

**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  
January 17, 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 January 3, 2023
- ii. Discuss and Action on the Minutes of the Special Meeting January 11, 2023
- iii. CMB Application for Family Dollar for 2023
- iv. CVB Application for Rhonda Rice Term to Expire 1/31/2023

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek  
Commissioner Gares, Mayor Bell

7. Discussion on Alley Maintenance between 10<sup>th</sup> and 11<sup>th</sup> Street, South of Walnut Street

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek  
Commissioner Gares, Mayor Bell

8. Discussion on Trailer Park Code Revisions

9. Discuss and Action on Vehicle for the Water Department

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek  
Commissioner Gares, Mayor Bell

10. Discuss and Action on Tanker Purchase for the Fire Department

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek  
Commissioner Gares, Mayor Bell

11. 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 the following persons:

- o Governing Body
- o Interim City Manager
- o City Attorney
- o City Clerk, if needed

The open meeting to resume in the City Commission Chamber at \_\_\_\_\_.

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek  
Commissioner Gares, Mayor Bell

12. 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:

- o Governing Body
- o Interim City Manager
- o City Attorney
- o City Clerk, if needed

The open meeting to resume in the City Commission Chamber at \_\_\_\_\_.

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek  
Commissioner Gares, Mayor Bell

13. City Manager Comments

14. Commissioner Comments

15. Adjourn

- a. Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_
- b. Commissioner Castleberry, Commissioner McDonald, Commissioner Urbanek,
- c. Commissioner Bell, Commissioner Gares

**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](mailto:cityoffice@cityofherington.com).

**Regular Meeting  
January 3, 2023  
6:00 p.m.**

The Herington City Commission met on the above date and time in the commission chambers. In attendance were Mayor Eric Gares, Commissioner Robbin Bell, Commissioner Debi Urbanek, Commissioner Ben Castleberry, and Commissioner-Elect Dan McDonald. Also in attendance were Interim City Manager Andrew Avantagiato, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Chief of Police Chad Langlely, Neighborhood Services Director James Masters, Chris McDonald, Larry Mann 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 of the Special Meeting December 15, 2022, and the Regular Meeting December 20, 2022, seconded by Commissioner Castleberry. Motion carried 4-0.

Additional Agenda Items – None.

Approval of Agenda – Commissioner Bell made a motion to approve the agenda as written, seconded by Commissioner Castleberry. Motion carried 4-0.

Mayor Gares made a motion to Adjourn Sine Die, seconded by Commissioner Castleberry. Motion carried 4-0.

Mayor Gares called the meeting to order.

Commissioner McDonald took his oath of office.

Elect Mayor – Commissioner Urbanek made a motion to appoint Commissioner Bell as mayor, seconded by Commissioner Castleberry. Motion carried 5-0.

Elect Vice-Mayor – Commissioner Castleberry made a motion to appoint Commissioner Gares as vice-mayor, seconded by Mayor Bell. Motion carried 5-0.

Public Forum – None.

Additional Agenda Items – 14a Discussion regarding airport crop land leases.

Approval of Agenda – Commissioner Castleberry made a motion to approve the agenda with the addition of 14a, seconded by Commissioner Gares. Motion carried 5-0.

Consent Agenda – Commissioner Gares made a motion to approve the following items in the consent agenda: Designating Central National Bank and The First National Bank of Hope Official City of Herington, KS Depositories for the 2023 Year, Designating the Dickinson County News Times as the Official Newspaper for The City of Herington, KS for the 2023 Year, Appoint Scott Stroda to the Building and Trades Board Term to Expire 1/31/2024, Appoint Ron Pryor to the Building and Trades Board Term to Expire 1/31/2026, Approve CMB for Pizza Hut for the 2023 Year, Approve CMB for Uncle Bobs Bowling Center for the 2023 Year, seconded by Commissioner Castleberry. Motion carried 5-0.

14a. There was discussion about some crop that is currently planted on the land that is up for lease, and the new lessee wouldn't have access yet. Mayor Bell suggests that if they don't get to plant the first year that they wouldn't have to pay the first year, however if they are able to plant something else, they would pay. Airport staff or City Manager will monitor.

**ORDINANCE NO. 1880**

**AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF HERINGTON, KANSAS; INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES”, EDITION OF 2022, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES AND REPEALING ANY AND ALL OTHER FOREGOING ORDINANCES IN CONFLICT HEREWITH.**

Commissioner Urbanek made a motion to approve Ordinance 1880 and authorize the mayor's signature, seconded by Commissioner Castleberry. Motion carried 5-0.

#### **ORDINANCE NO. 1881**

**AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF HERINGTON, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES”, EDITION OF 2022, AND REPEALING ANY AND ALL OTHER FOREGOING ORDINANCES IN CONFLICT HEREWITH.**

Commissioner Urbanek made a motion to approve Ordinance 1881 and authorize the mayor's signature, seconded by Commissioner Castleberry. Motion carried 5-0.

Police Update – Officer Allen has been on patrol for 3 weeks now and is almost done with phase 1 of training. There are 4 candidates for new hire however, none have experience. The Police Chief is revamping forms to be in compliance with state. Calls went up significantly from last year about 27%, the Chief feels that it is a proactive increase. There were 2893 calls for service in 2022. There were 241 calls for service in December, with 48 traffic stops and 2 misdemeanor arrests.

