

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
May 17, 2022
6:00 p.m.**

1. Pledge of Allegiance
2. Call to Order
3. Consider the Minutes of the Regular City Commission Meeting on May 3, 2022
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares
4. Public Forum
5. Additional Agenda Items
6. Approval of Agenda
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares
7. City Clerk Update
8. Update on Investing City Funds
9. Update on Planning Commission Rules and Procedures
10. Discuss and Action on Appointment of John Mosier OR John Thissen to the Ethics Commission Term to Expire 5/31/2022
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares
11. Discuss and Action on Appointment of Amy Thibodeau to the CVB term to expire 5/31/2024
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

12. Discuss and Action on Ordinance 1866 Secondary Water Wells

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

13. Discuss and Action on Amendment of City Code, Chapter 7, Article I, Section 7-112 – Electric Connection Fee

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

14. Discuss and Action on Amendment of City Code, Chapter 7, Article II, Section 7-216 – Water Connection Fee

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

15. Tri-County Free Fair Update

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), in order to discuss contract negotiations. To include the following persons:

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

With the open meeting to resume at _____.

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

17. City Manager Comments

18. Commissioner Comments

19. 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/UBbvSBw614w85XQHXS0S1BXg>

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

cityoffice@cityofherington.com

Regular Meeting May 3, 2022
6:00 p.m.

The Herington City Commissioners met on the above date and time at City Hall. In attendance were Commissioner Ben Castleberry, Commissioner Robbin Bell, Commissioner Debi Urbanek, Commissioner Vance Donahue, and Mayor Gares. Also in attendance were City Manager Branden Dross, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Fire Chief Andrew Avantagiato, Chief of Police Chad Langley, Detective Allen Cottone, Police Officer Breanna Canby, Shelly Langhofer, Kyler Schlesener, Cody Oswald, Bradon Melcher, McKenna Schlesener, Zach Schlesener, Scott Herpich, Larry Mann, Janet Wade, and Carl Urbanek.

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 regular city commission meeting on April 19, 2022, seconded by Commissioner Donahue. Motion carried 5-0.

Public Forum - Janet Wade – 602 E Arnold – Burning Ordinance.

Additional Agenda Items – Add 7a. Police Proclamation, 13a. D&A Special Meeting with USD 487, 22a. Resolution next sequential CMB.

Approval of Agenda – Commissioner Urbanek made a motion to approve the agenda with the addition of 7a, 13a and 22a, seconded by Commissioner Donahue. Motion carried 4-1, with Commissioner Bell casting the dissenting vote.

Police Update – The new police officer is starting academy on Monday 5/9/2022 and will graduate in August. Chief feels that he may have enough budget funds to purchase a new vehicle due to being short staffed this year. He plans to trade in the old vehicle towards the purchase as well. Chief has received a couple of certified applicants for one remaining open position. Mayor Gares – mentioned reimplementing a vehicle rotation schedule, Commissioner Bell asked to have it added in the discussion for this budget timeframe. There were 263 calls for service. 56 traffic stops. 6 arrests, 3 misdemeanor, 3 felony.

7a. Police Proclamation – Mayor Gares read a proclamation to observe National Police Week from May 11-17, 2022. And observing 5/15/2022 as Peace Officers Memorial Day.

Neighborhood Enforcement Officer Update - Per City Manager Branden Dross Crystal's last day will be May 17, 2022. Crystal is working on closing up VBO cases. We will need to find funding to tear down a house on E St. Mayor Gares asked how we would be staffing this position, City Manager Branden Dross said he is looking at someone from another city and could possibly cost share the position with Marion.

Fire Update – Calls from March 1st to April 5th – There were 46 calls for service. 2 Building fires, 2 passenger vehicle fires, 1 transport vehicle fire, 1 grass fire, 7 medical assists, 3 motor vehicle accidents with injuries, 1 unauthorized burning, 22 controlled burnings and 7 prescribed fires. Calls from April 6th to May 3rd – There were 28 calls for service. 1 fire in a building other than a structure, 4 grass fires, 6 medical assists, 1 motor vehicle accident with no injuries, 1 animal rescue, 11 controlled burnings, 2 prescribed fires, 3 severe weather standbys. Training hours and topics were, May – Storm Spotting, April – Wildland refresher. Firefighter Neuberger is enrolled in FF1 and FF2, Hazmat aws and hazmat ops. The fire department is implementing new onboard training processes and driving training qualification processes. June 4th will be Extrication training held at the demo area, taught by Rescue Specialists, surrounding departments have been invited. There are 3 new volunteers, but more are still needed. Equipment Update – all ice rescue equipment has arrived, new front tires on brush 3, 5 and brush 4. Maintenance and upkeep on the trucks has been costly this year. Other important information – they regraded the north side of the station to help with water drainage and easier mowing. E911 committee has met, Fire Chief Avantagiato will be named the chairperson. The committee is looking into moving to

the state 800 radio system. Estimated cost to Herington would be approximately \$150,000. Everyone around us is or has moved to state 800 system. Annual hose testing completed; 4 lengths failed. Traffic incident managing class complete good turnout for city workers and surrounding agencies. All SCBA equipment has been received and in service, 5-year hydro testing being completed on 20 bottles. The fire department was asked to joining Marion County Wildland Task Force, they would send 1 truck from Herington to major wildland incidents. Members working on training for the task force, could be reimbursed. Kansas Forest Fire Grant has been submitted for 10k. Foam raising of front and rear aprons at the fire department will be completed by Wildcat Concrete Solutions once backordered materials arrive, they are donating the work!

