

Regular Meeting
May 5, 2020
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 Eric Gares, Commissioner Curtis Hartman, City Attorney Brad Jantz, City Clerk Marcus Hawkes and Deputy Clerk Kathy Matkins.

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 Gares to approve the minutes of the Special Meetings April 23, 24, and 27, 2020 and Regular Meeting April 21, 2020. Motion carried with all voting “Aye.”

Additional Agenda Items. No additions to the agenda.

A motion was made by Commissioner Bell, seconded by Commissioner Gares to approve the Agenda. Motion carried with all voting “Aye.”

City Update of COVID-19. The City is adhering to State and County Guidelines. Utility Shutoffs were extended to 5-31-2020. Anyone needing assistance can call the City Office or the Family Resource Exchange. Mayor Urbanek said the Public Playground Equipment is not open to the Public and the Yellow Tape will have to be put back up around all the equipment. Mayor Urbanek said Phase II begins on May 18, 2020, and you can only have 30 people in a mass gathering. The next City Commission Meeting is on May 19, 2020 and the Consensus of the Commission was to keep the Meetings closed during May 2020 and the Commission will revisit this again.

Update of Waste-Water Treatment Plant Project-Todd Anderson of SMH Consultants spoke to the City Commissioner’s by telephone and he had items of interest to discuss and get resolved. He received approval from City Attorney Brad Jantz for signing of the Agreement after the city attorney added in a clause and a paragraph in the agreement clarifying payment terms and conditions required by 10-11-2022. All KDHE documents are completed in entirety and has been reviewed and approved by City Attorney Brad Jantz. The Loan Application needs signed by the Mayor to be sent to KDHE for approval. Todd said he will conduct a Public Hearing and a Public Meeting which will be advertised in the newspaper. He hopes to have the Public Meeting on June 2, 2020, and the Public Hearing on June 16, 2020. Todd said the Resolution Document does not need a plan to apply for a loan; there is not a loan in place yet, but the City is listed on KDHE’s Intended Use Plan once the Loan Application is approved. Todd said the City needs to order the Sludge Press now as it is at least 6 months out before it would be here and available for the City to install and use. There is not going to be any money due until the Sludge Press is delivered and then the cost of the Sludge Press is \$299,000.00. The City Commissioners were all in agreement to go ahead and let Todd order the Sludge Press now. A motion was made by Commissioner Bell to order the Sludge Press now, seconded by Commissioner Gares. Motion carried with all voting “Aye.” A motion was made by Commissioner Gares, seconded by Commissioner Hartman to approve the Resolution in Next Sequential Order. Motion carried with all voting “Aye.”

Update on Power Lines from Evergy Representatives- Mayor Urbanek called Justin Campbell, Tom Sydow, and Jeff, the Designer, from Evergy, and called David Kahle, Electrical Superintendent, to provide an update on the previously proposed Power Lines along Trapp Street. Justin said his company had emailed a packet to all the City Commissioners to look over and use for discussion. COVID-19 prevented Evergy from holding the Open House that had been planned on March 26, 2020. Justin said his boss approved locating the power lines underground in the city limits instead of going overhead. Evergy spoke with KCP&L on cable sizes and junction boxes and compared the overhead costs to the underground costs. Justin said the company would like to send letters out to all the residents involved on both sides of the street to let them know Evergy is going to go underground with the poles outside city limits. Justin and Evergy Representatives asked for permission to proceed with the project utilizing Easement Rights and try to finish the entire project in 2021. Justin said there is a document for Easement Rights that needs to be signed for approval purposes. A motion was made by Commissioner Bell, seconded by Commissioner Donahue to approve easement rights for Evergy to go underground with the electric lines with the signed document. Motion carried with all voting "Aye."

Distressed Property Hearing on 5 West Walnut-Mayor Urbanek called Scott Melcher on the phone to speak with the City Commissioners about this property at 5 West Walnut. Mayor Urbanek said there were 2 bids on this project one for \$68,000.00 and one for \$99,000.00. It was a consensus of the commissioners to proceed with the Demo and selected the \$68,000.00 bid from Jeff Blixt Construction, who had spoken with KDHE and discussed arrangements to haul the debris off. City Attorney, Brad Jantz, will contact Jeff Blixt and get a contract from him for city commissioners to sign.

Distressed Property Hearing on 114 North 2nd-Scott Melcher had worked with Matt Townsend, Former City Manager, along with Leon Baronda. The stipulations were that Leon Baronda had to clean the exterior of C & Trapp St. Scott said the property still needs painted but Leon Baronda has been honoring the obligation he made with Matt Townsend, Former City Manager, and everything else was completed and done. Scott felt the property hearing needed to be dismissed as Leon Baronda had complied with the requirements and agreements that were set in place. A motion was made by Commissioner Gares, seconded by Commissioner Bell to dismiss the distressed property hearing at 114 North 2nd St. Motion carried with all voting "Aye."

Discuss and Consider Proposed Procedure Regarding Public Comment at Meetings Restricted from Attendance-Commissioner Gares suggested the Public should have the ability to have input in advance of the scheduled meeting by way of an adopted procedure or policy. Commissioner Gares outlined items in his policy to include: Publish on website to draft agenda no later than 4 pm prior to scheduled meeting. City Clerk or other city staff personnel would provide an email or mailing address, all written comments would be received no later than 8AM the day of the meeting. These written comments or emails would be provided to City Commissioners as an attachment and would be made available to the Public. This policy/procedure would be placed on Facebook and on the City Website. City Attorney Brad Jantz said he would look this over and convert Commissioner Gares Policy/Procedure into a condensed version. A motion was made by Commissioner Gares, seconded by Commissioner Hartman to adopt a condensed version of this policy regarding Public Comment at Meetings Restricted from Attendance. Motion carried with all voting "Aye."

