

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
November 1, 2022
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 Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares

6. Consent Agenda

a. Regular City Commission Meeting Minutes October 18, 2022

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

7. Police Update

8. Fire Update

9. Neighborhood Services Update

10. Mud Run Discussion with Robert Hood

11. Discussion on CDBG Projects

12. Discuss and Action on **ORDINANCE NO. 1878 - AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO SPECIFICALLY AMEND AND REPLACE, IN ITS ENTIRETY, CHAPTER 7, ARTICLE II, SECTION 7-204 SUPPLEMENTING WATER SYSTEM CONNECTIONS IN ARTICLE II OF CHAPTER 7 TO WATER SUPPLY CONTROL AND SHUT OFF VALVES REQUIREMENTS PURSUANT TO THE CODE OF THE CITY OF HERINGTON, KANSAS WITHIN THE CITY OF HERINGTON, KANSAS CHAPTER 7, ARTICLE II AND REPEALING ANY OTHER**

CURRENT ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HEREWITH and authorize the mayor's signature

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

13. Discuss and Action on Contract to Complete 1800 Sq Ft of 8" Concrete Driveway Replacement at the Water Treatment Plant with PP & J Construction

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

14. Discussion on Common Consumption Areas for CMB Allowance

15. Executive Session – I move 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) to discuss litigation, to include the following:

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

With the open meeting to resume in the City Commission Chamber at _____ pm.

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

16. 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 the City Manager to include the following:

- Governing Body
- City Manager

With the open meeting to resume in the City Commission Chamber at _____ pm.

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

17. City Manager Comments

18. City Commission 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/UBbvSBw614w85XQHSX0S1BXg>
Public Forum Comments can be dropped in the deposit box or email to
cityoffice@cityofherington.com

DRAFT

**Regular Meeting
October 18, 2022
6:00 p.m.**

The Herington City Commission met on the above date and time in the city commission chambers at city hall. In attendance were Mayor Eric Gares, Commissioner Vance Donahue, Commissioner Debi Urbanek, Commissioner Robbin Bell, and Commissioner Ben Castleberry. Also in attendance were City Manager Branden Dross, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Neighborhood Enforcement Officer James Masters, Carl Urbanek, Karen Soliz and Janet Wade.

The meeting opened with the pledge of allegiance.

Mayor Gares called the meeting to order.

Public Forum – Karen Soliz – 602 N D – Update on Ladies Night. Janet Wade – 602 E Arnold – CVB Grants (Representing CVB).

Additional Agenda Items – Remove D from consent agenda to 6a, Add 6b discussion on food and mobile food permits.

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

Consent Agenda – Commissioner Urbanek made a motion to approve the consent agenda, seconded by Commissioner Donahue. Motion carried 5-0.

- a. Regular City Commission Meeting Minutes October 4, 2022
- b. Removal of Josh Boyd from the KMEA Board of Directors as an Alternate
- c. Appointment of Leo Schlesener to the KMEA Board of Directors as an Alternate, term to expire 4/30/2024.

6a. Resolution 963 – Correction needed to the address for the temporary CMB License. Commissioner Urbanek made a motion to approve Resolution 963 with the address correction, seconded by Commissioner Donahue. Motion carried 5-0. Debi, Vance. 5-0.

6b. Discussion on food and mobile food permits – Discussion was had to clarify the food and vendor mobile permit process.

Mud Run Discussion with Robert Hood – Move to next meeting.

Resolution 964

A RESOLUTION OF THE CITY OF HERINGTON, KANSAS FIXING A TIME AND PLACE FOR SHOW CAUSE HEARING PURSUANT TO PURSUANT TO THE HERINGTON CITY CODE CHAPTER II, ARTICLE 3, SECTION 2-306 ET.SEQ. ADOPTED BY THE CITY OF HERINGTON, KANSAS.

Commissioner Bell made a motion to approve resolution 964 for 211 N E St and authorize the mayor's signature, seconded by Commissioner Donahue. After further discussion Commissioner Bell withdrew his original motion. Commissioner Bell made a motion to approve Resolution 964 for 211 N E St and authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

Resolution 965

A RESOLUTION OF THE CITY OF HERINGTON, KANSAS FIXING A TIME AND PLACE FOR SHOW CAUSE HEARING PURSUANT TO PURSUANT TO THE HERINGTON CITY CODE CHAPTER II, ARTICLE 3, SECTION 2-306 ET.SEQ. ADOPTED BY THE CITY OF HERINGTON, KANSAS.

Commissioner Bell made a motion to approve Resolution 965 for 315 S A St and authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

Resolution 966

A RESOLUTION OF THE CITY OF HERINGTON, KANSAS FIXING A TIME AND PLACE FOR SHOW CAUSE HEARING PURSUANT TO PURSUANT TO THE HERINGTON CITY CODE CHAPTER II, ARTICLE 3, SECTION 2-306 ET.SEQ. ADOPTED BY THE CITY OF HERINGTON, KANSAS.

Commissioner Bell made a motion to approve Resolution 966 for 5607 N F St and authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

Resolution 967

A RESOLUTION OF THE CITY OF HERINGTON, KANSAS FIXING A TIME AND PLACE FOR SHOW CAUSE HEARING PURSUANT TO PURSUANT TO THE HERINGTON CITY CODE CHAPTER II, ARTICLE 3, SECTION 2-306 ET.SEQ. ADOPTED BY THE CITY OF HERINGTON, KANSAS.