Fire Update - Firehouse committee is at the point where they are looking for funding. Brush two is looking to be delivered very soon. The new command truck arrived on Friday. There were 270 emergency calls in 2022 and 80 burn permits. Training covered yearly requirements of bloodborne pathogens and hazmat. The fire department has also established itself as a CPR training site. Assistant Chief Leo Schlesener was voted firefighter of the year. The fire department is currently working on tanker specs and purchase, more information will be available at the next meeting.

Neighborhood Services Director Update – Commissioners asked that James inspect a busted up tree on 3<sup>rd</sup> and Trapp St. Since June 1, 2022 there were 48 complaints and 355 inspections, 166 grass inspections with 105 violations, 45 cut orders, and 45 yards mowed by the City. There were 36 environmental/nuisance violations. There were 15 building permits with 22 inspections, 31 electrical permits with 35 inspections, 14 mechanical permits with 12 inspections, 21 plumbing permits with 19 inspections, 5 permits and 1 demolition permit for 19 W Walnut, work for the demo will start between January 9<sup>th</sup> and 16<sup>th</sup> and the water and electric have already been disconnected. There were 41 service inspections to turn on utilities and 45 structural building inspections. There is one more applicant for the Building and Trades board, then all seats will be filled. There will be a blighted structures hearing on February 7, 2023.

Audit Services from Lindburg Vogel Pierce Faris Chartered for the year ending December 31, 2022 – Commissioner Urbanek made a motion to approve audit services with Lindburg Vogel Pierce Faris Chartered for the year ending 12/31/2022 and authorize the mayor's signature, seconded by Commissioner Castleberry. Motion carried 5-0.

#### **RESOLUTION NO. 971**

**A RESOLUTION REGARDING THE WAIVER OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND TO WAIVE THE REQUIREMENTS OF K.S.A. 751120a (a) IN THE PREPARATION OF FINANCIAL STATEMENTS AND FINANCIAL REPORTS FOR THE CITY OF HERINGTON, KANSAS, FOR FISCAL YEAR 2023.**

Commissioner Urbanek made a motion to approve Resolution 971 and authorize the mayor's signature, seconded by Commissioner Gares. Motion carried 5-0.

Setting a Date for the First City Manager Recruitment Meeting – Commissioners offered Thursday, January 5<sup>th</sup> or Monday, January 9<sup>th</sup> at 5pm – for a Special Meeting to start the City Manager Recruitment process.

Executive Session – Mayor Bell made a motion 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 real estate acquisition to include the following persons: Governing Body, Interim City Manager and City Attorney with the open meeting to resume at 6:53pm, seconded by Commissioner Urbanek. Motion carried 5-0. The regular meeting resumed with no action taken.

Real Estate Acquisition – Commissioner Gares made a motion to approve the contract for sale with staff review, and authorize the mayors signature once complete, seconded by Commissioner Castleberry. 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) in order to discuss contract negotiations to include the following persons: Governing Body, Interim City Manager, City Attorney and City Clerk with the open meeting to resume in the City Commission Chamber at 7:00pm, seconded by Commissioner Gares. Motion carried 5-0. The regular meeting resumed with no action taken.

City Manager Comments – There is a new lease for a 10<sup>th</sup> plane at the airport means more funding from the FAA. Roof projects on public safety and west side building will start on Feb 1. Water system has stabilized.

Commissioner Comments -

Commissioner McDonald – None

Commissioner Castleberry – Welcomed Commissioner McDonald.

Commissioner Urbanek– Welcomed Commissioner McDonald. Mentioned that 6 individuals asked what could be done about the trash cans after they are emptied to help them not blow away or loose lids. The City Manager will have a conversation with the trash company.

Commissioner Gares – Welcomed Commissioner McDonald. Commission received letter from the Kansas Historical Society, hopefully the McDonald home will be registered historical. Jan 25<sup>th</sup> is local government day, CM, Dan and Eric going to Topeka.

Mayor Bell – Asked that we look for other options to get apartments ready to rent faster at the Hilltop and Homestead, CM states that there are some issues getting supplies, but a lot of them are getting completely remodeled. Mayor Bell suggested pulling help from other areas to help out.

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

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Megan Lawrenz, City Clerk

**Special Meeting  
January 11, 2023  
5:00 p.m.**

The Herington City Commission met on the above date and time in the city commission chambers. Present were Mayor Robbin Bell, Commissioner Eric Gares, Commissioner Dan McDonald and Commissioner Debi Urbanek and Commissioner Ben Castleberry via phone. Also in attendance were Interim City Manager Andrew Avantagiato, City Clerk Megan Lawrenz and Don Osenbaugh.

The meeting opened with the Pledge of Allegiance.

Mayor Bell called the meeting to order, there was a there was a short pause while we waited for Don Osenbaugh to arrive before the commission moved into executive session.

Mayor Bell made a motion that the Herington Commission recess into Executive Session, pursuant to the: Personnel matters of non-elected personnel exception, K.S.A. 75-4319(b)(1) for City Manager Recruitment to include the following: Governing Body, Interim City Manager, City Clerk if needed and Dan Osenbaugh. With the open meeting to resume in the City Commission Chamber at 6:00 pm. Seconded by Commissioner Gares. Motion carried 5-0. The regular meeting resumed with no action taken.

Mayor Bell made a motion that the Herington Commission recess into Executive Session, pursuant to the: Personnel matters of non-elected personnel exception, K.S.A. 75-4319(b)(1) for City Manager Recruitment to include the following: Governing Body, Interim City Manager, City Clerk if needed and Dan Osenbaugh. With the open meeting to resume in the City Commission Chamber at 6:30 pm. Seconded by Commissioner Gares. Motion carried 5-0. The regular meeting resumed with no action taken.

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

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Megan Lawrenz, City Clerk

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