

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
June 15, 2021
5:30 p.m.**

1. Pledge of Allegiance

2. Call to Order

3. Consider Minutes of the Regular Meeting June 1, 2021

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

4. Public Forum

5. Additional Agenda Items

6. Approval of Agenda

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

7. Discuss and Action on Planning Board Application for DJ Neuberger term to expire 12/31/2024

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

8. Discuss and Action on Planning Board Application for Carl Urbanek term to expire 12/31/2024

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

9. Discuss and Action on Planning Board Application for Deana Lewis term to expire 12/31/2024

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

10. Discuss and Action on Planning Board Application for Josh Lawrenz term to expire 12/31/2024

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

11. Discuss and Action on Planning Board Application for Larry Mann term to expire 12/31/2024

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

12. Discuss and Action and Authorize Mayor to sign the Mutual Aid Contract Between the Herington Fire Department and the Abilene Fire Department

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

13. Discuss and Action on Resolution 938 Granting Temporary Exemption from the Requirements of Chapter 5, Article 1, Section 5-110

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

14. Discuss and Action on Adopting the Kansas Homeland Security Region (F) Hazard Mitigation Plan

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

15. Discuss and Action on Amendment to Code Section 5-603- Sales (Possession, Use, and Sale of Fireworks)

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

16. Discuss and Action Street Closure Request for Father Padilla Park on 7/3/2021 for the Disc Golf Tournament

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

17. Discuss and Action on Street Closure Request for 800 S Broadway on 7/4/2021 for the 4th of July Celebration

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

18. Discuss and Action on Sunday Liquor Sales in Accordance with K.S.A 41-2911 (b)(1)(A)

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

19. Discuss and Action on Cereal Malt Beverage License – Discover Child Care Learning Center
Special Event Permit

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

20. City Manager Comments

21. Commissioner Comments

22. Adjourn

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

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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.
Must be received before 8:00AM the day of the meeting. Please keep statement to a maximum of 3
minutes.



Advisory Board Application

OFFICE USE:	
Term Length	3 years
Appointed Date	
Expiration Date	12/31/2024

The City of Herington is committed to citizen involvement. A significant portion of that commitment involves our area residents' participation on advisory boards. We have found that the recommendations advisory boards present to the City Commission are invaluable in the decision making process. This questionnaire is designed to assist the City Commission in filling advisory board vacancies.

Advisory Board of interest to you **Planning Board**

Name: Larry D. Mann Address: [REDACTED]

Phone Number: [REDACTED] Email Address: [REDACTED]

➤ Why do you want to become a member of an Advisory Board?

I think that the Planning/Zoning Appeals Board is one of the most important boards that the city has. This boards can help shape the future of the city and I would like to be a part of that. My past experiences of being on the Zoning Appeals Board, the City Commission/Mayor and attending classes that The League of Kansas Municipalities have given me the experience needed to help the Planning/Zoning Appeals Board accomplish their mission, and make good and informed decisions. I served as the board chairman and conducted meetings.

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➤ If you were to suggest goals to accomplish in the coming year for the current Advisory Board for which you are interested, what would they be?

I would suggest that we schedule all Planning/Zoning Appeals in a timely manner and that we treat every one equal. We need to listen to the citizens concerns and make decisions based on the facts, zoning regulations and also review past decisions. I would also suggest that everyone on this board try to attend the training offered by The League of Kansas Municipalities, or have someone from the League to come to Herington and give training to the Planning/Zoning Appeals Board, the Code Enforcement Officer, the City Commission, and any other City Staff that the City Manager wants to attend. I would also suggest that the Planning/Zoning Appeals Boards have an initial meeting/training to review all the current Herington zoning rules and regulations to make sure they are up to date. I would also suggest that members of the Board be supplied with a copy of the Manual on Planning and Zoning. They can be purchased from The League for \$25.00.

➤ Describe any past experiences you might have that would enhance the performance of this board.

Like I said above, my past experiences would make me a very valuable member of this board. I served on the Zoning Appeals Board from July 2008 to December 2016.