Commissioner Bell made a motion to approve Resolution 967 for 112 W Main St and authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

Resolution 968

A RESOLUTION OF THE CITY OF HERINGTON, KANSAS FIXING A TIME AND PLACE FOR SHOW CAUSE HEARING PURSUANT TO PURSUANT TO THE HERINGTON CITY CODE CHAPTER II, ARTICLE 3, SECTION 2-306 ET.SEQ. ADOPTED BY THE CITY OF HERINGTON, KANSAS.

Commissioner Bell made a motion to approve Resolution 968 for 117 W Main and authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

Skipped to item 15.

HWY 77/56 Contract for Water and Sewer Line Expansion Project Engineer Service with SMH Consultants – Commissioners need to consider the expense for potholing the utilities. Commissioner Bell made a motion to approve the contract for water and sewer line expansion project with project engineer service with SMH Consultants for \$29,370 and authorize the city manager's signature, seconded by Commissioner Donahue. Motion carried 4-0 with Commissioner Castleberry abstaining from the vote.

Ordinance 1877

AN ORDINANCE ANNEXING LAND TO THE CITY OF HERINGTON, KANSAS

Commissioner Urbanek made a motion to approve in the next sequential order an ordinance annexing land to the city of Herington, Kansas and authorize the mayor's signature, seconded by Commissioner Bell. Motion carried 4-0 with Commissioner Castleberry abstaining from the vote.

Mission and Vision Statement recommendation from the ad-hoc committee – Commissioner Urbanek made a motion to approve option 1 for the Mission Statement, seconded by Commissioner Donahue. Motion carried 5-0. Commissioner Urbanek made a motion to approve option 1 for the vision statement changing line two to “to be active in pursuing opportunities to better our community with transparency”, seconded by Commissioner Bell. Motion carried 4-1, with Commissioner Donahue casting the dissenting vote.

Executive Session – Mayor Gares 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) to discuss litigation, to include the following: Governing Body, City Manager and City Attorney, with the open meeting to resume at 7:32pm, seconded by Commissioner Donahue. Motion carried 5-0. The regular meeting resumed with no action taken.

City Manager Comments – Cost to update led street lights across the city is \$140,000. Currently changing out as they go out. Talking about the tennis court, looking for grants to make it a pickle ball court. Updating procurement policy, for AFG expectations for the fire grant, our policy is 20 years old. Pine tree major erosion at north park, may need to take it down. League conference, CDBG money for childcare, looking at getting local childcare provider and ransom to come present.

City Commission Comments -

Robbin- Airport leases coming up on ag ground. Feb 2023 set to expire. Need to put out for bid soon.

Advertise in grass and grain.

Ben- Asked about a safe walk update. Fed government is going thru applications now. Per USD 487 funds will have to come from the city, we have applied for funds, but need 1.25 million matching funds.

Debi – Nothing.

Vance – West side of town 201 S 10th Street, Fence on McClaren and 9th – severe tripping housing. City is working on it. Pricing UAV for police/fire/safety departments.

Eric – Thought the procurement policy was redone when Dave Jones was on the commission, Brad is looking for newer version for us. League meeting, Branden appointed to one year term.

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

Megan Lawrenz, City Clerk

DRAFT

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

ORDINANCE NO. 1878

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO SPECIFICALLY AMEND AND REPLACE, IN ITS ENTIRETY, CHAPTER 7, ARTICLE II, SECTION 7-204 SUPPLEMENTING WATER SYSTEM CONNECTIONS IN ARTICLE II OF CHAPTER 7 TO WATER SUPPLY CONTROL AND SHUT OFF VALVES REQUIREMENTS PURSUANT TO THE CODE OF THE CITY OF HERINGTON, KANSAS WITHIN THE CITY OF HERINGTON, KANSAS CHAPTER 7, ARTICLE II 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. That Chapter 7, Article II, Section 7-204 of the Code of the City of Herington, Kansas, is hereby amended and replaced to read, in its entirety, as follows:

Sec. 7-204. - Premises to have separate connection.

- (a) Unless special permission is granted by the City Manager, each premise shall have a separate and distinct service connection, and where permission is granted for branch services, each service shall have its own shut-off or cut-off and separate meter.
- (b) Each dwelling unit shall be provided with an accessible main shutoff valve owned and maintained by the property owner at or near the entrance of the water service. The valve shall be of a full-open type having nominal restriction to flow, with provision for drainage such as bleed orifice or installation of a separate drain valve.
- (c) In the event no such shut-off valve is provided by the owner, a shut-off fee shall be assessed in the amount of twenty-five (\$25.00) dollars for each service by City utility staff both to terminate or reconnect service.
- (d) If service is disconnected, either temporarily or permanently for any City customer, at any address for a period of six months or more, where a separate shut-off valve is as required herein, no service will be reconnected until such valve has been installed.

SECTION 2. Other ordinances, or portions thereof in conflict herewith, are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Herington, Kansas, this 1st day of November, 2022.

Signed by the Mayor this 1st day of November, 2022.

DRAFT

Eric Gares, Mayor

Megan Lawrenz, City Clerk

ATTEST: