

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
August 2, 2022
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 Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

6. Consent Agenda

- a. Minutes of the Regular City Commission Meeting July 19, 2022
- b. Approve Steven Thompson's Resignation from the CVB Board
- c. Approve Eleanor Silhan's Application for the CVB Board, Term to Expire July 31, 2023

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

7. Presentation from Arthur Schultz with the Herington Housing Authority

8. Discuss and Action on Appoint of TWO members to fill unexpired terms, for the Herington Housing Authority terms to expire 12/31/2022 and 11/30/2024

- o Sandy Merrifield
- o Carl Brown
- o Jacqueline Mueller

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

9. Discuss and Action on CVB By-Law Revisions

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

10. Police Update

11. Discuss and Action on Police Department Vehicle Purchase for \$47,618.93

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

12. Fire Update

13. Neighborhood Services Update

14. City Clerk Update

15. Update on Trapp Street KDOT CCLIP Project

16. Discussion on Utility Billing Processes

17. Discuss and Action on Resolution 959 – Regulating activity at and on Father Padilla Park and Pond

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

18. Discuss and Action on Creation and Appointment of Mission and Vision Statement Subcommittee

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

19. Discuss and Action on City Representation for the Tri-County Free Fair Board

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

20. Executive Session – I move that the Herington City Commission recess into Executive Session, Pursuant to the preliminary discussions relating to the acquisition of real property exception, K.S.A. 75-4319(b)(6), in order to discuss a real estate transaction to include:

- Governing Body
- City Manager
- City Attorney
- City Clerk

With the open meeting to resume in the City Commission Chamber at _____ pm.

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

21. 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), in order to discuss litigation to include:

- Governing Body
- City Manager

- City Attorney
- City Clerk

With the open meeting to resume in the City Commission Chamber at _____ pm.

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

22. City Manager Comments

23. City Commission Comments

24. Adjourn

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

To join the City Commission meetings from your computer, tablet, or smartphone, go to:

<https://www.youtube.com/channel/UBbvSBw614w85XQHSX0S1BXg>

Public Forum Comments can be dropped in the deposit box or email to

cityoffice@cityofherington.com

DRAFT

Regular Meeting
July 19, 2022
6:00 p.m.

The city commissioners met on the above date and time in the city commission chambers at city hall. In attendance were Mayor Eric Gares, Commissioner Vance Donahue, Commissioner Robbin Bell, City Manager Branden Dross, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Neighborhood Services Director James Masters, Electric Supervisor David Kahle, Commissioner Castleberry arrived at 6:17pm. Commissioner Urbanek was absent from the meeting. Community members in attendance were Donalyn Biehler, Janet Wade, Cynthia Naylor, Ryan Stevenson, Brandon Meyer and Angela Dross.

The meeting opened with the pledge of allegiance.

Mayor Gares called the meeting to order.

Commissioner Bell made a motion to approve the special meeting minutes from July 5, 2022, and the regular meeting July 5, 2022, seconded by Commissioner Donahue. Motion carried 3-0

Public Forum - None

Additional Agenda Items - 7a. Pie in the face for the city manager. 16a D&A setting RNR limit.

Commissioner Bell made a motion to approve the agenda with the addition of 7a and 16a, seconded by Commissioner Donahue. Motion carried 3-0.

Commission skipped agenda item 7, to wait for Commissioner Castleberry to arrive.

Introduction of Hilltop Auditorium Partner – Dance 77 – Owners of Dance 77 came and introduced themselves to the commissioners and community and talked about their upcoming plans for their dance studio.

Fire Vehicle and SCBA Compressor Replacement – Fire Chief Andrew Avantagiato presented a lease purchase plan to replace a fire vehicle and SCBA Compressor Replacement, the chief will use the vehicle primarily, but will also outfit it to be able to use for scene support. The Compressor is a 2001 model with damage from previous service, purchasing a new one will be more cost effective than repairs. Anticipating \$15,000 to \$20,000 increase in fire contracts, this lease would also be paid for from the fire contracts. Commissioner Bell made a motion to approve the lease purchase agreement for the F250, and Compressor not to exceed \$110,000, with staff review, and authorize the mayor's signature. Seconded by commissioner Donahue. Motion carried 4-0.

Presentation of the Herington Spirit Award to the City of Herington – Brandon Meyer presented Commissioner Castleberry with the Herington Spirit Award for his sales at the dunk tank.

7a. The City Manager and the Mayor had a friendly bet that whoever raised more money for the dunk tank could pie the other.

Mayor Gares made a motion to recess the meeting for five minutes, seconded by Commissioner Donahue. Motion carried 4-0.

