

Regular Meeting
July 21, 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 Gares, seconded by Commissioner Donahue to approve the minutes of the Regular Meeting July 7, 2020. Motion carried with all voting “Aye.”

Public Forum Items – Melissa Schaecher of 212 E. Hawley talked about code enforcement letters she had received regarding cleaning up her yard. Melissa then received a 2nd letter stating she was not in compliance. Melissa said she would like to see these letters contain itemization and specifics of the alleged violation(s) so she is more aware of exactly what she needs to address and clean up. Melissa said other areas of town were needing cleaned up and if the City was going to send a certified letter to a resident to be more specific of what needs to happen to correct the violation(s) in the letter. Mayor Urbanek said she would check in- to the reasoning for Melissa receiving a 2nd letter as Melissa felt she was already in compliance and had corrected the issues prior to receiving the 2nd letter. Dave Jones spoke about the City Budget and Trees needing trimmed in the City. Dave pointed out the urgency of getting the Budget completed and turned in timely as time is of the essence and the City is behind in meeting the usual budget guidelines for completion of the budget to send to the county. The Budget is with the Auditors and it is being worked on now. Dave spoke of the trees around town that are hanging into the streets and they need trimmed as vehicles can- not safely drive down the streets without running into branches and breaking them leaving tree branches in the streets. Dave said property owners need to trim these tree branches and if they do not do it, the City can trim them and bill the property owners. Dave mentioned if submitting Public Forum questions by email where citizens did not want to attend the actual city meeting, then those forum questions should be addressed and recognized at the meeting. Commissioner Gares did not receive an email from Dave Jones, but it was noted that with Dave Jones being present at the meeting, it would be discussed on the meeting agenda. If Dave Jones had not attended the meeting in person to discuss his items on the forum, the City Clerk would have printed his email and sent it to all the Commissioners and Mayor to address and discuss at the meeting.

Additional Agenda Items. Additional Agenda Items were added to the Agenda. Add Agenda Item 7A- Discussion of Policy Regarding Public Comments at Restricted Meetings. Add Agenda Item 12 – Discussion of the City Budget. Add Agenda Item 12A – Discussion on the Herington Library Budget for 2021. Add Agenda Item 15A – Executive Session on Personnel request made by City Attorney Brad Jantz. Add Agenda Item 15B by Commissioner Donahue to discuss idea of adding a Temporary City Manager using the Kansas League of Municipalities in the search for an Interim City Manager. Commissioner Bell seconded to discuss the idea further. There was consensus from the Commissioners and Mayor to discuss this topic. A motion was made by Commissioner Gares, seconded by Commissioner Bell, to approve the Agenda with additional agenda items 7A Discussion of Policy Regarding Public Comments at Restricted Meetings, Add

agenda item 12 Discussion of the City Budget, Add agenda item 12A Discussion on the Herington Library Budget for 2021, Add agenda item 15A Executive Session on Personnel Request made by City Attorney Brad Jantz, and Add agenda item 15B Commissioner Donahue to discuss idea of adding a Temporary City Manager using the Kansas League of Municipalities in the search for an Interim City Manager. Motion carried with all voting "Aye."

City Update of COVID-19. Mayor Urbanek said the City is following the adopted Dickinson County Recommendations. A question from Commissioner Donahue inquired or asked why the City Office was requiring everyone entering the City Office to wear a mask. Mayor Urbanek said every business owner can make this request and City Clerk Marcus Hawkes made this decision to require the wearing of masks upon entering the city office. The City has the ability based on statutes to be more restrictive not less than the county guidelines. The School District follows the Guidelines of the Board of Education. Commissioner Gares said there is a Mandatory Executive Order issued for the schools by the Governor too.

Discussion on Policy for Public Comments at Restricted Meetings. Commissioner Gares spoke of this policy in effect and said all emails need to be given to the City Commissioners to address at the meeting. Commissioner Gares did not receive Dave Jones's email, and Commissioner Gares said all public comments and emails need to be sent to all Commissioners and the Mayor and put into the minutes.

Update on Water Treatment Plant from Buck Driggs. Buck said he had several interactions with KDHE and KDHE is done reviewing the plans and specs except for the financial aspect of the agreement. Buck said the project is ready to go to the bidding process, and advertising this in the newspaper for 30 days. After the 30 days of advertising, Buck can take Bids and once the Bids are collected and taken, Buck said he hoped it would be less than a 30- day timeframe to accept a Bid. Buck hoped the entire process would entail 45 to 60 days to accept a Bid. Buck said he wanted to see the concrete work completed and the Building up before the snow flies. There is still a delay in getting materials and supplies from California due to the COVID-19 as workers are not working on their job sites and are staying home. Buck did point out that most of the KDHE work force are working from home and not back in their jobs so making contact and getting responses back from KDHE has been a slower process than usual. In closing, Buck said he is ready to move forward and start the bidding process.

