

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 2, 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 April 18, 2023
- ii. Approval of CMB for HMH Foundation Event on May 27, 2023
- iii. Karolyn Schlesener's application for the Library Board term to expire 4/30/2027
- iv. Karen Soliz's application for the Library Board term to expire 4/30/2027

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

7. National Police Week Proclamation (May 14-20)

8. Police Update

9. Fire Update

10. Neighborhood Services Director Update

11. Purchase of new Police Cruiser as part of the replacement schedule

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

12. Electric Transformer purchase and discussion

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

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

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

14. Public Hearing for 901 E Arnold on Environmental Code Violation

15. Public Hearing 901 E Arnold on stop work order

16. Governing Body Goals & Comprehensive Plan Discussion

17. Executive Session – I move 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) to discuss contract negotiations. To include the following:

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

DRAFT

With the open meeting to resume at _____.

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/UCbvSBw6l4w85XQHsX0S1BXq> Public Forum Comments can be dropped in the deposit box or emailed to cityoffice@cityofherington.com.

**Regular Meeting
April 18, 2023
6:00 p.m.**

The Herington City Commission met on the above date at time in the commission chambers at City Hall. In attendance were Mayor Robbin Bell, Commissioner Eric Gares, Commissioner Debi Urbanek, Commissioner Ben Castleberry, Commissioner Dan McDonald, City Manager Thatcher Moddie, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Neighborhood Services Director James Masters, Chief of Police Chad Langley, Fire Chief Andrew Avantagiato, Christina McDonald, Larry Mann, Leo Schlesener, Tiffany Schlesener, Carl Urbanek and Janet Wade.

The meeting opened with the pledge of allegiance.

Mayor Bell called the meeting to order.

Public Forum – Shawn Tiffany – Herington – Came to introduce himself to the commission and to the new city manager.

Additional Agenda Items: Item 12 (Public Hearing Zachary Freeman) and Executive Session Update and add 9a. Herington Hospital Foundation Temporary CMB license.

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

Consent Agenda – Commissioner Urbanek made a motion to approve the consent agenda including the Minutes of the Regular Meeting April 4, 2023, seconded by Commissioner Gares. Motion carried 5-0.

VFW Presentation of Police Officer and Firefighter of the Year Awards – Detective Allen Cottone and Assistant Chief Leo Schlesener were presented awards from the VFW.

Arbor Day Proclamation – Friday, April 25, 2023, will be Arbor Day in the City of Herington.

ORDINANCE 1885

AN ORDINANCE ESTABLISHING COMMON CONSUMPTION AREAS WITHIN THE CITY LIMITS OF HERINGTON, KANSAS AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN ITS BOUNDARIES.

Mayor Bell made a motion to approve the ordinance setting common consumption areas in the next sequential order and authorizing the mayor's signature, seconded by Commissioner Urbanek. Motion carried 5-0.

9a. There was discussion on the CMB Special Event Permit for the Herington Hospital event on May 27th between 5pm and 7pm.

ORDINANCE 1886

AN ORDINANCE AMENDING REGULATION OF PRIVATE PROPERTY, CHAPTER 4, ADDING ARTICLE XII, REGULATION OF MANUFACTURED AND MOBILE HOMES, TO THE CODE OF THE CITY OF HERINGTON, KANSAS RELATING TO REGULATION AND ADMINISTRATION OF MANUFACTURED AND MOBILE HOMES IN THE CITY OF HERINGTON, KANSAS REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HERewith.

Commissioner Urbanek made a motion to approve the Manufactured and Mobile homes ordinance in the next sequential order and to authorize the mayor's signature, seconded by Commissioner Castleberry. Motion carried 5-0.

Update on land swap with Lawrenz Masonry – Staff is verifying legal description and then they will be able to go to set a closing date.

Public Hearing – Zachary Freeman – 901 E Arnold, Herington, KS 67449 – Opened at 6:38 and was a continuation from the last commission meeting. Some progress has been made since the first public hearing. Commissioner Gares made a motion to extend the hearing to May 16th, seconded by Commissioner Castleberry. Motion carried 5-0. The public hearing closed at 6:46pm.

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 7:05pm, seconded by Commissioner Gares. Motion carried 5-0. The regular meeting resumed with no action taken.