Special Event Permit to sell cereal malt beverage for consumption at Tripp Field on July 23, 2022, and July 24, 2022 – Commission Bell made a motion to approve the special event permit to sell CMB at Tripp Field on July 23rd and 24th, seconded by Mayor Gares. Motion carried 3-1 with Commissioner Donahue casting the dissenting vote.

Commissioner Bell made a motion to approve Resolution 958 and authorize the mayor's signature, seconded by Commissioner Castleberry. Motion carried 3-1 with Commissioner Donahue casting the dissenting vote.

RESOLUTION 958

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.

Ordinance 1872 Revising Chapter 4, Article II for Public Utilities – Neighborhood Services Director James Masters and Light Supervisor David Kahle proposed making some changes to conform with higher standards. Commissioner Bell made a motion to adopt Ordinance 1872 and authorize the mayor's signature, seconded by Commissioner Castleberry. Motion carried 4-0.

ORDINANCE 1872

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO SPECIFICALLY AMEND AND REPLACE, IN ITS ENTIRETY, CHAPTER 4, ARTICLE II, SECTION 4-201 INCORPORATING THE INTERNATIONAL ELECTRICAL CODE AND ADDING CERTAIN ELECTRICAL STANDARDS SUPPLEMENTING THE INTERNATIONAL ELECTRICAL CODE ALL REGULATING INSTALLATION, MAINTENANCE, AND USE OF ELECTRICAL SERVICES PURSUANT TO THE CODE OF THE CITY OF HERINGTON, KANSAS WITHIN THE CITY OF HERINGTON, KANSAS CHAPTER 4, ARTICLE II AND REPEALING ANY OTHER CURRENT ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HEREWITH.

Tax and Specials Abatement Policy – City Attorney Brad Jantz provided 4 options for a tax and specials abatement policy. Mayor Gares made a motion to approve the document as written selecting option 4, seconded by Commissioner Donahue. Motion carried 4-0.

Voting Delegate for the 2022 LKM League Convention – Mayor Gares made a motion to name himself the voting delegate for the 2022 LKM League Convention, seconded by Commissioner Donahue. Motion carried 4-0.

Utility Billing Process – Questions were brought to the commission's attention that there are some non-profits who are not charged for utilities. The library, fair board, Family Resource Exchange, and the museum do not pay for utilities. Staff will look for minutes from a previous discussion and present to the commissioners.

Mission and Vision Statement – City Manager Branden Dross suggested that we create a smaller group to work on the mission and vision statement and bring back recommendations to the commission for approval. This will be placed on the next commission meeting agenda to designate two city commissioners to the group.

16a RNR Limit – Commissioner Bell made a motion approve the RNR not to exceed 87.000, seconded by Commissioner Castleberry. Motion carried 4-0.

Mayor Gares made a motion to have a special meeting for the 2023 budget August 2, 2022, at 5:30, seconded by Commissioner Donahue. Motion carried 4-0.

City Manager Comments - Opioid funds received, need to create a new budget line. Hope Water line contract has been signed. In 2025, the city manager will need to follow up with Hope to renew the contract. Provided UTV/ATV fees from various communities to the Commissioners. Herington Housing

Authority will attend next meeting. Mud run this weekend. MOU for the Mud Run was finalized by the City Attorney today. Staff dug the pit, and re-seeding will happen at the end of the summer. If the mud run goes well staff will bring it to the planning commission for land use plan for events in the future.

City Commission Comments -

Commissioner Bell - Nothing.

Commissioner Castleberry – Thanked Brandon for being a great sport! Mud run this weekend.

Commissioner Donahue – Leaving his commission seat in December, has been a representative on the free fair board who meet on the third Wednesday of the month, suggested a new commissioner should take his seat. Free Fair by-laws need to be reviewed to determine how many city representatives are needed on the board.

Mayor Gares – Nothing.

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

Megan Lawrenz, City Clerk

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**BY-LAWS
THE CITY OF HERINGTON CONVENTION AND VISITORS**

BUREAU ARTICLE I: NAME

The name of this organization shall be the Herington Convention and Visitors Bureau (AKA Visit Herington.)

ARTICLE II: PURPOSE

The purpose of the Herington Convention and Visitors Bureau is to promote Herington; solicit groups, conventions, meetings, tradeshow, exhibits, and special events to convene in Herington. To develop civic interests to generally do things necessary or appropriate to carry out and thereby relieve burdens of the city.

**ARTICLE III: ORGANIZATION AND
MEMBERSHIP**

Section 1- Membership: The membership of the Herington Convention and Visitors Bureau shall consist of nine (9) members. Applications for open board positions are to be available at the City office to be completed and submitted to the City office. Applications will then be reviewed by the City Commission for approval.

