

**Regular Meeting  
August 16, 2022  
6:00 p.m.**

The Herington City Commission met on the above date and time in the commission chambers at city hall. In attendance were Mayor Eric Gares, Commissioner Vance Donahue, Commissioner Debi Urbanek and Commissioner Ben Castleberry, absent was Robbin Bell. Also in attendance were City Manager Branden Dross, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Larry Mann, Carl Urbanek, Marcus Hawkes, Karen Soliz, Mark Will, Janet Wade, and Carl Brown.

The meeting opened with the pledge of allegiance.

Mayor Gares called the meeting to order.

Public Forum – None.

Additional Agenda Items – Move agenda items 9 and 12 to the next commission meeting.

Mayor Gares made a motion to approve the agenda moving items 9 and 12 to the next commission meeting, seconded by Commissioner Donahue. Motion carried 4-0.

Consent Agenda – There was discussion to correct the minutes from the regular city commission meeting from August 2, 2022, Commissioner Donahue made a motion to move C and D out of the consent agenda for discussion agenda item 6a, and to approve item A and B in the consent agenda with corrections to the August 2, 2022, regular city commission meeting minutes, seconded by Commissioner Castleberry. Motion carried 4-0.

6a. Discussion item C and D from the consent agenda – Commissioner Donahue was concerned about why there were only two applicants listed on the consent agenda. Mayor Gares and City Manager Branden Dross received an email Kat Souza, Mayor Gares read the following email:

*Mayor Gares,*

*Please be advised that applicant Carl Brown has let me know verbally that he no longer wishes to be involved with HHA Board of Commissioners. This leaves two applicants and two positions to be filled. I have spoken with Jacqueline personally, and have attempted to make contact with Sandy. I have not received Board opposition to appointing these two individuals.*

*It is my hope after appointment that we can have a full Board meeting at month's end. If you have any questions, please do not hesitate to contact me.*

*Thanks in advance,*

*Kat Souza*

*Chairwoman, HHA Board of Commissioners*

Commissioner Donahue made a motion to table this discussion until all 5 commissioners are together and encouraged each commissioner to reach out the applicants, seconded by Commissioner Castleberry. Motion failed 2-2 with Commissioner Urbanek and Mayor Gares casting the dissenting votes.

Commissioner Urbanek made a motion to appoint Sandy Merrifield and Jacqueline Mueller to the HHA board terms to expire 8/31/2025, seconded by Mayor Gares. Motion failed 2-2, with Commissioner Castleberry and Commissioner Donahue casting the dissenting votes.

Commissioner Urbanek made a motion to appoint Sandy Merrifield to the HHA board term to expire 8/31/2025, motion failed for lack of a second.

Commissioner Donahue made a motion to appoint Jacqueline Mueller to the HHA board term to expire 8/31/2025, seconded by Commissioner Castleberry. Motion carried 4-0.

Mayor Gares made a motion to table the 5<sup>th</sup> appointment to next regular city commission meeting, seconded by Commissioner Donahue. Motion carried 4-0.

Update on CCLIP/US B-56 from KDOT – CCLIP stands for City Connecting Link Improvement Program. The city was awarded \$300,000 for work on US Business Highway 56 a couple years ago, but there are more repairs needed than was known about when the project was awarded. \$300,000 is not enough to fix the whole problem. Recently the city has submitted for more money to fix the problem and expand on the length. KDOT is unwilling to invest \$1.2 million in a route that does not function as part of the state system, the project will not really fall under the CCLIP program. KDOT has offered to fund the project, but they would take it off the state system, and the City would lose approximately \$15,000 per year in maintenance funds received from the program. If approved by the commission the repairs would be funded by KDOT and upon completion the portion of US B-56 would be removed from the KDOT system, and the city would be responsible for maintenance. In doing so the city would gain ownership of another bridge and would be required to have it inspected and maintained. City staff needs to verify that KDOT received the information from our previous annexation of 77 and figure out what CCLIP payments for maintenance could potentially be made on that portion, it could potentially equal the \$15,000 per year that the city would lose from the portion of US B 56. City Attorney Brad Jantz advised it would be ok to proceed with the repairs. KDOT is also working on getting the county to vacate their portion. Commissioner Urbanek made a motion to proceed with KDOT in funding the repairs needed for HWY B-56, and approved city staff to work with KDOT on what is needed to vacate the portion the highway, seconded by Mayor Gares. Motion carried 4-0.

Update from the Planning Commission – The Planning Commission was presented with the comp plan from Dr. Bonnie Johnson. The planning commission felt that section 5 needed to be beefed up, for Herington highlights and history. Planning Commission Members Janet Wade and Cynthia Naylor will be working on that. The Planning Commission is also looking at goals. They are having a special meeting on Saturday August 20, 2022, from 9am to about 2pm, to work through the comp plan more in depth.

Update from the Recreation Commission – Tabled.

Property Lease for the Recreation Commission – City staff confirmed with City Attorney Brad Jantz that the address down at the “sports complex area”, or “700 S Broadway” needs to be revised to be more specific. Staff will define the areas more clearly. There was discussion about how much the utilities for the Rec Commission are costing the city. Staff will get clarification on lease amounts that the Rec Commission may charge for use of fields and such. Commissioner Urbanek made a motion to adopt lease as printed to authorize the mayor’s signature, seconded by Commissioner Castleberry. Motion carried 3-1 with Commissioner Donahue casting the dissenting vote.

