

This is a business meeting of the governing body for the City of Herington. There is no implied or expressed right for persons outside the governing body to speak or voice their opinion unless specifically recognized by the chair.

**Regular Meeting
April 4, 2023
6:00 p.m.**

1. Pledge of Allegiance

2. Call to Order

3. Public Forum

4. Additional Agenda Items

5. Approval of Agenda

Motion _____ Seconded _____ Action _____
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek
Commissioner Gares, Mayor Bell

6. Consent Agenda

- i. Discuss and Action on the Minutes of the Regular Meeting March 21, 2023
- ii. Discuss and Action on the Minutes of the Special Meeting March 20, 2023
- iii. Discuss and Action on Temporary CMB for Richard Idleman

Motion _____ Seconded _____ Action _____
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek
Commissioner Gares, Mayor Bell

7. VFW Presentation of Police Officer and Firefighter of the Year Awards

8. Public Hearing – Zachary Freeman – 901 E Arnold, Herington, KS 67449

9. Discuss and Action on 315 S A Street, Herington, KS 67449

Motion _____ Seconded _____ Action _____
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek
Commissioner Gares, Mayor Bell

10. Discuss and Action on 507 N F Street, Herington, KS 67449

Motion _____ Seconded _____ Action _____
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek
Commissioner Gares, Mayor Bell

11. Neighborhood Enforcement Update

12. Police Update

13. Fire Update

14. Discussion and Action on Ordinance _____ for the KMEA on the Generator

Motion _____ Seconded _____ Action _____
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek
Commissioner Gares, Mayor Bell

15. Discuss and Action on Setting Common Consumption Areas

Motion _____ Seconded _____ Action _____
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek
Commissioner Gares, Mayor Bell

16. Executive Session – I move 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 negotiations to include the following:

- Governing Body
- City Manager
- Interim City Manager
- City Attorney
- _____

Motion _____ Seconded _____ Action _____
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek
Commissioner Gares, Mayor Bell

17. Executive Session – I move 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 potential litigation to include the following:

- Governing Body
- City Manager
- Interim City Manager
- City Attorney
- _____

Motion _____ Seconded _____ Action _____
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek
Commissioner Gares, Mayor Bell

18. City Manager Comments

19. Commissioner Comments

20. Adjourn

Motion _____ Seconded _____ Action _____
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek,
Commissioner Gares, Mayor Bell

To join the City Commission meetings from your computer, tablet, or smartphone, go to
<https://www.youtube.com/channel/UCbvSBw6l4w85XQHSX0S1BXg> Public Forum Comments can be
dropped in the deposit box or emailed to cityoffice@cityofherington.com.

**Regular Meeting
March 21, 2023
6:00 p.m.**

The Herington City Commission met on the above date and time in the commission chambers in city hall. In attendance were Mayor Robbin Bell, Commissioner Eric Gares, Commissioner Debi Urbanek, Commissioner Ben Castleberry, Commissioner Dan McDonald, Interim City Manager Andrew Avantagiato, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Neighborhood Enforcement Director James Masters, and Electric Superintendent David Kahle. Also in attendance were Christina McDonald, Gabriele Simmons, Gerry Bieker with KMEA, Tom Sarttn KMEA, Mike Schmadenien KMEA, Carl Urbanek, Rhonda Rice, Larry Mann, Cynthia Naylor and Karen Soliz.

The meeting opened with the pledge of allegiance.

Mayor Bell called the meeting to order.

Public Forum – None

Additional Agenda Items - Add 11a ES- Attorney client privilege for contract negotiations.

Approval of Agenda – Mayor Bell made a motion to approve the agenda with the addition of 11a, seconded by Commissioner Gares. Motion carried 5-0.

Consent Agenda – Commissioner Gares made a motion to approve the consent agenda including the Minutes of the Regular Meeting March 7, 2023, the Minutes of the Special Meeting February 22, 2023, seconded by Commissioner Castleberry. Motion carried 5-0.

Discussion with KMEA on the Generator – City Commission directed KMEA to prepare an Ordinance to move forward with the Generator Proposal to be reviewed at the April 4th Commission Meeting.

Update on 315 S A Street – No work has been completed, the resolution that was mailed to the property owners gave them until April 4th to complete repairs or demolition.

Update on 507 N F Street – No work has been completed, the resolution that was mailed to the property owners gave them until April 4th to complete repairs or demolition.

Update on 211 N E Street –The hearing was reopened at 6:54 pm, James Masters updated the commissioners that he has not received plans from the property owner to make repairs. Commissioner McDonald made a motion to take action to demolish 211 N E Street, giving the property owner 30 days to raise it themselves, and authorize the mayor's signature, seconded by Commissioner Urbanek. The motion failed 0-5. Mayor Bell made a motion to take action to demolish 211 N E Street, giving the property owner 60 days to raise it themselves, and authorize the mayor's signature, seconded by Commissioner Urbanek. Motion carried 5-0. The public hearing was closed at 7:00pm.