Thank you for your interest in the City of Herington Advisory Boards system. Please feel free to contact the City Manager or City Clerk at 785-258-2271 with questions regarding the Advisory Board of interest.



RECEIVED
 JUN 03 2021
Advisory Board Application
 CITY OF HERINGTON

OFFICE USE:
 Term Length 3 yrs
 Appointed Date _____
 Expiration Date 12/31/2024

Advisory Board Application

The City of Herington is committed to citizen involvement. A significant portion of that commitment involves our area residents' participation on advisory boards. We have found that the recommendations advisory boards present to the City Commission are invaluable in the decision making process. This questionnaire is designed to assist the City Commission in filling advisory board vacancies.

Advisory Board of interest to you Planning & Zoning

Name: Deana Lewis Address: [REDACTED]

Phone Number: [REDACTED] Email Address: [REDACTED]

> Why do you want to become a member of an Advisory Board?
 would like to represent and be a part of decision making in our community.

DRAFT

> If you were to suggest goals to accomplish in the coming year for the current Advisory Board for which you are interested, what would they be?
 To recognize reasonable request for those in our community that need assistance from the Board.

> Describe any past experiences you might have that would enhance the performance of this board.
 I have no experience in this type of Board, but am willing to learn & assist where needed for the benefit of the community.

Thank you for your interest in the City of Herington Advisory Boards system. Please feel free to contact the City Manager or City Clerk at 785-258-2271 with questions regarding the Advisory Board of interest.

RECEIVED JUN - 4 2021



Advisory Board Application

OFFICE USE:

Term Length 3 yrs

Appointed Date _____

Expiration Date 12/31/2024

The City of Herington is committed to citizen involvement. A significant portion of that commitment involves our area residents' participation on advisory boards. We have found that the recommendations advisory boards present to the City Commission are invaluable in the decision making process. This questionnaire is designed to assist the City Commission in filling advisory board vacancies.

Advisory Board of interest to you Planning & Zoning

Name: Carl Uchawek Address: _____

Phone Number: _____ Email Address: _____

➤ Why do you want to become a member of an Advisory Board?

So we can have a quorum to vote.
To ensure that every situation is treated
fairly and equitably for the benefit of the
community.

➤ If you were to suggest goals to accomplish in the coming year for the current Advisory Board for which you are interested, what would they be?

To combine the Planning & Zoning.

➤ Describe any past experiences you might have that would enhance the performance of this board.

President of the N.A.L.C. union.
President of our Kiwanis
Stopped a development in Zoandale.
Board member at Country Club.

Thank you for your interest in the City of Herington Advisory Boards system. Please feel free to contact the City Manager or City Clerk at 785-258-2271 with questions regarding the Advisory Board of interest.



Advisory Board Application

OFFICE USE:	
Term Length	3 years
Appointed Date	
Expiration Date	12/31/2024

The City of Herington is committed to citizen involvement. A significant portion of that commitment involves our area residents' participation on advisory boards. We have found that the recommendations advisory boards present to the City Commission are invaluable in the decision making process. This questionnaire is designed to assist the City Commission in filling advisory board vacancies.

Advisory Board of interest to you Planning & Zoning

Name: Joshua Lawrence Address: [Redacted]

Phone Number: [Redacted] Email Address: [Redacted]

> Why do you want to become a member of an Advisory Board?
 I'm a business owner in Herington and would like to be involved with the planning of our community.

DRAFT

> If you were to suggest goals to accomplish in the coming year for the current Advisory Board for which you are interested, what would they be?
 Changing Agridine's building back to commercial.

> Describe any past experiences you might have that would enhance the performance of this board.
 I've been in the construction industrie for the past 15 years.

Thank you for your interest in the City of Herington Advisory Boards system. Please feel free to contact the City Manager or City Clerk at 785-258-2271 with questions regarding the Advisory Board of interest.



Advisory Board Application

OFFICE USE:	
Term Length	<u>3 years</u>
Appointed Date	
Expiration Date	<u>12-31-2024</u>

The City of Herington is committed to citizen involvement. A significant portion of that commitment involves our area residents' participation on advisory boards. We have found that the recommendations advisory boards present to the City Commission are invaluable in the decision making process. This questionnaire is designed to assist the City Commission in filling advisory board vacancies.