Update on Lake and Reservoir Master Plan Estimate Cost of Construction – Mayor Gares made a motion to recess for 5 minutes, seconded by Commissioner Donahue, Motion carried 3-0. Staff presented preliminary cost amounts. Staff suggests looking at utility upgrades and some larger infrastructure items first. Commissioner Urbanek– hopes that we can look at the grand scheme, specifically lot placement to make sure that things are completed in the appropriate order.

Discussion on Utility Billing – Tabled.

Discussion on UTV, ATV and Golf Cart Registration Fees – Agenda item requested by Commissioner Donahue. Staff provided stats on what other cities around are charging. The commissioners directed staff to speak with the Police Department to enforce registration and compliance.

By-Law Revisions – Staff removed elected representatives from section 1, number 5, and revised that the chair be a signer on the bank accounts instead of the treasurer. The term for the high school representative was also changed to be August to July. There will be one open position on the board. Commissioner Urbanek made a motion to approve the CVB bylaws as presented and authorize the mayor’s signature, seconded by

Commissioner Castleberry. Motion carried 4-0.

Petition for Vacation of a Portion of Street Right of Way Easement Tract for McClaren Lot 1 – The planning commission approved vacations between South B and South C on McClaren.

Commissioner Urbanek made a motion to approve vacation for lot 1 and authorize the mayor's signature, seconded by Commissioner Castleberry. Motion carried 4-0.

Public Hearing Time for Vacation of a Portion of Street Right of Way Easement Tract for McClaren Lot 1 – Commissioner Urbanek made a motion to set the public hearing time for the vacation of a portion of street right of way easement for McClaren Lot 1 for September 20, 2022, at 6:00pm, seconded by Commissioner Castleberry. Motion carried 4-0.

Petition for Vacation of a Portion of Street Right of Way Easement Tract for McClaren Lot 2 – Commissioner Urbanek made a motion to approve vacation for lot 2 and authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 4-0.

Public Hearing Time for Vacation of a Portion of Street Right of Way Easement Tract for McClaren Lot 2 – Mayor Gares made a motion to set the public hearing time for the vacation of a portion of street right of way easement for McClaren Lot 2 for September 20, 2022, at 6:00pm, seconded by Commissioner Castleberry. Motion carried 4-0.

Representative on the Tri-County Free Fair Board – City Attorney Bard Jantz confirmed city commissioners should not be voting members of various boards. Mayor Gares made a motion to appoint the City Manager or his Designee to be a representative on the Tri-County Free Fair Board, seconded by Commissioner Urbanek. Motion carried 4-0.

## **ORDINANCE 1872**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPEAL IN THEIR ENTIRETY, SECTIONS 6-151 AND 6-152 OF CHAPTER 6, ARTICLE 1, ENTITLED AQUATIC NUISANCE SPECIES (ANS) EDUCATION CERTIFICATION REQUIRED FOR FISHERMEN AND AUQATIC NUISANCE SPECIES (ANS) EDUCATION CERTIFICATION REQUIRED FOR BOATERS RESPECTIVELY. ESTABLISHING A CERTIFICATION REQUIREMENT FOR ANYONE FISHERMAN AND BOATERS AT THE HERINGTON LAKE AND RESERVOIR OWNED BY THE CITY OF HERINGTON, KANSAS PURSUANT TO THE CODE FOR THE CITY OF HERINGTON, KANSAS CHAPTER 6I, ARTICLE I AND REPEALING ANY OTHER CURRENT ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HERewith.**

Commissioner Urbanek made a motion to approve Ordinance 1872 and authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 4-0.

Business on US HWY 56 & 77 – Casey's is coming to the city of Herington. Staff working on MOU to annex in the property voluntarily. City to provide sewer to the property. Staff anticipates they will be here within the next year.

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 city manager annual review expectations to include the governing body. With the open meeting to resume at 8:00pm, seconded by Commissioner Urbanek. Motion carried 4-0. The meeting resumed with no action taken.

City Manager Comments – Branden went to the KS association of trail towns last week with Commissioner Urbanek. \$28.4 million awarded to the trail to finish the last 40 miles, funds cannot be used for property acquisition. Looking at an 18–24-month time frame for completion. \$60,000 grant also awarded for economic impact study for towns around the trail. Staff Update: Leo Schlesener is now at the water treatment plant. Marcus Hawkes has been promoted to street superintendent. Hired Deputy city clerk. Chip and seal project is

complete. Marcus Hawkes will have site eval on 2<sup>nd</sup> street project in the next few weeks. Attended brownfields clean up conference last week with asbestos abatement. Karen Soliz and he started a grant writing class. Attended a grant class today where they were encouraged to work together with other cities to get grants. Comp plan meeting this Saturday. Special meeting next Tuesday.

#### City Commission Comments -

Commissioner Castleberry – Asked about the safe walk program, Branden told him the city needs 20% matching funds, could adjust for next year's budget. Approximately \$250-300k is needed. Commissioner Urbanek mentioned looking to see if the school could help fund the 20%.

Commissioner Urbanek – Huge shout out to Barnes for the free swim at the pool last Friday. She is excited to be a part of the association and feels there are some great opportunities to take advantage of. At the last meeting they came up with the following mission statement: Kansas Association of Trail Towns (KATT) advocates for the viability and sustainability of trails for promoting Active Tourism through collaboration. Our goal is to support the continued health and economic development of our communities.

Mayor – Reminded the community about the RNR and Budget hearing on Tuesday, August 23, 2022. DK CO leadership dinner on August 25<sup>th</sup> at 6pm. August 31 he is attending a League of Municipalities policy meeting. The League is offering an essay contest for 7<sup>th</sup> graders, asked staff to place info at city hall and reach out to educators there will be cash prizes.

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

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Megan Lawrenz, City Clerk