

**Regular Meeting
July 5, 2022
6:00 p.m.**

The Herington City Commissioners met on the above date and time in the Commission Chambers at City Hall. In attendance were Commissioner Eric Gares, Commissioner Vance Donahue, Commissioner Debi Urbanek, Commissioner Robbin Bell 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 Services Director James Masters, Karen Soliz, Carl Urbanek, Larry Mann, Marcia Mathias, Peggy Hilliard, D.J. Neuberger, Rod Coon, Rick Freeman, Cynthia Naylor, Dan McDonald, Josh Brunner, Toby Osburn, Mike Hayden, Christopher Scaletta, Stephan Pemaroney, Rick Dalton, Jennifer Lansbury, Lee Bostick, Melissa Hartman, Sean Davis, Ray Perez, Susan Smith, Allan Hastings, Jim Biehler, Metta Rae Biehler, Jeff Biehler and Jay Salada.

The meeting opened with the pledge of allegiance.

Mayor Gares called the meeting to order.

Commissioner Bell made a motion to approve the minutes from the special meeting on June 8, 2022, the regular city commission meeting on June 21, 2022, and the special city commission meeting on June 28, 2022, seconded by Commissioner Donahue. Motion carried 5-0.

Public Forum

Kevin Bayes – Emailed in – Mud Run

Rick Freeman – 201 E Helen St Apt 45 – Vehicles behind the Shelter House at the Lake.

DJ Neuberger – 9 S 2nd St. – Mud Run.

Alan Hasting – 602 S B St. – Mud Run.

Additional Agenda Items – 16a Utility Payment Discussion (Eric move to a later commission meeting) 16a RNR, 5a Work session Budget Workshop.

Approval of Agenda - Commissioner Bell made a motion to approve the agenda with the addition of 5a. Budget Work Session, and 16a Intent to exceed the RNR, seconded by Mayor Gares. Motion carried 4-1 with Commissioner Donahue casting the dissenting vote.

5a. Budget Work Session Date – Mayor Gares made a motion to set the budget work session date as July 19, 2022, from 4pm – 6pm, seconded by Commissioner Castleberry. Motion carried 5-0.

Executive Session - Mayor Gares made a motion 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) in order to discuss administrative authority. To include the following persons: Governing Body, City Manager and City Attorney if needed with the open meeting to resume in the City Commission Chamber at 6:30, seconded by Commissioner Urbanek. Motion carried 4-1 with Commissioner Donahue casting the dissenting vote. The Regular meeting resumed with no action taken.

Executive Session - Mayor Gares made a motion 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) in order to discuss administrative authority. To include the following persons: Governing Body, City Manager and if needed with the open meeting to resume in the City Commission Chamber at 6:35, seconded by Commissioner Urbanek. Motion carried 4-1 with Commissioner Donahue casting the dissenting vote. The regular meeting resumed with no action taken.

Police Department Update – There were 266 calls for service, 68 traffic stops and 5 arrests: 2 misdemeanor and 3 felony. To expand on Commissioner Castleberry's question from a previous meeting regarding an increase in call volume to expand on Ben's question, 66% of the department's calls are officer initiated. The police department is looking at new vehicle from Andover, would be ready in the

August/September timeframe, once final numbers are provided it will be brought to the Commission for approval. The new Officer is still on light duty. A few items were lost at the Police Department due to a power surge/lightning strike including speakers and tv's. New surge protectors have been ordered. The Police Department now has new training available to the police officers from the academy they are online classes and count towards 50% of the officers annual training requirements.

Fire Department Update – The calls for service from June 7, 2022, to July 5, 2022, were 8 medical assist, 3 motor vehicle accidents with injuries, 1 gas leak, 1 public service assistance, 2 authorized control burnings, 1 severe weather, 1 water rescue, 1 MVA with hazmat, and 1 off road equipment fire. Training hours and topics were structure drills and water rescue refresher. Nelson completed all tests and is now attending a pump operator class. One new volunteer has joined, and two were lost, still looking for more volunteers. Department and Equipment Update: Received generator light tower from Forestry, maintenance and upkeep on trucks are costly this year, issues continue on 940 and 941. Received med bags, 2 defibs and hand tools from Forestry approximately \$5500 value. The E911 committee has met. All SBCA equipment has been received and is in service. 5-year hydro testing. Kansas Forest Fire Grant submitted for 10k, should hear back if awarded or not this week. Lost some small equipment from the lightning strike as well.