ORDINANCE 1864

AN ORDINANCE AMENDING CHAPTER 4, PRIVATE PROPERTY, ARTICLE IX FIRE CODE, SECTIONS 4-904 AND 4-905, OF THE CODE OF THE CITY OF HERINGTON, KANSAS RELATING TO REGULATION AND ADMINISTRATION OF BURNING ON PUBLIC AND PRIVATE PROPERTY IN THE CITY OF HERINGTON, KANSAS AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Commissioner Urbanek made a motion to approve Ordinance 1864 and authorize the mayor's signature, seconded by Commissioner Bell. Motion carried 5-0.

Addendum 1 for the Fire Equipment Lease – Commissioner Urbanek made a motion to approve addendum 1 to the fire equipment lease dated 8/15/2021 changing a serial number and updating the account with the current mayor and authorizing the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

Site Recommendation for New Firehouse – After discussion Mayor Gares asked that roll be called to determine if the commissioners were ready to vote on the agenda item Commissioner Bell, Commissioner Urbanek and Mayor Gares said Aye, Commissioner Castleberry and Commissioner Donahue said no. Commissioner Castleberry made a motion to approve the planning commission and the new fire house committee's recommendation for the site of the new fire station on South Broadway, seconded by Commissioner Donahue. Motion carried 5-0.

Rec Commission Update – City Manager Branden Dross spoke with USD 487 Superintendent Donalyn Biehler, both will be attending the rec commission meeting on May 25th. City manager Branden Dross is looking for guidance from the commissioners on what they would like to see him do.

Special meeting with USD 487 – The preferred meeting date is June 8th, but they could also meet June 15th. Mayor Gares made a motion to schedule a special meeting to discuss corporation between the city commissioners, USD 487 school board, and rec commission on June 8, 2022, at 6:30pm, seconded by Commissioner Donahue. Motion carried 3-2, with Commissioner Urbanek and Commissioner Bell casting the dissenting votes.

ORDINANCE 1865

AN ORDINANCE REPEALING ORDINANCE NUMBERS 1547, 1548 AND 1571 THEREBY DISBANDING THE HILLTOP ADVISORY BOARD AND TERMINATING THE BOARD AND ITS POWERS FORWITH IN AND FOR THE CITY OF HERINGTON, KANSAS AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Commissioner Urbanek made a motion to approve Ordinance 1865 to cease the Hilltop Advisory Board and authorize the mayor's signature. Motion carried 5-0.

RESOLUTION 951

A RESOLUTION PROVIDING FOR THE TEMPORARY CLOUSER OF PUBLIC RIGHTS OF WAY, THOROUGHFARES, OR PUBLIC ACCESS ROADWAYS, ON BROADWAY AVENUE IN THE CITY OF HERINGTON, KANSAS FROM MAIN STREET TO DAY STREET FOR THE TIMES AND DATES SPECIFIED HEREIN.

Street Closure – Mayor Gares recused himself from this agenda item, Vice Mayor Donahue ran the meeting. Commissioner Urbanek made a motion to approve the resolution in the next sequential order, as written upon staff approval to define the area for 700 South Broadway for the 2022 Independence Day Celebration, seconded by Commissioner Donahue. Motion carried 4-0.

Comprehensive Plan Data Update – There were 101 survey responses. City Manager Branden Dross met with the high school students to work on the Herington Tomorrow logo.

Bond Refinancing – After talking with several bond agencies, the market has changed and the city would not see any savings, it was recommended that we stay where we are.

Wells – City Manager Branden Dross would like to see something laid out to know whether or not we will allow wells in the city limits for a secondary source of water. Consensus is to allow wells, would like staff recommendation on how it will be regulated and to document and set a steady fee.

Bid for HRU Parking and Taxiway Rehabilitation – City staff had the bid opening for the HRU Parking and Taxiway Rehabilitation project. All bids came in lower than the engineers estimate. Commissioner Bell made a motion to approve the bid from McConnell and Associates Corp for \$141,866.78 with a 90-10 match, seconded by Commissioner Urbanek. Motion carried 5-0.

BCTA Application – Commissioner Urbanek made a motion to approve the BCTA application for Will Justice Term to Expire 5/31/2025, seconded by Commissioner Castleberry. Motion carried 5-0.