Advisory Board of interest to you Planning Board

Name: D.J. Neuberger Address: [REDACTED]

Phone Number: [REDACTED] Email Address: [REDACTED]

➤ Why do you want to become a member of an Advisory Board?
 ➤ ^{coming} Combination of The Planning Board with the zoning Appeals Board of which I was a member

DRAFT

➤ If you were to suggest goals to accomplish in the coming year for the current Advisory Board for which you are interested, what would they be?

Plan on extending city limits to include lake front property and to get city infrastructure to the lake residents.

Include south side of West Broadway into this

➤ Describe any past experiences you might have that would enhance the performance of this board.

City Commissioner
 Member of Board of Zoning Appeals
 Herington Tree Board

Thank you for your interest in the City of Herington Advisory Boards system. Please feel free to contact the City Manager or City Clerk at 785-258-2271 with questions regarding the Advisory Board of interest.



THE CITY OF HERINGTON

P.O. Box 31 • 17 North Broadway • Herington, KS 67449

Telephone: (785) 258-2271 FAX: (785) 258-3552

STREET CLOSURE REQUEST

City Ordinance 1640 Chapter 6 Article 5 Section 518

Requests must be returned and on Commission Agenda before Meetings which are held the 1st and 3rd Tuesdays of each month

Applicant Name Eric Gares for Herington Firework Committee

Address [REDACTED]

Contact Phone Number [REDACTED]

I would like permission to close Father Padilla Park Street

between _____ Streets on the day of 3rd of July, 2021

from 7:00 AM/PM to 8:00 AM/PM for the purpose of:

DISC Golf Tournament

I would also like for the City of Herington to provide equipment for the street closure in accordance with MUTCD guidelines.

[Signature]

Applicant Signature

5-28-2021

Today's Date

Notification List

Police Chief's Signature/Date [Signature]

Fire Department Employee Signature/Date [Signature]

Ambulance Service Signature/Date [Signature]

Director/Asst Director of Public Works Signature/Date [Signature]

Neighbors and/or Business Owner Signatures who will be affected by and agree to this closure. Check if Done

City Manager [Signature] Date 6/2/21

The applicant agrees to hold the City of Herington harmless in the event of an accident or incident. *See attached from the City Ordinance Book.



THE CITY OF HERINGTON

P.O. Box 31 • 17 North Broadway • Herington, KS 67449

Telephone: (785) 258-2271 FAX: (785) 258-3552

STREET CLOSURE REQUEST

*City Ordinance 1640 Chapter 6 Article 5 Section 518
Requests must be returned and on Commission Agenda before
Meetings which are held the 1st and 3rd Tuesdays of each month*

Applicant Name Eric Gures For Herington Firework Committee

Address [REDACTED]

Contact Phone Number [REDACTED]

I would like permission to close 800 South Broadway Street

between Herington Fair Grounds Streets on the day of 7-4-2021

from 10:00 AM/PM to 11:30 AM/PM for the purpose of:

4th of July Celebration

I would also like for the City of Herington to provide equipment for the street closure in accordance with MUTCD guidelines.

[Signature] 5-28-2021
Applicant Signature Today's Date

Notification List

Police Chief's Signature/Date [Signature]

Fire Department Employee Signature/Date [Signature]

Ambulance Service Signature/Date [Signature]

Director/Asst Director of Public Works Signature/Date [Signature]

Neighbors and/or Business Owner Signatures who will be affected by and agree to this closure. Check if Done

City Manager [Signature] Date 6/2/21

The applicant agrees to hold the City of Herington harmless in the event of an accident or incident. *See attached from the City Ordinance Book.

AGREEMENT FOR MUTUAL AID IN FIRE PROTECTION

THIS AGREEMENT was made and entered into this 3rd day of June, 2021 by and between Herington Fire Department DK202 and Abilene Fire Department DK201.

WITNESSETH, THAT

WHEREAS, the aforementioned Fire Department are neighboring Fire Departments.

