

**Regular Meeting
September 21, 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 Eric Gares, Larry Mann, Karen Soliz and Steve Lewis.

The meeting opened with the Pledge of Allegiance.

Public Forum – Eric Gares 15 N 12th St, Herington – Water and sewer rate sunset clauses and city Manager Compliment. Larry Mann 319 N E St, Herington – City Manager Compliment. Karen Soliz 602 N D St, Herington – Democracy.

Additional Agenda Items – Addition of 21a. Executive Session action item if needed.

A motion was made by Mayor Urbanek, seconded by Commissioner Bell to approve the agenda with the addition of 21a. Motion carried 5-0.

City Clerk Update – Provided the Commissioners with August Financials.

Change Order #5 for the Water Treatment Plant – Mayor Urbanek motioned to approve change order #5 for the water treatment plant in the amount of \$15,500 and authorize the City Manager to sign, seconded by Commissioner Castleberry. Motion carried 5-0.

Change Order #2 for the Wastewater Treatment Plant – Mayor Urbanek motioned to approve change order #2 for the wastewater treatment plant to change the completion date from 7/6/2021 to 12/15/2021 and authorize the City Manager to sign, seconded by Commissioner Bell. Motion carried 5-0.

Conditional Use Permit for 110 N Broadway – Mayor Urbanek motioned to approve ordinance 1840 adopting a conditional use permit for 110 N Broadway, Herington, KS to be a residence R1 in the central business district B5 and authorize the mayor to sign, seconded by Commissioner Bell. Motion carried 5-0.

ORDINANCE NO. 1840

AN ORDINANCE ADOPTING A CONDITIONAL USE PERMIT ON CERTAIN PROPERTY LOCATED AT 110 N. BROADWAY WITHIN THE CITY OF HERINGTON, DICKINSON COUNTY, STATE OF KANSAS, 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.

Special Event Permit to Sell Cereal Malt Beverages – Mayor Urbanek motioned to approve the special event permit to sell cereal malt beverages at the airport on 9/25/2021 from 10:00am to 10:00pm, seconded by Commissioner Castleberry. Motion carried 5-0.

RESOLUTION NO. 942

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTICLE II, SECTION 3-204 PROHIBITING CONSUMPTION OF ANY ALCOHOLIC LIQUOR OR ENHANCED CEREAL MALT BEVERAGE ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANSAS.

Special Event Permit to Sell Cereal Malt Beverages – Mayor Urbanek motioned to approve the special event permit to sell cereal malt beverages at the South Ball Fields on 10/2/2021 from 9:00am to 11:59pm, seconded by Commissioner Bell. Motion carried 5-0.

RESOLUTION NO. 943

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTICLE II, SECTION 3-204 PROHIBITING CONSUMPTION OF ANY ALCOHOLIC LIQUOR OR ENHANCED CEREAL MALT BEVERAGE ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANSAS.

Special Event Permit to Sell Cereal Malt Beverages – Mayor Urbanek motioned to approve the special event permit to sell cereal malt beverages at the Community Building on 11/12/2021 from 7:30pm to 10:30pm, seconded by Commissioner Bell. Motion carried 5-0.

RESOLUTION NO. 944

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTICLE II, SECTION 3-204 PROHIBITING CONSUMPTION OF ANY ALCOHOLIC LIQUOR OR ENHANCED CEREAL MALT BEVERAGE ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANSAS.

Removal of Savannah Porter/DePriest from the CVB Board – Mayor Urbanek motioned to approve removal of Savannah Porter/DePriest from the CVB Board, seconded by Commissioner Bell. Motion carried 5-0.

Removal of John Matula from the CVB Board – Mayor Urbanek motioned to approve removal of John Matula from the CVB Board, seconded by Commissioner Bell. Motion carried 5-0.

Approval of MacKenzie Langley to the CVB Board – Mayor Urbanek motioned to approve MacKenzie Langley's application for the CVB Board term to expire 9/30/2023, seconded by Commissioner Bell. Motion carried 5-0.