BCTA Application – Commissioner Urbanek made a motion to approve the BCTA application for Chase Krause Term to Expire 5/31/2025, seconded by Commissioner Castleberry. Motion carried 5-0. Debi, Ben. 5-0.

Commissioner Urbanek made a motion to approve the Special Event CMB License for 5/21/2022 from 10am to 10pm at the Herington Regional Airport, seconded by Commissioner Bell. Motion carried 5-0.

RESOLUTION 952

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTILCE II, SECTION 3-204 PROHIBITING THE SALE OR CONSUMPTION OF ANY ALCOHOLIC LIQUOR OR ENHANCED CEREAL MALD BEVERAGE ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANSAS.

22a. Commissioner Urbanek made a motion to approve a Resolution in the next sequential order to approve a temporary CMB license at the Herington Community Building on May 8th from 6pm to 11:30pm, seconded by Commissioner Bell. Motion carried 5-0.

Executive Session - Mayor Gares made a motion to move 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 persons: Governing Body, City Manager, City Attorney and City Clerk, with the regular meeting to resume at 7:38pm, seconded by Commissioner Bell. Motion carried 5-0. The regular meeting resumed with no action taken.

Executive Session - Mayor Gares made a motion to move 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 regular meeting to resume at 7:45pm, seconded by Commissioner Bell. Motion carried 5-0. The regular meeting resumed with no action taken.

City Manager Comments – The audit will start next week. Department heads have been given preliminary budget sheets. He will be asking for 1% COLA raises and 3% PFP raises. Staff has received 2 applications for the Ethics Commission, hopes to have a couple more before the next commission meeting. Salon and Spa grand opening is this weekend. Pocket Park Market starts this weekend. Thanked the Fire Department and the Police Department for their hard work during the storms. There was a lot of hail damage from the storms, Branden encouraged the residents to be mindful when choosing a roofing contractor. Congratulated Brad's son for graduating from college.

Commissioner Comments -
Commissioner Bell – Nothing.

Commissioner Castleberry - Thanked Crystal for her work with the city. Asked staff to find out when the last time the city gave the rec commission money. Asked how many ethics applications have been received. Staff has received 2 at this time.

Commissioner Urbanek – Nothing.

Commissioner Donahue – Asked if staff would be putting sand at the swimming hole at the lake this year. Attended the Governing Body Association classes in Manhattan and shared some take aways from his experience there.

Mayor Gares – Attended the KS Mayor's Association and Governing Body Association classes in Manhattan. Appointed to KS Mayor's Association Board.

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

Megan Lawrenz, City Clerk

(PUBLISHED IN *THE DICKINSON COUNTY NEWS-TIMES* ON _____, 2022)

ORDINANCE NO. 1866

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO SUPPLEMENT AND ADD A SECTION AT CHAPTER VII, ARTICLE II, SECTION 7-219 REGULATING PRIVATE WATER WELLS CURRENTLY MAINTAINED OR SUBSEQUENTLY ESTABLISHED WITHIN THE CITY LIMITS OF HERINGTON, KANSAS; PROVIDING PENALTIES THEREFORE; AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS:

SECTION 1. Chapter VII, Article II, shall be amended to add section 7-219 regulating private water wells currently maintained or subsequently established with the city limits of the City limits of the City of Herington, Kansas as follows:

7-219. PRIVATE WATER WELLS.

(a) Each and every person, firm, or corporation who currently maintains or subsequently maintains or subsequently establishes a private water well of any size, type, or character shall, in the interest of the public health, safety and welfare, be required to register such well with the City. Registration shall be with the City Clerk and shall include furnishing the following specifications regarding the existing or proposed well:

- (1) Address of location
- (2) Map or drawing of location
- (3) Depth
- (4) Size

(b) No registration fee shall be assessed.

(c) Such wells shall be used exclusively as a secondary source of water and shall not be approved for potable uses.

(d) No person shall establish or permit to be established or maintain or permit to be maintained, any cross connection where a private, auxiliary or emergency water supply other than the regular public water supply of the City may enter the supply or distributing system of the City unless specifically approved by the Kansas Department of Health and Environment and the Governing Body.

SECTION 2. PENALTY: Every person convicted of a violation of any of the provisions of this article for which no penalty has been provided shall for the first conviction thereof be punished by a fine of not more than \$100 or imprisonment for not more than thirty days, or by both fine and imprisonment. Upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months.

SECTION 3. REPEAL: Other ordinance or portions thereof in conflict herewith, are hereby repealed.

SECTION 4. EFFECTIVE DATE: This ordinance shall take effect and be in force from and after its publication in the official City newspaper, ***THE DICKINSON COUNTY NEWS-TIMES***.

PASSED AND ADOPTED by the Governing Body of the City of Herington, Kansas, this ____ day of _____, 2022.

Signed by the Mayor this ____ day of _____, 2022.

DRAFT

Eric Gares, Mayor

ATTEST:

Megan Lawrenz, City Clerk

(SEAL)