Discussion on Logan Pointe – Property was sold and given 18 months to build a garage. The garage has not been built, and the commissioners asked Brad how to proceed. Brad recommends contacting the owner to ask if they wish to deed it back to the City. If they don't want to, Brad will have to proceed with District Court. Commissioners directed Brad to contact the owners.

Resolution for Fireworks Display for July 8, 2023 – The fair board is wanting to do a fireworks display on July 8th, which is outside the city's limits for allowing displays. Commissioner Gares is requesting a resolution to allow the fair board to have their display on July 8th. The display should be around the fairgrounds. Commissioner Gares stepped down from the dais, he then reported that the fireworks committee is not going to do fireworks fundraisers anymore. The people who shoot off the fireworks provide their own insurance. Commissioners directed Brad to prepare the resolution. Another resolution was requested to include fire code requirements and permit fees.

Executive Session – Mayor Bell 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 personnel matters to include the following: Governing Body, City Attorney and Interim City Manager if needed with the open meeting to resume at 7:24pm, seconded by Commissioner Gares. Motion carried 5-0. The regular meeting resumed with no action taken.

Commissioner Gares made a motion to amend the agenda to include 10a Stipend amount for the Interim City Manager, seconded by Mayor Bell. Motion carried 5-0.

10a Commissioner Gares made a motion to approve a one-time stipend to the Interim City Manager for \$3000 as a thank you for his outstanding work during his time as Interim City Manager, seconded by Commissioner McDonald. Motion carried 5-0.

Executive Session – Mayor Bell 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) to discuss potential litigation to include the following: Governing Body, Interim City Manager and City Attorney with the open meeting to resume at 7:40pm, seconded by Commissioner Gares. Motion carried 5-0. No action taken.

11a. Executive Session – Mayor Bell 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) to discuss contract negotiations to include the following: Governing Body, Interim City Manager, City Attorney and Thatcher Moddie with the open meeting to resume at 7:50pm, seconded by Commissioner Gares. Motion carried 4-0. The regular meeting resumed with no action taken.

Commissioner Castleberry left the meeting.

11b. Commissioner Gares made a motion to add agenda item 11b approval of CM contract, seconded by Mayor Bell. Motion carried 4-0.

11b Commissioner Bell made a motion to approve the city manager contract with Thatcher Moddie with staff review and authorizing the mayor's signature, seconded by Commissioner Urbanek. 4-0.

City Manager Comments – Finishing up the EV charger pad and pulling wires to get it hooked up. Rescue truck is waiting on specs and quotes back from fire truck manufactures. If they put a new body on the chase, it can be retitled and will not be a salvaged title and could be fully insured.

Commissioner Comments –

Commissioner McDonald – Sprint Grant was submitted. Hoping to hear by the end of April if it was approved, he confirmed all of the commissioners' concerns were addressed. Encouraged everyone to thank Janet! Welcomed Thatcher.

Commissioner Urbanek – Welcomed Thatcher.

Commissioner Gares – CDBG Grants deadline May 1, asked if he thought that staff could get something together for parks or sidewalks, staff wants to focus on parks. Thanked Andrew for all his hard work during the interim. Welcomed Thatcher.

Commissioner Bell – Camp host wanted to announce April 28th, 29th, 30th antique cars will be camping at the 3rd boat dock! All spots are booked! Thanked Andrew and Megan. Welcomed Thatcher.

Adjourn – Commissioner Gares made a motion to adjourn, seconded by Commissioner Urbanek. Motion called 4-0.

Special Meeting
March 20, 2023
8:00 P.M.

The Herington City Commission met on the above date and time at city hall. In attendance were Commissioner McDonald, Commissioner Castleberry (via phone), Commissioner Urbanek, Commissioner Gares, Mayor Bell, Interim City Manager Andrew Avantagiato, City Attorney Brad Jantz (via phone) and City Clerk Megan Lawrenz

The meeting opened with the pledge of allegiance.

Mayor Bell called the meeting to order.

Commissioner Urbanek made a motion to approve the agenda, seconded by Commissioner Gares. Motion passed 5-0.

Executive Session – Mayor Bell 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 contract negotiations to include the following: Governing Body, Interim City Manager, City Attorney via phone and City Clerk with the open meeting to resume at 8:30pm, seconded by Commissioner Urbanek. Motion carried 5-0. The meeting resumed with no action taken.

Executive Session – Mayor Bell 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 contract negotiations to include the following: Governing Body, Interim City Manager, City Attorney via phone and City Clerk with the open meeting to resume at 9:14pm, seconded by Commissioner McDonald. Motion carried 5-0. The meeting resumed with no action taken.

Mayor Bell made a motion to adjourn, seconded by Commissioner Gares. Motion carried 5-0.

Megan Lawrenz, City Clerk