WHEREAS, there might arise in one of the said Fire Department's area, a fire disaster, or an emergency of such proportion as to require the assistance of the other in fighting said fire or handling said emergency or disaster, and,

WHEREAS, it is necessary to enter into a written contract for such services to protect the members of said Fire Department in the matter of pensions and personal injuries and insurance services, and to relieve the Department Heads and Members from personal liability, and

WHEREAS, this agreement is entered into virtue of K.S.A. Sec 12-111, (L1943) in the State of Kansas,

NOW, THEREFORE, in and for consideration of the mutual covenants between said Fire Departments, it is agreed that:

- 1) Said Fire Departments may respond to calls for help received from an officer in charge of the Fire Departments; provided, however that response is to be given only when the Fire Department called on for aid is not otherwise occupied, and only when the services of the responding company can be spared with a margin of safety; and provided further, that the Fire Departments agree not to call for such help unless the fire is beyond their ability to cope with, or unless its Fire Department is engaged in fighting another fire, or handling another disaster or emergency simultaneously, or unless another fire, disaster, or emergency has occurred and cannot be handled by that Fire Department.**
- 2) Any dispatch of personnel and equipment pursuant to this agreement is subject to the following conditions:**
 - (a) Any request for aid hereunder shall include the name of the officer initiating the request, a statement of the amount and type of equipment and number of personnel requested, and shall specify the location to which the equipment and number of personnel to be furnished shall be determined by the officer in charge of the responding Fire Department.**
 - (b) The responding Fire Department shall report to the officer in charge of the requesting Fire Department at the location to which the equipment is dispatched and shall be subject to the orders of that officer. The responding equipment and the responding personnel remain the employees of the responding department and shall not be considered the equipment or employee personnel of the requesting department, even though they are under the direction of the requesting department.**

- (c) Responding fire equipment and personnel shall be released by the requesting Fire Department when the services of the responding fire equipment and personnel are no longer required or when the responding fire equipment and personnel are needed within the area for which it normally provided fire protection.
- 3) The Fire Department which calls for aid shall not be liable for any personal injury, death, or property damage occurring to the answering Fire Department, or any Officer, Member, or Employee thereof.
- 4) The other party shall reimburse no party for any costs incurred pursuant to this agreement.
- 5) It is recognized that the interests herein are mutual and the contract is entered into the common good of the general public of the involved Fire Department, and for a strictly governmental purpose. Either Fire Department may cancel this agreement in writing.

IN WITNESS WHEREOF: the parties have hereunto set their hands the day and year written above:

Herington Fire Department DK202
700 South Broadway
Herington, KS 67449



Andrew Avantagiato, Fire Chief
Herington Fire Department

Debra Urbanek, Mayor
City of Herington

Abilene Fire Department DK201



Kale Strunk, Fire Chief



Ron Marsh, City Manager
City of Abilene

**INDIVIDUAL/SOLE PROPRIETOR
APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES**

(This form has been prepared by the Attorney General's Office)

City or County of Herington

SECTION 1 – LICENSE TYPE	
Check One: <input type="checkbox"/> New License <input type="checkbox"/> Renew License <input checked="" type="checkbox"/> Special Event Permit	
Check One: <input checked="" type="checkbox"/> License to sell cereal malt beverages for consumption on the premises. <input type="checkbox"/> License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensee's premises.	
SECTION 2 – APPLICANT INFORMATION	
Kansas Sales Tax Registration Number (required):	
I have registered as an Alcohol Dealer with the TTB. <input type="checkbox"/> Yes (required for new application)	
Name Eric Gares	Phone No. 7853666348
Residence Street Address 15 N 12th Street	City Herington KS 67449
Applicant Spousal Information	
Spouse Name Gabriele Simmons	Phone No. 7852580669
Residence Street Address 15 N 12th Street	City Herington KS 67449
SECTION 3 – LICENSED PREMISE	
Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name Discovery Child Care Learning Center	Name Discovery Child Care Learning Center
Business Location Address 800 S Broadway	Address 205 N E Street
City Herington KS 67449	City Herington KS 67449
Business Phone No. 7852582271	<input type="checkbox"/> I own the proposed business location. <input checked="" type="checkbox"/> I do not own the proposed business location.
Business Location Owner Name(s) City of Herington	
SECTION 4 – APPLICANT QUALIFICATION	
I am a U.S. Citizen	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have been a resident of Kansas for at least one year prior to application.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have resided within the state of Kansas for <u>28</u> years.	
I am at least 21 years old.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have been a resident of this county for at least 6 months.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Within 2 years immediately preceding the date of this application, neither I nor my spouse* have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes: (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
My spouse has previously held a CMB license.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
My spouse has never been convicted of one of the crimes mentioned above while licensed.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

