

Regular Meeting
June 16, 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 Regular Meeting June 2, 2020. Motion carried with all voting “Aye.”

Additional Agenda Items. Add Agenda Item 9A-Discuss and Consider Request of Side by Side Run for June 27, 2020 from the Fireworks Committee. Agenda Item 10A-Discuss and Consider Street Closure Request on July 11, for 3-4 hours for graduation party from Rita Hull closing Maple St between A & B Streets. A motion was made by Commissioner Gares, seconded by Commissioner Bell, to approve the Agenda with additional agenda items 9A and 10A. Motion carried with all voting “Aye.”

Discussion of City Liability Regarding Public Spaces. Commissioner Donahue requested this discussion and had questions on the City Liability Coverage in force. Tandi from Smart Insurance joined the conversation by telephone. Tandi said the General Liability policy does not cover “public” sickness and how it relates to public events such as the swimming pool and the lake activities. Tandi advised using due diligence practices, sanitizing, wearing face masks, cleaning and sanitizing, and following any mandated restrictions. City Attorney Brad Jantz said to provide some form of advisory, where everyone is voluntarily participating at their own risk with COVID-19. City Attorney Jantz will write a Memorandum of Understanding and have it ready to be posted at the Herington Lake. Commissioner Donahue suggested looking at a City Group Coverage Liability Plan covering all City Events, and after discussion, consensus was to keep the current General Liability for the City in place and all groups will have their own coverage for each specific event.

City Update of COVID-19. Mayor Urbanek said the Governor changed orders to recommendations. At the end of June 22, 2020, there will not be restrictions. If gatherings over 50 people, it is necessary to write down the names, addresses and telephone numbers of all attending the gathering. Wearing masks and practicing social distancing are highly recommended. The 1st meeting in July on July 7th, 2020, the City will open the meetings to the public. Chairs will be placed 6 feet apart. The restricted attendance policy applies and is in effect and the City will continue the Virtual Meetings. After discussion, consensus was reached to hold the City Meetings at City Hall in lieu of another meeting place. City Hall will reopen on July 1, 2020.

Public Hearing-Waste Water Treatment Plant. This was the second required Public Hearing for the Sludge Press. There were not any Public Comments and the Public Hearing ended. There was a sign-in sheet for the Public Hearing.

Discuss and Consider Approval of Cereal Malt Beverage License to the Herington Fireworks Committee for July 4, 2020. The beer garden will have to have a defined space and be cordoned off. City Attorney Brad Jantz will draw up a resolution to suspend the City Ordinance allowing beer consumption on city property. A special meeting will be held to approve the resolution. A motion was made by Commissioner Bell, seconded by Commissioner Gares to approve a cereal malt beverage license to the Herington Fireworks Committee for July 4th, 2020 with an approved resolution in place for the event. Motion carried with all voting "Aye."

Discuss and Consider Request of Side by Side Run for June 27, 2020 from the Fireworks Committee. A motion was made by Commissioner Bell, seconded by Commissioner Hartman to waive UTV and ATV Registration Fees for June 27, 2020 and allow access for use of City Property. Motion carried with all voting "Aye."

Discuss and Consider Street Closure Request on July 13, 2020 for 3-4 hours for a graduation party by Rita Hull. The street closure would include Maple St. between A & B Streets. A motion was made by Mayor Urbanek, seconded by Commissioner Gares to approve the street closure request on July 13, 2020 for a graduation party by Rita Hull at Maple St between A & B streets for 3-4 hours. Motion carried with all voting "Aye."

Discuss and Consider Approval of Outside Display in Zone B-5 of the Central Business District for Ralph & Izzy's Coffee Shop. A request was made by the owners of the coffee shop to place 2 Bistro Tables with Chairs on the City sidewalk in front of their coffee shop following all recommended guidelines. A motion was made by Mayor Urbanek, seconded by Commissioner Gares to approve the outside display of 2 Bistro tables and chairs in front of the coffee shop. Motion carried with all voting "Aye."

Distressed Property Hearing 222 W. Main-Mayor Urbanek tried calling the owner, Joe Kossman by telephone to speak with him and was unable to talk with him. Mayor Urbanek then called Scott Melcher and Scott said Joe Kossman was actively working on this property and was satisfied with the work he has done on the property and recommended extending the abatement process for 6 months. A motion was made by Commissioner Bell, seconded by Mayor Urbanek to extend the abatement process for 6 months. Motion carried with all voting "Aye."

