

**Regular Meeting**  
**September 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 Robbin Bell, Commissioner Vance Donahue II, Commissioner Ben Castleberry, City Manager Branden Dross, City Attorney Brad Jantz and City Clerk Megan Lawrenz. Also, in attendance were Sergeant Detective Chad Langley and Fire Chief Andrew Avantagiato, NEO Crystal Parris, Carl Urbanek, Dan McDonald, Larry Mann, Janet Wade and Eric Gares.

The meeting opened with the Pledge of Allegiance.

Mayor Urbanek opened the public hearing for the 2022 City of Herington Revenue Neutral Rate Hearing with the rate at 85.552. Hearing no public input, Mayor Urbanek motioned to approve the City of Herington's 2022 Revenue Neutral Rate at 85.552, seconded by Commissioner Bell. Motion carried 4-1, with Commissioner Donahue casting the dissenting vote. The Revenue Neutral Rate Hearing was closed at 5:32pm.

Mayor Urbanek opened the public hearing for the 2022 City of Herington Budget Hearing, with the revenue neutral rate set at 85.552. Hearing no public input, and after some discussion between the commissioners, Mayor Urbanek motioned to approve the City of Herington's 2022 budget, seconded by Commissioner Bell. Motion carried 4-1, with Commissioner Donahue casting the dissenting vote. The 2022 City of Herington Budget Hearing was closed at 5:40pm.

Mayor Urbanek called the regularly scheduled commission meeting to order. Commissioner Bell motioned to approve the minutes from the Regular City Commission Meeting August 17, 2021, seconded by Commissioner Donahue. Motion carried 5-0.

Public Forum Items – Janet Wade, 602 E Arnold, spoke on the comp plan and the city park.

Additional Agenda Items – Addition of 29a. Executive Session for non-selected personnel to include the Governing Body, City Manager and City Attorney.

A motion was made by Mayor Urbanek, seconded by Commissioner Bell to approve the agenda with the addition of 29a. Motion carried 5-0.

Police Update – There were 233 calls for service, 1 felony arrest and 2 misdemeanor arrests. Officer Canby is set to be done with FTO training in October.

Fire Update – There were 29 calls for service, 1 MVA with vehicle fire, 1 rescue/entrapment, 10 EMS assists, 1 MVA with injuries, 1 unauthorized burning, 11 control burns, 2 smoke odors and 2 weather standbys. Current training is on the door prop they are practicing on 2x4's and plywood. Next week they will be training with Junction City on water rescue at the lake. Jim Roberts will be returning as the

department safety officer and will help develop the position. Nelson is still progressing nicely. They are still working on the 800-radio system, working on open house October 5<sup>th</sup> with HPD for National Night Out. They attended the Burdick parade, and they are also programming the new to us radios. The bid review for the brush truck and SCBA are completed. Fire Chief Avantaggiato would like permission to form a committee to discuss options for a new fire station to include 4 firefighters, the City Manager, a commissioner and 2-3 citizens.

Neighborhood Enforcement Officer Update – Crystal said she will work with the state regarding Big Blue, the state was not on board with allowing the occupant to build a fence on the corner lot. When the city informed the occupants, they decided they did not want to continue repair on the home. Crystal has been working with the police department to educate citizens about RV and boat parking. Court has been going great, it has pushed citizens to get their properties cleaned up. She condemned one property for lack of utilities. Crystal has still been working on the building and trades board. The sidewalk around the tree is going well, there were questions about the width. It is set up at 4” which is the ADA requirement. City Clean up week is approaching, and she is looking forward to assisting with any citizens needs.

Auxiliary to the Veterans of Foreign Affairs Letter – Mayor Urbanek read a letter written by the Auxiliary of the Veterans of Foreign Affairs, formally inviting the commissioners and community to attend the 9/11 walk at 5pm at Father Padilla Park.

Neighborhood Revitalization – The City manager and the City Attorney are looking at options to bring back the Neighborhood Revitalization plan, to hopefully include more opportunities for commercial property that wasn’t included before.

KDHE Wastewater Treatment Plant Fiscal Sustainability Plan - The Fiscal Sustainability Plan is a requirement of KDHE and outlines a maintenance plan. Mayor Urbanek motioned to approve the Wastewater Treatment Plant Fiscal Sustainability Plan and authorized the mayor to sign, seconded by Commissioner Bell. Motion carried 5-0.

Bid proposals for the Fire Department Brush Truck – Commissioner Bell motioned to approve the bid from Feld Fire for \$118,400, seconded by Commissioner Castleberry. Motion carried 5-0.

Bid proposals for the Fire Department Air Packs – Commissioner Castleberry motioned to approve the bid from Feld Fire for \$9,828, seconded by Commissioner Donahue. Motion carried 5-0.