SECTION 5 – MANAGER OR AGENT QUALIFICATION		
My place of business or special event will be conducted by a manager or agent.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, provide the following:		
Manager/Agent Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code
Manager or Agent Spousal Information		
Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code
Qualification Statement		
My manager/agent and his/her spouse* meets all of the qualifications in Section 4.		<input type="checkbox"/> Yes <input type="checkbox"/> No
SECTION 6 – DURATION OF SPECIAL EVENT		
Start Date July 17, 2021	Time 9:00	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
End Date July 18, 2021	Time 11:59	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM

Proceed to Section 7 on the next page.

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SECTION 7 – LICENSED PREMISE

In the space below, draw the area you wish to sell or deliver CMB. Include entrances, exits and storage areas. Do not include areas you do not wish to license. If you wish to attach a drawing, check the box: 8 1/2" by 11" drawing attached.



DRAFT

I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct. (K.S.A. 52-601)

SIGNATURE

DATE

6-4-2021

FOR CITY/COUNTY OFFICE USE ONLY:

License Fee Received Amount \$ _____ Date _____
(\$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)

\$25 CMB Stamp Fee Received Date _____

Background Investigation Completed Date _____ Qualified Disqualified

Verified applicant has registered with the TTB as an Alcohol Dealer

New License Approved Valid From Date _____ to _____ By: _____

License Renewed Valid From Date _____ to _____ By: _____

Special Event Permit Approved Valid From Date _____ to _____ By: _____

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR MONTHLY REPORT (ABC-307) TO THE ALCOHOLIC BEVERAGE CONTROL, 109 SW 9TH ST, 5TH FLOOR, PO BOX 3506, TOPEKA, KS 66601.

* Applicant's spouse is not required to meet the citizenship, residency or age requirements. If renewal application, applicant's spouse is not required to meet the no criminal history requirement. K.S.A. 41-2703(b)(9)



**Section 5-111 Exemption Requested
July 17 and July 18 Softball Tournament
Discovery Childcare Learning Center Fundraiser
Area is commonly known as the "South Ball Fields"**

Area enveloped in green would be where DCCLC is requesting consumption allowance. Red lines would be where road barricades are being requested. Singage indicating "NO ALCOHOL PAST HERE" will be posted appropriately as required by Herington Police Department and the City of Herington.



800 South Broadway
"South ball fields"
City of Herington, Kansas

Hazard Mitigation Resolution

Resolution #111220A

Adopting the Kansas Homeland Security Region (F) Hazard Mitigation Plan

Whereas, City of the Herington recognizes the threat that natural hazards pose to people and property within our community; and

Whereas, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

Whereas, the U.S. Congress passed the Disaster Mitigation Act of 2000 (“Disaster Mitigation Act”) emphasizing the need for pre-disaster mitigation of potential hazards;

Whereas, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

Whereas, an adopted Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple Federal Emergency Management Agency (FEMA) pre- and post-disaster mitigation grant programs; and

Whereas, City of the Herington fully participated in the FEMA prescribed mitigation planning process to prepare this Multi-Hazard Mitigation Plan; and

Whereas, the Kansas Division of Emergency Management and FEMA Region VII officials have reviewed the Kansas Homeland Security Region F Hazard Mitigation Plan, and approved it contingent upon this official adoption of the participating governing body; and

Whereas, City of the Herington desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Kansas Homeland Security Region (F) Hazard Mitigation Plan; and

Whereas, adoption by the governing body for City of the Herington demonstrates the jurisdictions’ commitment to fulfilling the mitigation goals and objectives outlined in this plan, and

Whereas, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan.