2024 Budget Update – The City Manager has had preliminary talks with department heads, and they have their worksheets. Would like to schedule a budget workshop in early June.

City Manager Comments – Leak at fairgrounds has been fixed after being an ongoing problem for years. Lori Dornbush got a transportation grant for about 18k for the Hilltop. Broadway Station grand opening Friday at 10am. Still working through one on ones with staff. Contract management software training coming up. Would like to set an item next month on commission goals and comp plan update, would like to launch it in 2024.

Commissioner Comments

Commissioner McDonald – 30 May at 1pm, official post office renaming ceremony.

Commissioner Castleberry – Tri County free fair, adult prom 29th, father daughter Sunday.

Commissioner Urbanek – DKECD is doing ribbon cutting at 10 am.

Commissioner Gares – CDBG grant – Vinny and Marcus and others have been working on the CDBG grant for parks, we were ready to move forward, talked to NCRPC, a public hearing was needed before applying for the grant and the deadline was yesterday. NCRPC will let us know when everything opens back up. We can still look at the waterline project that is open until December.

Mayor Bell – Crosswalks and parking uptown, would like to see everything repainted.

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

Megan Lawrenz, City Clerk

RESOLUTION NO.

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTICLE II, SECTION 3-204 PROHIBITING SALE AND 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.

WHEREAS, the City of Herington, Kansas generally prohibits consumption of alcoholic liquor or enhanced cereal malt beverages on public property within the city limits; and,

WHEREAS, the governing body desires to allow for temporary exemptions from such a general prohibition by resolution lawfully approved by majority vote of the governing body; and,

WHEREAS, the governing body has received a request for exemption for a public event to be held on city property 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 sale, possession, and consumption of any cereal malt beverage including enhanced cereal malt beverages defined as having an alcohol concentration of no more than 6.0% by volume and alcoholic liquor, on certain public property identified in paragraph 2 of this resolution.
2. The exemption shall apply only to a clearly defined, fenced, or secure area in and on the area located at 810 South Broadway with the city of 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, May 27th, 2023, from five o'clock (5:00) p.m. until seven o'clock (7:00) p.m. at which time such temporary exemption shall expire.
4. Such exemption shall apply for the sale, possession, and consumption of enhanced cereal malt beverages only, defined as having an alcohol concentration of no more than 6.0% by volume.

All necessary permits authorizing the sale, possession, and consumption of any cereal malt beverage including enhanced cereal malt beverages defined as having an alcohol concentration of no more than 6.0% by volume, shall be timely applied for and granted by the appropriate licensing agency in advance of the noted date herein as a precondition for award of this exemption.

ADOPTED AND APPROVED by the Governing Body of the City of Herington, Dickinson County, Kansas this ____ day of May, 2023.

Robbin Bell, Mayor

ATTEST:

DRAFT

Megan Lawrenz, City Clerk



THE CITY OF HERINGTON

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PROCLAMATION

WHEREAS, there are more than 800,000 law enforcement officers serving communities across the United States, including the dedicated members of the Herington Police Department; and

WHEREAS, since the first recorded death in 1786, more than 23,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including 1 member of the Herington Police Department; and

WHEREAS, the names of these public servants have been engraved on the walls of the Kansas Law Enforcement Memorial in Topeka and the National Law Enforcement Officers Memorial in Washington, DC among other memorials and locations across the United States; and

WHEREAS, 556 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 224 officers killed in 2022 and 332 officers killed in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 35th Candlelight Vigil, on the evening of May 13, 2023, in Washington, DC; and

WHEREAS, National Police Week will be observed this year May 14-20; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day in the United States, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

NOW, THEREFORE, I, Robbin Bell, Mayor of the City of Herington, Kansas do hereby proclaim that City of Herington, Kansas will observe May 14-20, 2023, as

NATIONAL POLICE WEEK

In Herington, and publicly salutes the service of law enforcement officers in our community and in communities across the nation. I urge the people of the City of Herington to honor the service and sacrifices of all law enforcement officers within Herington who pin on a badge and go to work, not knowing what the day will bring, who are tasked with ensuring public safety within our community, charged to respond to different types of incidents, often with limited resources hoping to come home safely to their families.

DONE in the City of Herington, Kansas on this 2nd day of May, 2023.

Robbin Bell, Mayor

ATTEST:

Megan Lawrenz, City Clerk