

Regular Meeting
November 2, 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, City Clerk Megan Lawrenz Chief of Police Chad Langley and Fire Chief Andrew Avantagiato. Also, in attendance were C Orander, D.J. Neuberger, Carl Urbanek, Eric Gares, Larry Mann, Dan McDonald, Christina McDonald, Pam Dalton, Karen Soliz, Janet Wade, Angela Dross and Branden Dross Jr.

The meeting opened with the Pledge of Allegiance.

Commissioner Bell motioned to approve the minutes from the regular meeting October 12, 2021, seconded by Mayor Urbanek. Motion carried 5-0. Mayor Urbanek motioned to approve the minutes from the regular meeting October 19, 2021. Motion failed 0-5. Mayor Urbanek motioned to approve the minutes from the regular meeting October 19, 2021, with the changes requested by Janet Wade to her previous comments, seconded by Commissioner Bell. Motion carried 5-0. Commissioner Bell motioned to approve the minutes from the special meeting October 29, 2021, seconded by Commissioner Donahue. Motion carried 5-0.

Public Forum – D.J. Neuberger – 9 S 2nd Herington, KS 67449 – Building Permits. Pam Dalton 609 S B St Herington, KS 67449 – FRE Food Drive/Pie in the City Managers face. Janet Wade – 602 E Arnold Herington, KS 67449 – October 19 minutes if not addressed (the minutes were discussed, and Janet made no comment during Public Forum). Joe Kossmann – 801 N Broadway Herington, KS 67449 – Big Blue.

Additional Agenda Items – City Manager Branden Dross clarified that the applications listed for Lake Board are for the Lake Master Plan Citizen Advisory Committee, and that there will be no term limits. Add 16a. Discussion on Ordinance 1841.

A motion was made by Commissioner Bell, seconded by Commissioner Donahue to approve the agenda with the addition of 16a. Motion carried 5-0.

Police Update – There were 197 calls for service last month and 4 misdemeanor arrests. Chief of Police Chad Langley was in Hutchinson for reciprocity classes and passed. Looking to hire one more officer. Officer Canby will attend teen crisis training on the 18th. Chief Langley is looking to move the responsibility of evidence logging to another officer after they complete training. HPD has been patrolling the lake multiple times per day checking for the proper registrations from campers.

Fire Update – There were 34 calls for service. 1 structure fire, 22 medical assists, 6 controlled burns, 1 smoke scare, 1 fire alarm, 1 MVA, 1 cancel and 1 trash/rubbish fire. Training topics were overview of the new air packs, and Chief Avantagiato completed fire investigator CFI1. Air packs will be shipping out 11/12/2021, the neighborhood enforcement officer's car has had several repairs, cost unknown. The

Tahoe is constantly showing Check Engine Codes, going into 4x4 low on start up. The building committee is complete and will hold a meeting within the new couple weeks. Response time is great, under 2 minutes for structure fire, average response for :32 to 2:07, average on scene time 3:63 to 8:12. Chief Avantagiato also spoke about the Recreational Fire Guidelines that the city follows and there was discussion about adding a recreational fire ordinance.

Neighborhood Enforcement Update – The NEO informed the commission that she will be at a conference for the next three days, and that she has 3 upcoming court dates. There was one condemnation, the family called the police twice with concerns of their civil rights being violated. The police department was able to provide the family with the code that corresponds with the process. Letters have been sent for parking on vegetation, some have put gravel down to meet code. The NEO rode around with David Kahle to check electric services, upgrades are needed, and the NEO, City Attorney and City Manager will work together to find solutions to the upgrades needed. The NEO has been working with Council Grove and Junction City on permitting. The NEO also plans to be certified in IPMC before the first of the year. There are currently 17 open cases. The NEO also provided a draft version of a flyer noting whether a permit is needed for specific types of construction.

Comprehensive Plan Regulation Update – City Attorney Brad Jantz said that statutory the City is not absolutely required to replace or reform the Comprehensive plan every so many years, however the standard is that at 5 years the plan is updated or at least reviewed, typically by the planning commission, the city commissioners do have the authority to direct the planning commission to do so. The City Attorney said that while no one would come in and cite the city for a dated comprehensive plan, it could make applying for grants difficult.