ADA ramp and curb and gutter request for bid – Commissioner Bell motioned to approve staff to go out for bid for an ADA ramp and curb and gutter work, seconded by Mayor Urbanek. Motion carried 5-0.

Water Rate increase – Mayor Urbanek motioned to approve the water rate increase the ordinance to be in the next sequential order, effective January 2022 and to authorize the mayor’s signature, seconded by Commissioner Bell. Motion carried 3-2, with Commissioner Donahue and Commissioner Castleberry casting the dissenting votes.

**ORDINANCE NO. 1838**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPEAL AND REPLACE CHAPTER VII, ARTICLE 2, SECTION 7-214 ESTABLISHING WATER RATES TO BE CHARGED FOR WATER SOLD FROM THE HERINGTON MUNICIPAL WATER SYSTEM AND REPEALING ANY OTHER CURRENT AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF, INCLUDING BUT NOT LIMITED TO NO. 1823, IN CONFLICT HEREWITH.**

Father Padilla Access Closure for the Car Show – Mayor Urbanek motioned to approve the ordinance in the next sequential order to close access to Father Padilla on September 25<sup>th</sup> for the Car Show, authorize the mayor's signature and to allow staff to update the date and time in the resolution, seconded by Commissioner Donahue. Motion carried 5-0.

**ORDINANCE NO. 1839**

**AN ORDINANCE PROVIDING FOR THE TEMPORARY CLOSURE OF PUBLIC RIGHTS OF WAY, THOROUGHFARES, OR PUBLIC ACCESS ROADWAYS, IN FATHER PADILLA PARK IN THE CITY OF HERINGTON, KANSAS BETWEEN FOR THE TIMES AND DATES SPECIFIED HEREIN.**

Temporary Exemption for Consumption of Cereal Malt Beverages on September 25<sup>th</sup> – Mayor Urbanek motioned to approve temporary exemption for consuming Cereal Malt Beverages at Father Padilla Park for the Car Show September 25, 2021, from 7am to 2pm in the next sequential order and to authorize the mayor's signature, seconded by Commissioner Donahue. Motion Carried 5-0.

**RESOLUTION NO. 941**

**A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 5, ARTICLE 1, SECTION 5-110 PROHIBITING CONSUMPTION OF ANY ALCOHOLIC LIQUOR OR ENHANCED CERAEL MALT BEVERAGE ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANAS.**

Delegate a Representative from the City of Herington to Discuss Appraised Property Values with Dickinson County – No motion

Catherine Stinnett's Resignation from the Planning Commission – Mayor Urbanek motioned to approve Catherine Stinnett's resignation from the planning commission, seconded by Commissioner Castleberry. Motion carried 5-0.

Approve Karen Soliz to the Planning Commission – Mayor Urbanek motioned to approve Karen Soliz to the Planning Commission term to expire 12/31/2024, seconded by Commissioner Bell. Motion carried 5-0.

Approve Becca Eggleston as the Chamber's Representative on the CVB Board – Mayor Urbanek motioned to approve Becca Eggleston as the Chamber's representative on the CVB board, seconded by Commissioner Bell. Motion carried 3-2 with Commissioner Donahue and Commissioner Castleberry casting the dissenting vote.

Executive Session – Mayor Urbanek motioned 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) in order to discuss potential litigation, and to include the Governing Body, City Manager, City Attorney and City Clerk. With the open meeting to resume at 7:15pm. No action taken.

Executive Session – Mayor Urbanek motioned that the Herington City Commissioners recess into Executive Session, pursuant to the personnel matters of non-elected personnel exception K.S.A. 75-4319(b)(1) to include the Governing Body, City Manager and City Attorney. With the open meeting to resume at 7:26pm. No action taken.

City Manager Comments – Reminded the Commissioners that his one-year evaluation would be at the next meeting. Sunday liquor sales before noon are in effect. Would like to have some Comp Plan discussion. And hopes to have a very short meeting October 5<sup>th</sup>, so staff and commissioners can attend National Night Out.

Commissioner Castleberry – Thanked City Staff for the cleanup between 7<sup>th</sup> and 9<sup>th</sup> streets, hopes maybe E street can be next.

Commissioner Donahue – Mentioned moving the next commission meeting to October 12<sup>th</sup>, instead of having it before National Night Out.

Commissioner Bell – Asked the City Manager and City Attorney if they had any questions on the leases. The City Attorney advised that a template was emailed to the City Manager.

Commissioner Hartman – Reminded the community about the car show at Father Padilla on September 25<sup>th</sup> and the drag races at the airport after. Thanked the community for all the pride around town.

Mayor Urbanek – Mentioned that some church groups were cleaning the restrooms down at Father Padilla Park.

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