderson, and Charity Magnet.

The meeting opened with the pledge of allegiance.

Mayor Gares called the meeting to order.

Public Forum – Charity Magnet– 811 N Broadway – Discovery Childcare expansion

Additional Agenda Items – Add revised resolution numbers 964: 211 N E St, 965: 315 S A St, 966: 507 N F St, 967: 122 W Main St., and 968: 117 W. Main St, revisions include changing the hearing date from December 20th to January 3rd to provide ample time for publication plus 60 days to the consent agenda.

Add 7a- Rec Commission bill \$400.00 water abatement.

Switch agenda item numbers 7 and 7a with agenda item number 8.

Approval of Agenda – Commissioner Donahue made a motion to approve the agenda to include adding 211 N E St, 965: 315 S A St, 966: 507 N F St, 967: 122 W Main St., and 968: 117 W. Main St, revisions include changing the hearing date from December 20th to January 3rd to provide ample time for publication plus 60 days to the consent agenda, Adding 7a- Rec Commission bill \$400.00 water abatement and Switching agenda item numbers 7 and 7a with agenda item number 8. The motion was seconded by Commissioner Bell. Motion carried 5-0.

Consent Agenda – Regular City Commission Meeting Minutes November 1, 2022. Commissioner Donahue made a motion to approve the consent agenda, seconded by Commissioner Bell. Motion passed unanimously.

Discussion and action on CDBG Grant for sponsorship of Child Care Expansion with Discovery Childcare and Learning Center- Mayor Gares started by addressing whether he can vote on the motion. He disclosed his wife is an employee of Discovery Childcare. Due to some ambiguity regarding the rules/law Mayor Gares made a motion to recess & direct the city attorney to go over the statutes, seconded by Commissioner Donahue. Motion failed 3-2. Voting Nay were Commissioner Castleberry, Commissioner Bell and Commissioner Urbanek. Commissioner Donahue made a motion to approve the sponsorship of the childcare center for the CDBG Grant, seconded by Commissioner Castleberry. Discussion continued; The director of the Discovery Childcare and learning center, Gabriele Simmons stated they currently have 26 slots, all of which are filled with 15 on the waiting list. The expansion will add 38 more. The school superintendent Mrs. Biehler stated the school district currently has a childcare that is licensed and is open to the public. There are 9 slots, 6 of which are filled by families outside of school employ. The motion failed 2-2. Commissioners Castleberry and Donahue voted in favor with Commissioners Bell and Urbanek against. Mayor Gares abstained from the vote.

Commissioner Donahue made a motion to resume discussion on the CDBG support for the expansion of Discovery Childcare and Learning Center and make it the first topic at the next meeting. Seconded by Commissioner Bell. The motion carried 5-0.

Discussion and action on Rec Commission bill \$400.00 water abatement-There was a leak at the South Park Ball Field which resulted in a bill \$400.00 more than average bills for similar months. Commissioner Castleberry made a motion to forgive the \$400.00, seconded by Commissioner Urbanek, motion passed 5-0.

Discussion and action on waiving permit fee for childcare expansion for USD 487: Consensus is that waiving the fee is within the purview of the City Manager. No action was taken.

Discussion and action on wastewater treatment plant phase 2 engineering services with SMH Consultants for \$176,000: Todd Anderson from SMH Consultants presented on phase 2 and discussed using CDBG and KDHE to recoup some of the funding for the project. Commissioner Bell made a motion to approve the contract with the city manager authorized to sign, seconded by Commissioner Urbanek and the motion passed 5-0.

City Manager Branden Dross presented on the Blue Cross Blue Shield health care renewal. The staff were expecting a 16-17% increase, however, the increase was only 10%. Commissioners asked questions regarding coverage and costs. Commissioner Bell made a motion to approve the plan, seconded by Mayor Gares. The motion passed 5-0.

Discussion and action on contract for water treatment plant ozone maintenance program for one year at 14,322.00 with Pureflow: The one-year contract includes a training package & cleaning and filter changes quarterly. The hope is that we can glean the information needed to proceed in future years able to complete the work ourselves. There was discussion on the matter and Commissioner Bell made a motion to approve the contract with the city manager authorized to sign. The motion was seconded by Commissioner Urbanek and passed unanimously.

Discussion and action on Cooperation and Fisheries Contract with KDWP for five years to end December 31, 2028, with an annual payment of \$11,200 to the city of Herington: The commissioners asked questions about how this would affect our master plan going forward. Branden said that as long as people can fish, it shouldn't affect the plan. Mayor Gares raised the issue that according to his calculation, the proposed annual payment to the city is less than the lease calculation criteria on the provided form. Branden said he can ask further regarding these questions. After discussion Commissioner Castleberry made a motion to table the discussion pending further research by the city manager, seconded by Commissioner Donahue and passed unanimously.

Executive Session – Mayor Gares made a motion 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 airport contract to include the following:

- Governing Body
- City Manager
- City Attorney

With the open meeting to resume in the City Commission Chamber at 7:10PM, seconded by Commissioner Donahue. Motion carried 5-0. Regular meeting resumed with no action taken.

City Manager Comments – We are talking with KMEA regarding community solar & using vacant lots, joining with other smaller cities to be considered a “solar farm”. EV Chargers are on the way we are looking at Feb/March.

City Commission Comments:

Commissioner Castleberry – none

Commissioner Bell – Reminder that Branden's review is coming up and is completed in two parts.

Commissioner Urbanek – Received reports about blighted trees and limbs etc. Branden stated that the city is currently working on the tree issues. If these need to be reported, it can be done online or by calling the office

Commissioner Donahue – Submitted his resignation as of the end of this meeting. Commissioner Bell motioned to accept Commissioner Donahue's resignation, seconded by Commissioner Urbanek. Motion carried 4-0 with one abstention by Commissioner Donahue.

Mayor Gares - None

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

Chanda Wilson, Deputy City Clerk