

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 20, 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 September 6, 2022

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

7. Open Public Hearing for the Right of Way Vacation for McClaren Lots 1 & 2

8. Close Public Hearing

9. Consideration of Vacation of McClaren Lots 1 & 2 Right of Way Property Acquisition

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

10. Update on the Trick or Treat Event

11. Resolution 960 – A resolution making certain findings and authorizing the preparation and submission of an application to the Kansas Housing Resources Corporation (KHRC) and authorize the mayor's signature

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

12. Resolution 961 – Temporary CMB exemption for the Herington Hospital Foundation Event at 108 W Main on Saturday, October 1, 2022, from 6:30 to 9:30 pm, and authorize the mayor's signature

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

13. 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) in order to discuss a real estate transaction to include:

- The Governing Body
- City Manager
- City Attorney

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

14. City Manager Comments

15. City Commission Comments

16. 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

**Regular Meeting
September 6, 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 Commission Ben Castleberry. Also in attendance were City Manager Branden Dross, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Chief of Police Chad Langley, Fire Chief Andrew Avantagiato, Neighborhood Services Director James Masters, Mark Will, Karen Soliz, Carl Urbanek, Phyllis Perry, Sharon Kolanowski and Janet Wade.

The meeting opened with the pledge of allegiance.

Mayor Gares called the meeting to order.

Public Forum – Mark Will – Herington Historical Museum Utilities. Phyllis Perry – Family Resource Exchange Utilities. Janet Wade – Grass Ordinance Agricultural Exemption. Karen Soliz – Ladies Night Out Announcement 10/8 from 6 to 9 pm.

Additional Agenda Items – 6c. D&A Ad Hoc Committee Mission and Vision Statement.

Approval of Agenda – Commissioner Urbanek made a motion to approve the agenda with the addition of 6a Discuss and Action on Ad Hoc Committee Mission and Vision Statement Members, seconded by Commissioner Castleberry. Motion carried 5-0.

Consent Agenda – Commissioner Urbanek made a motion to approve the consent agenda items, Minutes of the Regular City Commission Meeting August 16, 2022. Minutes of the Special City Commission Meeting August 23, 2022, seconded by Commissioner Donahue. Motion carried 5-0.

6c. Ad Hoc Committee Mission and Vision Statement Members – Mayor Gares suggested the following members: Mayor Gares, Commissioner Donahue, Marcus Hawkes, Mark Paul, and Erin Pritchard. Commissioner Urbanek made a motion to approve the suggested members, seconded by Commissioner Castleberry. Motion carried 5-0.

Police Department Update – There were 262 calls for service, 64 traffic stops, 7 arrests – 2 misdemeanor and 5 felonies. Officer Allen should get all clear soon. Det. Cottone will attend sexual assault training next week. Chief Langley starting college next month, to get his BA in criminal justice. The original place the department reached out to can get a vehicle again, will be 8k less, will need to buy a new radio. Can be on patrol within the next month. Mayor Gares questioned the opiate money, Chief Langley confirmed there is no set plan, but there have been some discussions about purchasing Narcan. Commissioner Donahue questioned the current policy about UTV/ATV, PD inspects the vehicle and then the city issues a permit.

Fire Department Update – There were 26 calls for the month. 1 building fire, 1 off road vehicle or heavy equipment fire, 1 grass fire, 10 medical assists, 4 motor vehicle accidents with injuries, 1 motor vehicle accident without injuries, 3 authorized controlled burnings, 1 CO detector malfunction, 2 unintentional smoke detector activations, 1 citizen complaint and 1 illegal burn. Training hours and topics included, basic fire skills and pumping at the pond. October 7th and 8th the fire department will be hosting KSFFA school in Herington. Staffing update- there are 5 new volunteers, 3 fire and 2 EMS, more volunteers are still needed as 1 has resigned. There are three applications out. Department and Equipment update: Community Wildfire Protection Plan grant between KSFFS and Dickinson County will be submitted next year. Asked the commission to consider a .25% sales tax increase county wide to support the cost for the county radio system upgrade. Received John Deer Gator from Forestry for \$0, estimated cost to repair \$1500. New 940 has been ordered, projected production date is 12/5. New brush truck should be delivered next week. Working with a grant company on tanker specs and procurement, 6-24 months for delivery. Average response times for EMS are 8.:38, Fire 9:02 dispatch to arrival. Average in-service time is 0:40, and average time on scene is 60:01. Mayor Gares asked about the county funded rescues, FD has had conversations with the county recently about it

about what the future will look like. The state is not involved in the new 800 upgrade radio system.

Neighborhood Services Update – Since August 2nd, James has worked 15 days in Herington and 9 days in Marion. There were roughly 12 complaints and 61 inspections. There were 33 grass inspections resulting in 14 violation notices, 6 cut orders and 7 yards mowed by the city. There were 7 environmental violations including 1 fence, 1 yard and automobile and 5 for blighted structures. There were 6 building permits with 2 inspections, 6 electrical permits with 3 inspections, 3 mechanical permits with 2 inspections, 4 plumbing permits with 1 inspection and one fence permit. There were 9 residential inspections for utility turn-ons. There were 12 structural building inspections.

Update from the CVB – Adding sign on 77 that we lost due to wind damage, design selected. Design has been sent off to US stone to make, could be a couple months. Still need to install the base, split cost this year and next for it. TVs are up and running at the, hotel, VFW, Barnes, & Pizza Hut. Still want to put on at the city office. FB pages are updated, email cvb@cityofherington.com. Radio adds tapering off, getting those going again. 5-year lease on EV charging station by hotel. Had a drive-in movie, family friendly next year. Planning fall festival 10/29 at community building, vendors, car show, trunk or treat, mud trucks, German food from taste of home. Still need help, they meet the 2nd Wednesday of the month at the newspaper office. Reg meetings are now on the 3rd Wednesday of the month at the city office. Working on budget \$14k for 2023. Janet Wade has been working on grants, she has submitted 3 grant apps to Dickinson county, and Herington fund. Looking to get a grant for the sign like Osawatomie for the trail approx. \$5k, also looking at informational signs grant will be for 7k. Another grant for historical informational signs at \$1500/sign, they are asking for 3. Last grant is window cling murals downtown at city hall, lakes, and other things to showcase Herington, requesting 150/panel installed at 9 panels. Other grants that she is aware of, vegetative buffer between stream and park, Herington revitalization is working on a grant to rehab the restrooms at father p park. Still short three board members.

Mayor Gares read a letter from Beverly Trevorrow President AVFW, Post 1281 Regarding the 15th Annual Remembrance of 9/11/2001, National Patriots Day Remembrance Walk.

Proclamation to set POW/MIA day for September 16, 2022, and authorize the mayor's signature – Mayor Gares proclaimed September 16, 2022 POW/MIA recognition day in Herington, Kansas.

Certify the 2023 City of Herington Budget – Commissioner Bell made a motion to Certify the 2023 City of Herington Budget, seconded by Commissioner Castleberry. Motion carried 5-0.

Annexing 902 E Trapp into the City of Herington City Limits as a Highway Business District (B-3) – Annexing gets the process started with the county, and we would authorize the mayor to sign the necessary documents to move forward faster. Commissioner Urbanek made a motion to annex 902 E Trapp into the City of Herington City Limits as a Highway Business District (B-3) and authorize the mayor to sign necessary documents, seconded by Commissioner Bell. Motion carried 4-0, Commissioner Castleberry recused himself from the vote.

ORDINANCE 1874

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO SUPPLEMENT SAID CODE OF THE CITY OF HERINGTON, KANSAS, AND ADD ARTICLE XI IN CHAPTER 3, LICENSES AND BUSINESS REGULATIONS, ESTABLISHING AND ADOPTING REGULATIONS FOR VENDORS' OPERATION AND REQUIREMENTS WITHIN THE CITY OF HERINGTON, KANSAS, AND PROVIDING FOR THE ADMINISTRATION THEREOF, AND REPEALING ANY OTHER CURRENT ORDINANCES OF PORTIONS THEREOF IN CONFLICT HEREWITH

Commissioner Urbanek made a motion to approve Ordinance 1874 and authorize the mayor's signature, seconded by Commissioner Bell. Motion carried 5-0.

Mayor Gares made a motion to direct staff to suspend penalties until 1/1/2023, seconded by Commissioner Donahue. Motion carried 3-1, with Commissioner Bell casting the dissenting vote and Commissioner Urbanek had stepped away.

ORDINANCE 1875 – City Manager Branden Dross requested a set amount instead of it being to his discretion. There was discussion and Commissioner Donahue motioned to table Ordinance 1875 and reserve the number, seconded by Mayor Gares. Motion carried 5-0.

ORDINANCE 1876

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPLACE, IN ITS ENTIRETY, CHAPTER 2, ARTICLE III, SECTIONS 2-309 THROUGH 2-317 REGULATING THE CONTROL OF WEEDS AND GRASS, WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, KANSAS, AS SET OUT IN THE CODE FOR THE CITY OF HERINGTON, KANSAS, AND REPEALING ANY OTHER CURRENT ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HEREWITH.

Commissioner Bell made a motion to approve Ordinance 1876 and authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

Financial cost to the city for the mud run and after event analysis to include nonpayment of required insurance – The cost to the city was about \$1938.91. The Mud Run Promotor did not pay for their insurance per MOU or their water bill of \$438. The City Attorney prepared a letter to the promotor asking for payment. No solid sales tax numbers, but the city manager feels that this isn't something we will do again.