Discussion of Realtor Opportunity for Logan Pointe Properties-Tracy Jones Realty and Karon's Realty are both willing and want to promote selling the properties at Logan Pointe. They would use MLS listings and split the remaining lots at Logan Pointe. Additionally, both Realty Companies want to promote and advertise all city commercial properties. Both Tracy Jones Realty and Karon's Realty made a proposal to sell and promote all city commercial properties for a \$500.00 commission fee for each property they sell. A motion was made by Mayor Urbanek, seconded by Commissioner Donahue to approve Tracy Jones Realty and Karon's Realty proposal to list all city commercial properties for a \$500.00 Commission Fee for each property. Motion carried with all voting "Aye."

Discuss Possibility of Hosting a Community Open Forum Special Meeting Regarding the Lakes. Proposed Dates of July 13th or 20th, 2020. Mayor Urbanek asked the city commissioners to consider reservations at both lakes and upgrade the City Lake Ordinance so it covers both lakes using one revised Ordinance. This

Ordinance would include reservations with details included. Consensus was agreed it was not necessary to host a Community Open Forum Special Meeting regarding the Lakes as the City Commissioners make these decisions and it was decided that a rough draft of the revised changes to the City Lake Ordinance would be available at the July 7th meeting including reservations with details for approval. This would be approved and in effect by January 2021. A motion was made by Commissioner Bell, seconded by Commissioner Gares to revise the City Lake Ordinance to cover both lakes with reservation details so both lakes operate using the same Ordinance rules and regulations. Motion carried with all voting "Aye."

Discussion of Progress on MOU with Jeff Kilmer and Herington Regional Airport-City Attorney Brad Jantz sent a blanket email to all the City Commissioners and a Carbon Copy to City Clerk Marcus Hawkes regarding the Memorandum of Understanding he had completed with Jeff Kilmer and the Herington Regional Airport. There was some computer/internet error as the intended recipients did not receive them so Attorney Jantz will send them again with a return receipt to ensure delivery of these emails. The Memorandum of Understanding outlined all the details of responsibility and renewal times of the agreement with the stipulation stating either party can terminate the agreement. Jeff Kilmer is looking at the 5th of September and October 2020 to host his event. This discussion was tabled and will be discussed on the next City Commission Agenda July 7, 2020.

Discussion of Municipal Court and Court Appointed Attorneys. There are challenges with retaining Court Appointed Attorneys. Mayor Urbanek asked City Attorney Brad Jantz who within the City besides the City Manager follows up and helps find and locate court appointed attorneys. City Attorney Jantz said this is the City Manager's duty, and in the absence of a City Manager, the City Court Clerk can reach out and make inquiries for city appointed attorneys and their availability and interest for the City of Herington. City Attorney Brad Jantz said the City is required to provide representation by use of Court Appointed Attorneys. There is a requirement and need for someone at the Municipal Court Level too. City Attorney Brad Jantz said the City is currently short on City Attorneys.

A motion was made by Mayor Urbanek, seconded by Commissioner Bell to recess into Executive Session K.S.A. 75-4319(b)(1) to protect the privacy rights of persons being discussed, pursuant to the Non-Elected Personnel matters exception, K.S.A. 75-4319(b)(1). To include the Governing Body, the City Attorney and the City Clerk. Open meeting to resume in the City Hall Board Room at 7:06 pm. Motion carried with all voting "Aye." The Regular Meeting resumed with no action taken.

A motion was made by Mayor Urbanek, seconded by Commissioner Bell to recess into Executive Session K.S.A. 75-4319(b)(1) to protect the privacy rights of persons being discussed, pursuant to the Non-Elected Personnel matters exception, K.S.A. 75-4319(b)(1). To include the Governing Body, the City Attorney and the City Clerk. Open meeting to resume in the City Hall Board Room at 7:17 pm. Motion carried with all voting "Aye." The Regular Meeting resumed with no action taken.

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

Also Present: J.R. Sparke-Herington Times

Marcus Hawkes, City Clerk