

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
September 5, 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. Minutes of the Regular Meeting August 15, 2023
- ii. Minutes from the Special Meeting August 21, 2023
- iii. Minutes from the Special Meeting August 22, 2022

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

7. Proclamation to set POW/MIA day for September 15, 2023, and authorize the vice mayor's signature

8. MOU with Dickinson County on payment for replacement Hazardous Response Vehicle. Not to exceed \$45,000 repayment to Dickinson County within 12 months (**RESOLUTION PENDING**)

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

9. Police Update

10. Fire Update

11. Neighborhood Services Director Update

12. Demo Properties Update

13. Discussion on reducing Planning Commission and CVB to fewer members

14. Discussion on Vacant Building Ordinance enforcement and staff direction

15. 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. 78-4319(b)(4) for the preliminary discussion of the acquisition of real property to include the following:

- Governing Body
- City Manager
- City Attorney
- City Clerk, if needed
- _____

16. City Manager Comments

17. Commissioner Comments

18. 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
August 15, 2023
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 Robbin Bell, Commissioner Eric Gares via phone, Commissioner Debi Urbanek, Commissioner Ben Castleberry arrived late, City Manager Thatcher Moddie, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Neighborhood Services Director James Masters and Chief of Police Chad Langley. Absent was Commissioner Dan McDonald. Also in attendance were Carl Urbanek, Rhonda Rice, Janet Wade and Cynthia Naylor.

The meeting opened with the Pledge of Allegiance.

Mayor Bell called the meeting to order.

Public Forum - None

Additional Agenda Items - None

Approval of Agenda – Commissioner Urbanek made a motion to approve the agenda, seconded by Commissioner Gares. Motion carried 3-0.

Consent Agenda – Commissioner Urbanek made a motion to approve the following consent agenda items: Minutes of the Regular Meeting August 1, 2023, Minutes from the Special Meeting August 7, 2023, Resolution for Temporary Waiver of Liquor/CMB Requirements for Broadway Station Event, Approve Jacki Thome’s application for the CVB, term to expire August 31, 2025, seconded by Commissioner Gares. Motion carried 3-0.

Police Update – One officer is almost finished with the Academy; one officer is leaving for another agency and there is one potential new hire. New computers for the whole department have been ordered. The new vehicle has been delivered. There were 324 calls for service with 94 traffic stops, 8 misdemeanor arrests and 2 felony arrests.

Fire Update – The Fire Chief was absent, he was representing the city at the county sales tax initiative meeting, his update will be included on the next meeting agenda.

Neighborhood Services Director Update – There have been 33 complaints and 162 inspections since the last meeting. There were 78 grass inspections with 42 violations written and 20 cut orders. Update on Specials – 26 yards were mowed from August to December 2022, and 16 yards from January to August 2023. 28 properties were turned into the county for a total of \$11,515. Tax Auction Update – 30 properties within the city limits sold on tax auction. About half were properties that we have previously dealt with mowing, and now we are having to re-write grass violations for the new owners. Three code violations were written. There were 41 permits issued with 51 inspections, including 20 building permits with 21 inspections, 9 electrical permits with 18 inspections, 6 mechanical permits with 8 inspections, 5 plumbing permits with 14 inspections and 1 demolition permit.

Update on 112 W. Main Street structural and cosmetic repairs – During a February meeting commissioners gave the owners 6 months to come up with a plan for repair. James spoke to the owners in May, and a letter was sent inviting the owners to tonight’s meeting. The Public Hearing will open again on September 19, 2023.

Discussion on sale of City-owned properties and City Manager authority – Thatcher will negotiate real estate deals and bring to the commission for final approval.

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 potential litigation to include the following: Governing Body, City Manager and City Attorney with the open meeting to resume at 6:53, seconded by Commissioner Gares. Motion carried 4-0. The regular 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 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 Manager and City Attorney with the open meeting to resume at 7:10 pm, seconded by Commissioner Gares. Motion carried 4-0. The regular meeting resumed with no action taken.