Neighborhood Services Update – James has worked 14 days in Herington since July 7th. He started working in Marion on Monday June 20 for a total of 4 days worked in Marion so far. Current schedule will be Monday and Wednesday in Marion and Tuesday, Thursday, and Friday in Herington. Had roughly 40 complaints and 76 inspections. There were 53 grass inspections, resulting in 26 violation notices. Issued 16 cut orders, 7 have been mowed by the City and 6 by homeowners. Wrote 4 environmental violations including 2 fences down, 1 untagged automobile on blocks and 1 for furniture in the yard. 5 building permits were issued, 3 electrical permits with 3 inspections, 4 mechanical permits with 2 inspections 1 plumbing permit with 2 inspections and 2 fence permits. There have been 2 electrical inspections for new service and 4 structural building inspections. Still short on numbers for the BCTA board, Branden and James are working on getting the board members filled out.

Introduction of Airport Restaurant Partner – Sean Davis came and talked about his new restaurant to be located at the Herington Airport, hoping to open in mid-July, looking at being open for breakfast Monday through Friday.

Reappointment of Toby Osburn to the Herington Recreation Commission – Commissioner Bell made a motion to approve Toby Osburn for reappointment to the Herington Recreation Commission term to expire 7/31/2026, seconded by Commissioner Donahue. Motion carried 5-0.

Discussion from Ricky Dalton and Alicia Weber on Tripp Field – Mayor Gares made a motion to limit to both speakers to 10 minutes, Commissioner Castleberry seconded. Motion failed 2-3 with Commissioner Bell, Commissioner Urbanek and Commissioner Donahue casting the dissenting vote. Ricky Dalton shared his opinions about not having the mud run at Tripp Field. Alicia Weber was not present.

Presentation of the Mud Run Event by the Kansas Ram Club – Michael Hayden, president of the Kansas Ram Club presented information on why they would like to bring their mud run to Tripp Field in Herington. Michael stated that if they were not able to have the mud run at Tripp Field that they would not have the event in Herington.

Commissioner Bell left the meeting at 7:33pm.

Mayor Gares opened the meeting to questions from the audience.

Marcia Mathias – Asked where they have hosted another event. Fort Scott was their first. Wondering about liability insurance, 1-million-dollar insurance required by Branden.

Rod Coon – 1600 West Walnut - Asked if the vehicles would be required to have a muffler. No, not required.

Jeff Biehler – 320 E Franklynn – Asked if the trucks are brought in on trailers, most are drove in, but some are trailered. One will park in field, south parking lot will be utilized. Asked Commissioners – Has anyone ever checked with the national historical society to get it deemed historical?

Fred Olsen – 416 S B – Concerned about noise and tearing up the field, thinks we are rushing into it. How many times will this event happen each year? This is a one-time event right now.

DJ Neuberger – Will the city require a surety bond be filed in case the Ram Club fails to restore the field? Mentioned the demo derby area.

Jim Biehler – E Franklynn – Longtime resident, ties to the field. How many participants? Approximately 500 spectators and 50 trucks to participate.

Special Event Permit to sell cereal malt beverage for consumption at Tripp Field on July 23 from 10:00 am to July 24th at 6:00 pm. Per the City Attorney CMB on temp basis makes changes to the limits, staff to check and make sure we are not limited to the distance from churches or parks. Mayor Gares made a motion to table until the next meeting for staff review, seconded by Commissioner Urbanek. Motion carried 4-0.

Hilltop Auditorium – A local dance group would like to lease the hilltop auditorium for a couple months, for \$300 per month. City Attorney to review.

16a. Discussion of RNR – Commissioner Urbanek made a motion for Megan to sign the notice of intent to exceed the Revenue Neutral Rate to notify the Dickinson County Clerk, seconded by Mayor Gares. Motion carried 4-0.

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) in order to discuss litigation. To include the following persons: Governing Body, City Manager, City Attorney and City Clerk. With the open meeting to resume in the commission chambers at 8:30pm, seconded by Commissioner Urbanek. Motion carried 5-0. The regular meeting resumed with no action taken.

City Manager Comments – The Tax abatement policy has been sent, it will be placed on first meeting in August agenda. Herington Housing Application received, but outside of city limits, but they are business owners. Received on CVB application from the school, but the applicant is related to a board member, will speak with the City Attorney. There is interest in Logan Point, expect a presentation soon. Branden at dunk tank this weekend.

City Commission Comments –

Commissioner Castleberry – At dunk tank 7-8 on Saturday. Enjoyed the presentation of the new business owner, hopes we can invite more new businesses to attend a meeting.

Commissioner Urbanek – Nothing.

Commissioner Donahue – ATV golf cart permitting fees, next agenda. Fireworks great show, lots of - people! Fair starts Friday with a parade at 5, dunk tank 7-8. Come check out the rodeo and demo derby.

Mayor Gares – 12-1 Saturday for the dunk tank. Workshop 7/16 from 4-6

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