Discuss and Consider Purchase of 112 Sensus Stratus iConA 2S Remote Disconnect Meters for \$16,016.00. Mayor Urbanek called David Kahle on the phone to speak about these meters. David said these meters have thermal sensors and have the capability to be turned on and off at city hall remotely. Commissioner Bell asked if we needed all these meters and David said these meters are for residential housing only. They will not be used commercially. The thermal sensors keep the meters from burning out when they utilize excess electric current. These meters add more protection from fire hazards and last longer. A motion was made by Commissioner Bell, seconded by Commissioner Gares to approve the Purchase of 112 Sensus Stratus iConA 2S Remote Disconnect Meters for \$16,016.00. Motion carried with all voting "Aye."

Discuss and Re-Appointment of one member to the CVB, term to expire 4/30/2022. (Alicia Stinnett) A motion was made by Mayor Urbanek, seconded by Commissioner Hartman to re-appoint Alicia Stinnett to the CVB Board, term to expire 4/30/2022. Motion carried with all voting "Aye."

Discuss and Re-Appointment of one member to the CVB, term to expire 4/30/2022. (Catherine Stinnett) A motion was made by Mayor Urbanek, seconded by Commissioner Hartman to re-appoint Catherine Stinnett to the CVB Board, term to expire 4/30/2022. Motion carried with all voting "Aye."

Discuss and Appointment of one member to the KMEA Board of Directors (Director 2), term to expire 4/30/2022. (Mitch Gehrke) A motion was made by Commissioner Bell, seconded by Commissioner Gares to appoint Mitch Gehrke to the KMEA Board of Directors (Director 2), term to expire 4/30/2022. Motion carried with all voting "Aye."

Discuss and Appointment of one member to the KMEA Board of Directors (Alternate), term to expire 4/30/2022. (Commissioner Curtis Hartman) A motion was made by Mayor Urbanek, seconded by Commissioner Gares to appoint Commissioner Hartman to the KMEA Board of Directors (Alternate), term to expire 4/30/2022. Motion carried with all voting "Aye."

Discussion of Hospital Focus Group-Isabel Schmedemann, CEO of the Herington Hospital, requested 2 City Commissioners to be a part of this hospital focus group. Isabel can use 2 Commissioners and asked Mayor Urbanek and Commissioner Bell if they would be on her Hospital Focus Group. Isabel suggested Commissioner Robbin Bell because she heard from so many that he has a long history on the Commission and with the Hospital, and Mayor Urbanek because of her positivity toward the future and growth of this community. Commissioner Donahue stated he would like to be on this group as well, so Mayor Urbanek is going to contact Isabel Schmedemann and tell her that Commissioner Donahue would also like to be a participant in the group. Mayor Urbanek asked City Attorney Brad Jantz if there are any conflicts with participating in this Hospital Focus Group. City Attorney Brad Jantz said it appeared to be more of a formalized or visionary planning group and it would not entail any transactions with money, or any actions taken, therefore, it would not present any conflicts. City Attorney Brad Jantz also stated that the Commissioners could participate in these types of groups if asked without permission from other City Commissioners.

Discuss and Consider Sale of Logan Pointe Lot for \$1,000.00 to Mike & Tanya McRae-Attorney Jantz is checking on ordinances for proper building codes. Mr. Jantz said all current existing requirements on the lot itself will be met and followed by the purchasers. A motion was made by Mayor Urbanek, seconded by Commissioner Bell to sale the Logan Pointe Lot for \$1,000.00 to Mike & Tanya McRae. Motion carried with Commissioner Donahue and Commissioner Gares voting "Nay."

Discussion of Pool Opening-The city is bound by State and County Guidelines on opening the pool. The city will observe and follow all requirements to include social distancing and mass gathering limits. A question was asked if the City has insurance coverage if COVID-19 would break out? Attorney Jantz will check on this for accuracy of information on insurance coverage if the city follows the required rules in opening the pool. Lisa and her staff are ready to open the pool if permitted and all employees are certified as required. The soonest the pool could be opened is June 1, or June 2, 2020 according to state and county guidelines. It was also mentioned that the City Pool Manager can make decisions on refunding of pool money for tickets and season passes if money would need to be refunded due to changes in state and county guidelines for opening the pool due to COVID-19 issues. A motion was made by Commissioner Bell, seconded by Mayor Urbanek to open the pool as soon as possible as government orders allow. Motion carried with all voting "Aye."

A motion was made by Mayor Urbanek, seconded by Commissioner Bell to recess into Executive Session K.S.A. 75-4319(b)(1) pursuant to the non-elect personnel matters, to preserve the privacy of each potential city manager candidate. To include the Governing Body, the City Attorney, the City Clerk, and Art Davis of Baker/Tilley if possible. The open meeting to resume in the City Hall Board Room at 7:25 pm. Motion carried with all voting "Aye." Regular Meeting resumed with no action taken.

Update on City Manager Search. Mayor Urbanek reported the City has been through the complete process on the City Manager Search and the Commissioners had narrowed the candidates to 5. One candidate withdrew his application, one candidate did not fit the city's goals and needs, so there were three candidates left. The commissioners did virtual interviews and tours and one candidate withdrew his application before having the person to person meeting with the Commissioners, leaving two candidates. The remaining two candidates withdrew their applications after their in-person tour and further discussion with Commissioners. Mayor Urbanek said Art Davis of Baker/Tilley has leads on 3 new potential candidates so the Commissioners will keep moving forward with the process to hire a new City Manager.

A motion was made by Commissioner Bell, seconded by Commissioner Gares to adjourn. Motion carried with all voting "Aye."

Also, present: J.R. Sparke-Herington Times.

Marcus Hawkes, City Clerk