Now, therefore, be it resolved, that City of the Herington adopts the Kansas Homeland Security Region F Hazard Mitigation Plan as an official plan; and will submit this Adoption Resolution to the Kansas Division of Emergency Management to enable the plan’s final approval.

_____:Date

_____: Approved by



Regular Meeting
June 1, 2021
5:30 p.m.

The Board of City Commissioners of the City of Herington, Kansas met at City Hall at 5:30 p.m. on the above date – the following being present: Mayor Debi Urbanek, Commissioner Robbin Bell, Commissioner Vance Donahue II, Commissioner Ben Castleberry, City Manager Branden Dross, City Attorney Brad Jantz and City Clerk Megan Lawrenz. Also, in attendance were Chief of Police John Matula, Assistant Chief of Police Curtis Tyra, Fire Chief Vinny Avantagiato, Neighborhood Enforcement Officer Crystal Parris, Larry Mann, Carl Urbanek, Tandi Reiff and Eric Gares. Absent was Commissioner Curtis Hartman.

The meeting opened with the Pledge of Allegiance. Mayor Urbanek called the meeting to order. A motion was made by Commissioner Bell, seconded by Commissioner Donahue to approve the Minutes of the Regular Meeting May 18, 2021. Motion carried 4-0.

Public Forum Items – None.

Additional Agenda Items – Add 11a. Discussion to sell liquor on Sunday and 19a. Executive Session Review.

A motion was made by Mayor Urbanek, seconded by Commissioner Donahue, to approve the agenda. Motion carried 4-0.

KMU Dividend Check Update from Tandi – Tandi presented a KMU Dividend Check for \$24,646.56 and informed the Commissioners that the city has been receiving these checks since 2005 and this is the largest check to date.

Police Update – Chief Matula provided the following statistics. For the month of May there were 37 traffic stops and 187 calls for service. There was 1 felony arrest, 0 misdemeanor arrests and one warrant arrest. The police department is still looking to fill one open position. Unit one had a rim crack while it was being driven, was replaced under warranty. Chief Matula has passed the policy/procedure handbook for HPD to the City Manager and City Attorney for review. Chief Matula as the assistant coach for the “Pony League” rec baseball team informed the commissioners that the team is currently undefeated!

Fire Update – Chief Avantagiato provided the following statistics. For the month of May there were 38 calls, 2 outside fires, 1 smoke condition, 15 medical assists, 5 MVA's 1 with entrapment, 3 assist PD or Gov agencies, 8 controlled burns, 1 flood assessment, 1 weather standby/tornado warning and 2 fire/co alarms. Training hours and topics – Fire 1 class finished the fire portion of lecture moving onto hazmat and hands on skills. Staff will be adding a second night of training each month, more focused on basic skills for newer firefighters. Trained on an acquired structure before it was torn down. Rook vent, wall breach, forcible entry, overhaul. Great Practice. Might have another house coming up. Have an extrication class on June 12th scheduled. Staffing Update – The full-time firefighter position has been hired; Nelson Neuberger will start June 7th. Still have a couple volunteer applications out. Department/Equipment Update – Received grant for \$2400 from TC Energy to purchase cutoff saws for Engine 1 and Rescue 2. Received drinking water grant from Anheuser-Busch for drinking water. 2 pallets equaling 196 cases.

Received a letter from forestry that trucks and parts are not available and will not be for some time. They are advising to start planning on budgeting to keep trucks running or replacing. ISO survey is wrapping up. Still submitting some final data. Expect results at the end of summer. Received new airbags that were ordered in January as part of the extrication equipment upgrade. Brush 1 is still out of service. Working on funding with the City Manager. July 19 the fire department will be at the races and will be on standby July 4th. Please watch the fire department Facebook page for fireworks information.

City Clerk Update – Megan Lawrenz informed the Commission that there were 6 residents running for Commission seats. Preliminary budgets have been received back from the department heads and are being reviewed by the City Manager. The annual Audit is scheduled for June 28, 2021.