- A. Each member of the Convention and Visitors Bureau shall be a representative of one of the following groups as specified in Charter Ordinance #19, passed by the City Commission on December 2, 2003.
1. Owners, operators or employees of persons engaged in the hotel or motel business within the City, whether such members reside inside or outside of the City;
 2. Representatives from agencies or organizations actively engaged in promoting tourism or from facilities or organizations of historic or cultural attraction in the City or its environs;
 3. Members of the general public;
 4. A member representing the senior class at Herington High School, who serves one, one-year term, from August to July.
 5. Employees of the City or City Commissioners or appointed representatives for City;

Section 2- Executive Board

- A. Chairperson/President
1. Responsible for communications with the city manager
 2. Preside over meetings
 3. Signature on legal documents as required
 4. Does not have voting capability unless required for a tie-breaker

B. Treasurer

1. Responsible for budget
2. Keeping financial documents and receipts as required
3. Audits
4. Maintain signatures on bank accounts

C. Secretary

- a. Keep written minutes of meeting to include:
 1. Attendance
 2. Voting records
 3. Motions
 4. Resolutions
 5. Actions
 6. Committees with purpose and members
- b. In absence of the chair/president, will fulfill the duties of the President.

D. Board Members- All

- a. Attend meetings in person
 1. If unable to attend, contact a member of the executive board for guidance.
- b. Review the agenda before the meeting.
- c. Introduce ideas for consideration.
- d. Social accountability and responsibilities for written, oral, or electronic communications.

Section 3-Meetings: The bureau shall hold regular meetings at a time and place to be established by the board. All meetings shall be open to the public.

- (a) Parliament Authority- Except as otherwise provided in its bylaws and standing rules. Roberts Rules of Order shall govern the Bureau in its proceedings.
- (b) Meetings to be held at least quarterly.

Section 4- Organization:

- (a) The board members shall elect the executive positions via a majority vote.
- (b) Any member who is absent for three (3) consecutive regular meetings shall be deemed to have resigned. Notification of open position will be then submitted to the City.
- (c) Appoints by the City Commission are for two-year, unexpired terms. Any replacement of a member would complete the remainder of the term.
- (d) Only Bureau members have voting rights at meetings. Any affirmative vote of the majority of the members present and voting shall decide any question brought before such meeting.
- (e) A simple majority of the motions & votes shall constitute a quorum. Five (5) board members are required for a meeting.

- (f) Any member desiring to resign from the Bureau shall submit their resignation in writing to the City Manager or City Clerk.
- (g) Only the chairperson/president is authorized in making recommendations to the City Commission. Unless authorized to another board representative.

ARTICLE IV: AMENDMENTS AND REVISIONS

Recommendations for amendments to these bylaws may be considered and/or amended at any regular meeting of the Bureau by a two-thirds vote of those in attendance, provided that the amendment has been submitted in writing at the previous regular meeting.

Whenever the Bureau proposes to modify, amend, revise or otherwise change the bylaws of the Bureau, such modification, amendment, revision, or change shall be submitted to the City Commission for its approval. The City Commission shall consider the proposal and may approve the said proposal by an affirmative vote of the majority of the City Commission. No such modification, amendment, revision or change shall be effective until the City Commission approves it.

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PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS, THIS 2th DAY OF AUGUST, 2022.

Eric Gares, Mayor

ATTEST:

Megan Lawrenz, City Clerk

SEAL:

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Superior Emergency Response Vehicles