Sandy Merrifield's application for the Herington Housing Authority Board, term to expire 8/31/2025 – Commissioner Donahue made a motion to table until HHA vet other applicant, seconded by Commissioner Castleberry. Motion failed 2-3 with Commissioner Bell, Commissioner Urbanek and Mayor Gares casting the dissenting votes. Commissioner Bell made a motion to approve Sandy Merrifield's application for the HHA term to expire 8/31/2025, seconded by Commissioner Urbanek. Motion failed 2-3 with Commissioner Castleberry, Commissioner Donahue and Mayor Gares casting the dissenting votes. Mayor Gares made a motion to deny the application in totality, motion failed for lack of a second.

Eric motion to deny the application in totality. Motion failed for lack of a 2nd.

Discussion on FRE Utilities – There was discussion on the FRE not being billed for their utilities. Commissioner Bell made a motion to keep the policy as is with fair board, library, rec, FRE and museum, seconded by Commissioner Urbanek. Motion failed 2-3 with Commissioner Castleberry, Commissioner Donahue and Mayor Gares casting the dissenting votes.

Code of Ethics Oath to the City Commissioners – Brad directed that the commissioners could sign the ethics oath, without verbally.

City Manager Comments - Flint hills regional council meeting next week at community building. Brad and Branden are working on acquiring a property north of the trail between C St and D St for no cost to the city. Is working on the housing grant application, resolution to follow at the next meeting.

City Commission Comments -

Commissioner Castleberry – None.

Commissioner Urbanek – None.

Commissioner Bell – Work Order Procedure- Cathy emails it out to department heads, usually 3-5 day turn time, if not completed contact Branden or Megan to escalate.

Commissioner Donahue – Thanked Mr. Wills, thought that we could get the pool house, hilltop and Tripp Field designated historical.

Mayor Gares – None.

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

RESOLUTION NO. 960

A RESOLUTION MAKING CERTAIN FINDINGS AND AUTHORIZING THE PREPARATION AND SUBMISSION OF AN APPLICATION TO THE KANSAS HOUSING RESOURCES CORPORATION ("KHRC") TO FACILITATE PARTICIPATION IN THE 2022 KANSAS MODERATE INCOME HOUSING GRANT PROGRAM.

WHEREAS the Kansas Moderate Income Housing (MIH) Request for Proposal (RFP) authorizes any city incorporated in accordance with the laws of the State of Kansas (the "State") with a population of less than 60,000 to apply for loans or grants to cities for infrastructure or housing development in areas that do not qualify for federal housing assistance; and

WHEREAS the Governing Body of the City of Herington, Kansas (the "City") may adopt a resolution making certain findings giving the City authority to apply for and participate in said RFP; and

WHEREAS the City has an estimated population of less than 60,000 and, therefore, constitutes an eligible city as said term is defined in this RFP; and

WHEREAS the governing body of the City proposes to partner with the developers for Logan Pointe Addition Unit No. 1 ("Logan Pointe") to develop moderate income housing in accordance with the MIH RFP.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Herington, Kansas, as follows:

SECTION 1. The Governing Body hereby finds and determines that there is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.

SECTION 2. The Governing Body hereby finds and determines that the shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.

SECTION 3. The Governing Body hereby finds and determines that the shortage of quality housing is a substantial deterrent to future economic growth and development in the City.

SECTION 4. The Governing Body hereby finds and determines that the future economic well-being of the City depends on the governing body providing additional incentives for the construction or renovation of quality housing in the City.

SECTION 5. Based on the findings and determinations contained in Sections 1 through 4 of this Resolution, the Governing Body authorizes the City to partner with the developers of and for Logan Pointe to apply for and participate in the RFP and authorizes the Mayor to sign all documents pertaining to the grant on behalf of the City.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2022.

Eric Gares, Mayor, City of Herington, Kansas

ATTEST:

Megan Lawrenz, City Clerk

RESOLUTION NO. 961

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTICLE II, SECTION 3-204 PROHIBITING 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 possession, consumption, and sale 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 property accessible for public events identified in paragraph 2 of this resolution with such exemption granted to the sponsoring entity identified as the Herington Municipal Hospital Foundation.
2. The exemption shall apply only to a clearly defined and secure area at a facility commonly known as Main Street Events, 108 Main, within the city limits of the City of Herington, Kansas. Such identified location, and any signage or surrounding security barriers, as needed, identifying the prescribed area, shall be approved in advance by the Herington Police Chief.
3. The exemption, granted to the sponsoring entity, the Herington Municipal Hospital Foundation, shall be allowed, at the location specified in paragraph 2 hereof, on Saturday, October 1st, 2022, 2022 from 6:30 p.m. until 9:30 p.m at which time such temporary exemption shall expire.

Such exemption shall apply for the possession and consumption of enhanced cereal malt beverages, defined as having an alcohol concentration of no more than 6.0% by volume as well as alcoholic liquor.

All necessary permits authorizing the 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, as well as alcoholic liquor, 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 20th day of September, 2022.

Eric Gares, Mayor

DRAFT

ATTEST:

Megan Lawrenz, City Clerk