City Manager Comments – Staff are still working on the walking trail; lights should go up within the next few weeks. Casey's should close next week. There are two special meetings next week, 6pm on Monday the 21st, and 6 pm on Tuesday the 22nd, will also have the public hearings for 901 E Arnold on the 22nd.

Commissioner Comments –

Commissioner Castleberry – None.

Commissioner Urbanek – Noted that she will attend the RNR and Budget Hearings by phone.

Commissioner Gares – Noted that the parking lot across the street from the bowling alley is a city lot. Asked that the VBO be on an upcoming agenda.

Mayor Bell – Asked that staff address the trees on the bus/business routes, ordinance says it is on the property owners, but he would like to see them trimmed to reduce the change of damage to buses and large trucks. Thatcher has started a personal list and will follow up with staff.

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

Megan Lawrenz, City Clerk

**RNR Hearing
August 21, 2023
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 Bell, Commissioner Gares, Commissioner Urbanek via phone, and Commission McDonald, City Manager Thatcher Moddie and City Clerk Megan Lawrenz. Absent was Commissioner Castleberry. Also in attendance were Christina McDonald, Darlene Griffiths, Brenda Schaefer, Terie Gardner, Carl Lynn, Sharon Kolanowski, Marilyn Will, Janet Wade, Steve Pittman, John Bell, Kim Ditto-Bell and Rick Dalton.

The Meeting opened with the pledge of allegiance.

Mayor Bell called the meeting to order.

City Manager Thatcher Moddie spoke about the RNR hearing this evening and the Budget Hearing tomorrow.

The Public Hearing to exceed the Revenue Neutral Rate for the 2024 City of Herington Budget opened at 6:02 pm.

Darlene Griffiths – 522 N E St, Herington, KS 67449 – Questioned what a tax increase will accomplish.
Carl Lynn – 810 North D St, Herington, KS 67449 – Why 12 mill and why not revenue neutral.
Janet Wade – 602 E Arnold, Herington, KS 67449 – Clarifications.
Christina McDonald – 519 N D St, Herington, KS 67449 – What is equitable?

The Public Hearing to exceed the Revenue Neutral Rate for the 2024 City of Herington Budget closed at 6:23 pm.

RESOLUTION 988

A RESOLUTION OF THE CITY OF HERINGTON, KANSAS TO LEVY A PROPERTY TAX EXCEEDING THE REVENUE NEUTRAL RATE.

Mayor Bell made a motion to approve Resolution 988, a resolution of the City of Herington, Kansas to levy a property tax rate of 90.00 mills, exceeding the Revenue Neutral Rate of 78.3900 mills for the 2024 Budget and authorizing the mayor's signature, seconded by Commissioner Gares. Motion carried 3-1 with Commissioners Urbanek, Gares and Bell voting yes, and Commissioner McDonald voting no.

Adjourn – Commissioner Gares made a motion to adjourn, seconded by Mayor Bell. Motion carried 4-0.

Megan Lawrenz, City Clerk

**Budget Hearing
August 22, 2023
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 Bell, Commissioner Gares, Commissioner Urbaneck via phone, Commissioner Castleberry via phone, Commission McDonald, City Manager Thatcher Moddie and City Clerk Megan Lawrenz. Also in attendance were Christina McDonald, Terri Gardner, Carl Lynn, Janet Wade, Shelly Wirtz, Karen Soliz and Darlene Griffiths.

The Meeting opened with the pledge of allegiance.

Mayor Bell called the meeting to order.

The Public Hearing for the 2024 City of Herington Budget opened at 6:01 pm.

Janet Wade – 602 E Arnold, Herington, KS 67449 – Budget Comments/Questions.

There was a discussion on the City of Herington 2024 Budget.

The Public Hearing for the 2024 City of Herington Budget closed at 6:53 pm.

Public Hearing for 901 E Arnold, Lot #1, Herington, Kansas opened at 6:54pm.

The property owner was not present. Jessica Denham, resident of Lot #6 and Property Manager, spoke on the owner's behalf. Neighborhood Services Director James Masters presented pictures from his inspections, and discussion was had about the condition of the property.

Public Hearing for 901 E Arnold, Lot #1, Herington, Kansas closed at 7:14 pm.

Public Hearing for 901 E Arnold, Lot #19, Herington, Kansas opened at 7:14pm.

The property owner was not present. Jessica Denham, resident of Lot #6 and Property Manager, spoke on the owner's behalf. Neighborhood Services Director James Masters presented pictures from his inspections, and discussion was had about the condition of the property.

Public Hearing for 901 E Arnold, Lot #19, Herington, Kansas closed at 7:24 pm.

Public Hearing for 901 E Arnold, Lot #23, Herington, Kansas opened at 7:24 pm.

The property owner was not present. Jessica Denham, resident of Lot #6 and Property Manager, spoke on the owner's behalf. Neighborhood Services Director James Masters presented pictures from his inspections, and discussion was had about the condition of the property.

Public Hearing for 901 E Arnold, Lot #23, Herington, Kansas closed at 7:37 pm.

Discuss further action on 901 E Arnold, Lot #1 – Staff was directed to add the dates on the resolutions. Commissioner Gares motioned to approve a resolution in the next sequential order, for demolition within 30 days and authorize the mayor's signature, seconded by Commission Bell. Motion carried 5-0.

RESOLUTION 989

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 901 E ARNOLD LOT #1 IN THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE DEMOLISHED AND THE PREMISES MADE SAFE AND SECURE

Discuss further action on 901 E Arnold, Lot #19 – Staff was directed to add the dates on the resolutions. Commissioner Gares motioned to approve a resolution in the next sequential order, for demolition within 30 days and authorize the mayor’s signature, seconded by Commission Bell. Motion carried 5-0.

RESOLUTION 990

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 901 E ARNOLD LOT #19 IN THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE DEMOLISHED AND THE PREMISES MADE SAFE AND SECURE

Discuss further action on 901 E Arnold, Lot #23 – Staff was directed to add the dates on the resolutions. Commissioner Gares motioned to approve a resolution in the next sequential order, for demolition within 30 days and authorize the mayor’s signature, seconded by Commission Bell. Motion carried 5-0.

RESOLUTION 991

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 901 E ARNOLD LOT #23 IN THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE DEMOLISHED AND THE PREMISES MADE SAFE AND SECURE

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

Megan Lawrenz, City Clerk

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PROCLAMATION - POW/MIA Recognition Day



WHEREAS, more than 217,000 Americans have been confined by enemies of the United States during the last one hundred years, with many enduring brutal and inhumane treatment by their captors in violation of international law; and

WHEREAS, at present, more than 82,000 Americans remain missing from VVVII, the Korean War, the Vietnam War, the Cold War, and the Gulf Wars/other conflicts. Out of the 82,000 missing, 75% of the losses are located in the Indo-Pacific, and over 41,000 of the missing are presumed lost at sea (i.e. ship losses, known aircraft water losses, etc.).

WHEREAS, families, and friends of these missing Americans, as well as their fellow veterans, endure uncertainty concerning their fate; and

WHEREAS, as a nation founded on the principles of civil rights and justice, we have a moral obligation to continue to make every effort to ascertain the truth about these Americans;

NOW, THEREFORE, I, Eric Gares, Vice Mayor of the City of Herington, Kansas do hereby proclaim Friday September 15, 2023. as. POW /MIA Recognition Day in Herington, Kansas,

I encourage all people in our City to join me in honoring the bravery and perseverance of former prisoners of war, those still missing, and their families.

Signed by the Mayor this 5th day of September, 2023.

Eric Gares, Vice Mayor

Megan Lawrenz, City Clerk

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