P.O. Box 965
12548 SW Highway 54
Andover, KS. 67002

Estimate

Date	Estimate #
5/18/2022	2701

Customer Name
Herington Police Department 700 S. Broadway Herington, KS. 67449



Emergency Response Vehicles

www.SERVLLC.com 316-733-2223 Email:andy@servllc.com

Description	Qty	Rate	Total
2022 Ford Police Interceptor Utility 2022 Ford Utility PI (K8A) 3.3L V-6 Gas Interior: Cloth Front / Vinyl Rear (96) •Rear AC (17A) •Cargo Dome Lamp (17T) •Global Lock Unlock (18D) •Courtesy Lamps Disable (43D) •Police Engine Idle (47A) •Driver Side LED Spot Light (51R) •Heated Mirrors (549) •Keyless Entry (55F) •Keyed Alike 1284X (59B) •Noise Suppression (60R) •Front Head Light Solutions (66A) •Police Wire Harness Connector Kit (67V) •Deflector Plate (76D) •Reverse Sensing (76R) •Pre Drilled Tail Lamp (86T)	1	36,567.00	36,567.00
Whelen Legacy WeCanX DUO Lightbar	1	1,850.00	1,850.00
Whelen Cencom Core Siren/Lighting Controller	1	795.00	795.00
Whelen ION Perimeter Lights	6	95.00	570.00
Whelen Siren Speaker/Bracket	1	195.00	195.00
Setina PB400L Push Bumper w/2 ION's	1	675.00	675.00
Havis Center Console w/Armrest and Cupholder VS-1012-INUT	1	605.00	605.00
Havis Computer Mounting System C-MD-112	1	309.00	309.00
Havis Docking Station DS-PAN-1112	1	836.00	836.00
Jotto Single Cell 1/3 Cage Prisoner Transport System	1	1,680.00	1,680.00
Jotto Dual Weapon Gunlock System	1	420.00	420.00
Emergency Vehicle Graphics - Installed	1	765.00	765.00
Circuit Breaker	1	48.50	48.50
75-100AMP Accessory Relay	1	51.90	51.90
BS5032 Split Fuse Block	1	52.50	52.50
Pricing for equipment and labor are good for 30 days. Equipment and parts installed carry a warranty as specified by the manufacturer. Repairs or replacement of equipment items during the warranty period may be subject to a labor charge if the failure is not due to improper installation. Installation and upfitting workmanship performed by SERV are warrantied for the service life of the vehicle within your organization. Modifications or equipment failures by others may void this warranty. Used parts and equipment do not carry a warranty.	Sales Tax (0.0%)		
	Total		

Thank you for considering SERV!

Superior Emergency Response Vehicles

P.O. Box 965
12548 SW Highway 54
Andover, KS. 67002

Estimate

Date	Estimate #
5/18/2022	2701

Customer Name
Herington Police Department 700 S. Broadway Herington, KS. 67449



Emergency Response Vehicles

www.SERVLLC.com 316-733-2223 Email:andy@servllc.com

Description	Qty	Rate	Total
Heavy Duty Battery Disconnect Solenoid	1	49.03	49.03
Shop Supplies - Wiring, Connectors, Securement Items, Brackets, Etc.	1	200.00	200.00
Professional Installation / Upfitting	1	1,950.00	1,950.00
DRAFT			
Pricing for equipment and labor are good for 30 days. Equipment and parts installed carry a warranty as specified by the manufacturer. Repairs or replacement of equipment items during the warranty period may be subject to a labor charge if the failure is not due to improper installation. Installation and upfitting workmanship performed by SERV are warrantied for the service life of the vehicle within your organization. Modifications or equipment failures by others may void this warranty. Used parts and equipment do not carry a warranty.			
Sales Tax (0.0%)			\$0.00
Total			\$47,618.93

Thank you for considering SERV!

RESOLUTION NO. 959

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 6, ARTICLE VI, SECTION 6-603 SUBSECTIONS (2) AND (4) REGULATING ACTIVITY AT AND ON FATHER PADILLA PARK AND POND WHICH CONSTITUTES PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANSAS.

WHEREAS, the City of Herington, Kansas generally prohibits the use of boats on Father Padilla Pond or swimming in Father Padilla Pond in the Father Padilla Park within the city limits; and,

WHEREAS, the Governing Body desires to allow for temporary exemptions from certain such general prohibitions by resolution lawfully approved by majority vote of the Governing Body; and,

WHEREAS, the Governing Body has received a request for exemption as to the use of boats for a public event involving a boat race using cardboard watercraft along with any necessity to swim, attendant to such races while on the pond, and deems it appropriate to allow for a temporary exemption.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF HERINGTON, KANSAS:

1. The Governing Body hereby finds that a temporary exemption should be granted for the limited use of cardboard boats in a boat race on the Father Padilla Pond and any swimming necessitated while engaging in the competition.
2. The exemption shall apply only to a clearly defined, marked, identified and/or secure area in and around Father Padilla Pond by event participants, staff, and sponsors of the sanctioned event within the city limits of the City of Herington, Kansas. Such defined area as established, and any signage or surrounding security barriers identifying the prescribed area, shall be approved in advance by the Herington Police Chief.
3. The exemption shall be allowed on Saturday, August 20th, 2022 from ten (10) o'clock a.m. until eight (8:00) o'clock p.m. at which time such temporary exemption shall expire.
4. Such exemption shall apply for the use of watercraft in or monitoring the sanctioned race event and only for participants, staff, and sponsors of the event.

ADOPTED AND APPROVED by the Governing Body of the City of Herington, Dickinson County, Kansas this 2nd day of August, 2022.

Eric Gares, Mayor

ATTEST:

Megan Lawrenz, City Clerk

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