Tim Bettles' application for the Lake Master Plan Citizen Advisory Committee – Mayor Urbanek motioned to approve Tim Bettles application for the Lake Master Plan Citizen Advisory Committee, seconded by Commissioner Donahue. Motion carried 5-0.

Becca Eggleston's application for the Lake Master Plan Citizen Advisory Committee – Mayor Urbanek motioned to approve Becca Eggleston's application for the Lake Master Plan Citizen Advisory Committee, seconded by Commissioner Donahue. Motion carried 5-0.

Jean Kremeier's application for the Lake Master Plan Citizen Advisory Committee – Mayor Urbanek motioned to approve Jean Kremeier's application for the Lake Master Plan Citizen Advisory Committee, seconded by Commissioner Donahue. Motion carried 5-0.

Lawrenz Masonry's Contract for Curb and Guttering and ADA Ramp Construction – Mayor Urbanek motioned to approve Lawrenz Masonry's Contracts for Phase 1 and Phase two of the curb and guttering and ADA ramp construction with one payment in 2021 and the second payment in 2022, seconded by Commissioner Castleberry. Motion carried 5-0.

Audit Services for 2021 – Mayor Urbanek motioned to approve the contract from Lindburg Vogel Pierce Faris, chartered for audit services for the year ending 12/31/2021 and to authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

Joint City Commission and Planning Commission Meeting – Commissioner Castleberry motioned to table this to the next meeting so that the newly elected commissioners could have a chance to look at their schedules, seconded by Mayor Urbanek. Motion carried 5-0.

Larry Mann's Resignation from the Planning Commission – Commissioner Bell motioned to approve Larry Mann's resignation from the planning commission, seconded by Mayor Urbanek. Motion carried 3-2, with Commissioner Donahue and Commissioner Castleberry casting the dissenting votes.

Mayor Urbanek motioned to approve Ordinance 1842 – AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO ADD CHAPTER VI, ACTICLE 6, 4-608 ESTABLISHING A LICENSURE REQUIREMENT FOR ANYONE PERFORMING SERVIES UNDER THE MECHANICAL CODE NI THE CODE FOR THE CITY OF HERINGTON, KANSAS CHAPTER VI, ARTICLE 6 AND REPEALING ANY OTHER CURRENT ORDINANCES, OR PORTIONS THEREOF, IN CLONFLICT HEREWITH, and authorizing the mayor's signature seconded by Commissioner Bell. Motion carried 3-2 with Commissioner Donahue and Commissioner Castleberry casting the dissenting votes.

ORDINANCE NO. 1842

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO ADD CHAPTER VI, ACTICLE 6, 4-608 ESTABLISHING A LICENSURE REQUIREMENT FOR ANYONE PERFORMING SERVIES UNDER THE MECHANICAL CODE NI THE CODE FOR THE CITY OF HERINGTON, KANSAS CHAPTER VI, ARTICLE 6 AND REPEALING ANY OTHER CURRENT ORDINANCES, OR PORTIONS THEREOF, IN CLONFLICT HEREWITH.

16a. Discussion on Ordinance 1841 - Discussion was had on the difference of section one and section two. Section one board of advisors are professionals in the construction trade. Section two would be city staff. The roles can be combined. Consensus was to combine the roles and reconsider the ordinance at the next meeting to reapprove.

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 6:55pm, seconded by Commissioner Bell. Motion carried 5-0. 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 7:05pm, seconded by Commissioner Castleberry. Motion carried 5-0. No action taken.

City Manager Comments – Initial lake master plan meeting is tomorrow. Shillings came to fill the cracks. He is working on getting an intern, or someone from the school to help with the comp plan and don't forget to vote.

Commissioner Castleberry – Go vote! Thinks commissioners should have headshots put on the website with the commissioner's contact information.

Commissioner Donahue – Thanked Larry Mann for his work on the Planning Commission. Wished the candidates running good luck and wants to make changes to the permit list.

Commissioner Bell – Asked about doing a crack seal on the streets that were redone several years ago, said we should look at it again in the next budget year and asked if the Airport still had crack seal equipment that the city could rent.

Commissioner Hartman – None.

Mayor Urbanek – Asked if the hay/grazing leases are done (they are) and said to send them on city letterhead. Asked about the Airport Master Plan, it is on a current cycle.

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

Megan Lawrenz, City Clerk