Neighborhood Enforcement Officer Update – Breakdown of fees for the past three years. In 2019 permits brought in \$1339, in 2020 it was \$673. So far for 2021 we are at \$1834.90. There are 14 new permits for the month of May. Crystal offered some excerpts from our ordinance offering clarification on building permits. Residents are allowed to do work to their homes, but the city requests that a building permit is obtained. Code Enforcement – David Kahle brought to Crystal's attention some serious electrical issues at the trailer park on Arnold. Crystal has inspected the whole property and got in touch with the manager to get repairs completed. Cars and trailers were towed from 205 N 10th street 6/1/2021, his 30 days had expired, and City staff ended up giving him a few extra days to get things cleaned up. Everything was supposed to be taken care of by 6/1/2021 at 7am. When Crystal arrived, Roger was not at the property and the vehicles were towed under ordinance Sec.2-308 A-F. 5 N F street has been taken off the condemn list and now has a permit for work. The camper at 619 S 5th street has been condemned and is no longer on the property of Dale Christener. Blights- Staff have decided to try a different approach and send reminder letters about tall grass first. Crystal is also getting out and speaking with residents.

Discuss and Action on Resolution 938 Granting Temporary Exemption from the Requirements of Chapter 5, Article 1, Section 5-110 – Subject to staff review to verify dates. Mayor was not authorized to sign, will be back on the agenda 6/15/2021. A motion to approve the resolution subject to staff review was made by Commissioner Donahue, seconded by Commissioner Bell. Motion carried 4-0.

Discuss and Action on Cereal Malt Beverage License for Herington Fireworks Committee – A motion was made by Commissioner Bell to approve the Cereal Malt Beverage License for the Herington Fireworks Committee for July 3, 2021, seconded by Commissioner Donahue. Motion carried 4-0.

Discuss and Action on Comprehensive Plan – A motion was made by Mayor Urbanek to table discussion, seconded by Commissioner Bell. Motion carried 4-0.

Discuss and Action on Airport Engineering Services Agreement – Mayor Urbanek motioned to continue the contract with Locher for the Airport Engineering Services Agreement and authorized the City Manager to sign, seconded by Commissioner Bell. Motion carried 4-0.

Discuss and Action on DJ Neuberger Application for the Planning Board term to Expire 12/31/2024 after discussion Commissioner Bell motioned to table the approval of the application until the next meeting where hopefully there will be enough applications to approve to result in a quorum for the Planning Board,

seconded by Mayor Urbanek. Motion carried 3-1, with Commissioner Donahue casting the dissenting vote.

Lake Master Plan Services Update – Staff expects a contract amount by the end of June to include in 2022 budget discussions.

Update on Airport and Hay Lease Contracts – City Attorney Brad Jantz provided draft leases to be used across the board.

Executive Session – Mayor Urbanek motioned to 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)(3), to discuss potential litigation to include the following: Governing Body, City Attorney, City Manager and City Clerk with the open meeting to resume at 7:05 pm, seconded by Commissioner Bell. Motion carried 4-0. The open meeting resumed with no action taken.

19.a – Executive session review- No review needed.

City Manager Comments – Branden will be on the radio with KABI to promote Herington. The League will be doing a story on Herington, hopefully front page. The Herington Inn and Suites is under new ownership. There is a planning meeting scheduled for 6/28/2021 at 5:30pm, new bylaws are being drawn up to reflect the new commission. Discussion was had about needing enough members on the on the board to form a quorum to approve the new bylaws. Street projects are wrapping up. KMEA may have a possible solution to the city's generator need. Karaoke for a cause with the City Manager 6/12/2021 at The Spot. Working on a bowling event to raise money for school supplies later this summer.

Commissioner Castleberry – Thanked Branden and staff for the street repairs.

Commissioner Donahue – Said that he has heard a lot of positive feedback from the street work. Wants to know what is next on the street plans.

Commissioner Bell – Said there were a lot of campers at the lake Memorial weekend. Asked Branden to have staff repair the swimming boundary so it is anchored properly. Will set a time to work on lake leases with Brad.

Mayor Urbanek – Thanks to all the crews. There is an independent wrestling event booked at the community building on July 30th.

Megan Lawrenz, City Clerk