Resignation of Dennis Albrecht from the Planning Commission – Mayor Urbanek motioned to accept Dennis Albrecht’s resignation from the Planning Commission, seconded by Commissioner Bell. Motion carried 5-0.

Moving the Regular City Commission Meeting – Commissioner Donahue motioned to move the regularly scheduled city commission meeting from 10/5/2021 to 10/12/2021 at 5:30pm so that staff and commissioners can attend National Night Out, seconded by Commissioner Castleberry. Motion carried 3-2, with Mayor Urbanek and Commissioner Bell casting the dissenting votes.

Lease Purchase Agreement for the Brush Truck, Breathing Apparatus’ and Thermal Image Cameras – Commissioner Bell motioned to approve the lease purchase agreement for the Brush Truck, Breathing Apparatus’ and Thermal Image Cameras and authorized the Mayor’s signature, seconded by Commissioner Donahue. Motion carried 5-0.

Sewer Rate Increase – Mayor Urbanek motioned to approve Ordinance 1841 raising the sewer rates, seconded by Commissioner Bell. Motion carried 4-1 with Commissioner Donahue casting the dissenting vote.

ORDINANCE NO. 1841

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPEAL AND REPLACE CHAPTER VII, ARTICLE 3, 7-309 ESTABLISHING SEWER RATES TO BE CHARGED FOR SERVICE FROM THE HERINGTON SEWER UTILITY SERVICE AND REPEALING ANY OTHER CURRENT ORDINANCES INCLUDING BUT NOT LIMITED TO NO. 1808 AND 1884, OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Neighborhood Revitalization Plan – City Manager Dross explained that he would like to include more benefits for commercial properties in the new neighborhood revitalization plan. Discussion was had on what the Commissioners would like to see, staff was directed to present a draft Neighborhood Revitalization Plan at the next commission meeting.

Executive Session – Mayor Urbanek motioned to that the Herington City Commission recess into executive session, pursuant to the personnel matters of non-elected personnel exception K.S.A. 75-4319(b)(1) to discuss the City Managers 1-year evaluation to include the Governing Body and City Manager with the open meeting to resume at 6:55pm, seconded by Commissioner Bell. Motion carried 5-0.

Executive Session Action Item – Commissioner Bell motioned to give the City Manager a 3% raise, seconded by Mayor Urbanek. Motion carried 4-1, with Commissioner Donahue casting the dissenting vote.

City Manager Comments – Branden will bring options for the next phase of the wastewater treatment plant to the 10/19/2021 commission meeting. Talked about using APRA funds for pump house improvements, and sewer and water mapping, commissioners advised Branden to investigate the water treatment loan paperwork to see if the pump house has already been included for repairs. The bathrooms at Father Padilla Park should be painted and cleaned by this weekend. Will bring the KMEA generators up for discussion before the end of the year. Waiting on the Herington Municipal Hospital Attorneys to finalize the paperwork to dissolve the board. Waiting on a response from Schilling to see if there will be any maintenance for the street work that was already completed. The Chief of Police position has been

open for about a week now, and we have received approximately 20 responses, hope to have someone in place by the end of October.

Commissioner Castleberry – Thanked the ad hoc committee for all the hard work around town and congratulated Branden on one year with the city.

Commissioner Donahue – Told Branden good job for his first year. Thanked Savannah and John for their time on the CVB board, hopes the new police chief will also be involved. Asked Brad for guidance on how to handle an accidental quorum.

Commissioner Bell – Talked about some of the street work that has been completed recently needs maintenance to prevent deterioration. Said he appreciated Branden's work over the last year.

Commissioner Hartman – Mentioned that there were a lot of people camping at the lake recently that have not paid, suggested adding signage and talked about locks for the electrical. Said that Father Padilla Park looked good, but 3 out of 5 tables are broken. Thanked Branden for a great year.

Mayor Urbanek – Asked for an update on the builder's group and was told that Brad is working on it for the next meeting. Wanted to set time with staff to have a meeting for a wrap up on the lake season, and to talk about the lake reservation software and to discuss strategies for next year. Thanked Branden for his work this year.

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

Megan Lawrenz, City Clerk