Presentation from KMEA Representatives Paul Mahlberg, Neal Daney, and Darren Prince. Paul Mahlberg, General Manager of KMEA spoke about KMEA's Mission and that they were a Member Organization and worked for their customers. Paul brought a slide presentation and gave a copy to all the Commissioners and City Mayor with the company information and what they can offer to a Municipality. Mr. Mahlberg noted that the City Contract would expire with Evergy in June 2022 and KMEA wants to submit paperwork and a proposal to the City of Herington to show the City that they can offer a better contract costing a lot less than what the City pays for Electricity now. KMEA has 28 employees' and they currently offer gas or electric services to 108 cities. KMEA has been in business for 40 years and they are now moving across the State to offer their services to more businesses and cities. KMEA would submit a proposal after data gathering was done and would like to pursue this in a couple of months and get back with the city on this

information. KMEA Representatives said they could save the City of Herington 37% reduction costs compared to Evergy now. KMEA has many different options and fixed yearly agreement terms and would put this all in a proposal to the City of Herington. The Governing Body asked KMEA representatives to come back with structure and agreements providing the locked in rates. KMEA would then do a rate study after the City makes a Power Supply Decision. KMEA advised the City to make this power supply decision and then KMEA will complete the rate study they are currently working on. Consensus of the City Commissioners and the Mayor was to have them review all options for the City of Herington and bring it back to the Commissioners for their review and analysis.

Discussion of 205 S. 10th St. – Ingrid Herwick. Ingrid spoke to City Attorney Brad Jantz last fall about the neighbor's building a fence and the height of the fence was an issue as well as the fence didn't allow air flow to her property due to the 6'9" height of the fence on the side of the neighbor's home adjacent to Ingrid's home. On May 1, 2020, Ingrid issued a Formal Complaint stating a wooden privacy fence should not be higher than 6' and that it was built clear to the sidewalk and was higher than the 4' it should be. Ingrid said a 24 ft. section they added another foot of fence to make it even higher and Ingrid said the fence is offensive and looks horrible. Ingrid said this fence blocks her view from her yard down the street. Ingrid said the neighbors got another permit to build a fence in the back yard and it is 8 ft high and that is too high. Ingrid said she can- not sell her house due to this fence and this has caused her property value to be lower. Fire Chief Scott Melcher, addressed this issue by reading from the Herington Zoning & Subdivision Regulations, Ordinance #1490, Adopted July 1996 which states, fences erected after the date of adoption of this ordinance shall not exceed eight(8) feet in height in the side yards and rear yards. For purpose of this ordinance, a fence shall be considered in the front yard at any point of the building line of the house. Code Enforcement Officer, Scott Melcher said the fence is constructed according to this Ordinance 1490.

Discussion of Charges for Temporary Electrical Services. David Kahle said it costs the city materials and labor to install temporary meters and a lot of the time, customers do not use it for very long on special projects. Customers use it for remodeling a home or redoing siding on a home so the length of time they need this temporary service is usually short in nature. David feels there should be a charge for this service as it is part of city business and it costs every time it takes two linemen to set this service up plus materials. City Clerk Marcus Hawkes said he liked the option of contacting city office and the charge would be based upon the current rates in effect. Attorney Brad Jantz suggested to set up the Basics and he will put it in place working with Marcus on this. It was also suggested that when setting this charge for electrical services, that the water department could be set up for similar charges on their water services they provide as well. That would take care of temporary charges for water and electrical services together.

Discussion of City Budget for 2021. The City Budget is due to the County by August 25, 2020 and typically, the City has a rough draft submitted by July 31, 2020 for Commissioner and Mayor approval. It is best to publish this in the newspaper by the end of July 2020, but it needs to be published in the newspaper by August 5, 2020. There will need to be Special Meetings held in order to get this completed and ready to submit to the County. Mayor Urbanek said most of the Department Heads had already submitted their budgets and the Auditors are working on the City Audit and 2021 Budget now. Marcus will call the Auditors Wednesday, July 22, 2020, and see where they are at in the Budget and Audit Process. Department Heads will send their budgets by email to Marcus who will then send out the budgets to all

the City Commissioners and the Mayor. Dates will be set for Special Meetings and Dates to finalize and approve the City Budget to meet the required deadlines.

Discuss and Consider the Herington Library Budget for 2021. Commissioner Bell made a motion, seconded by Mayor Urbanek to approve the submitted budget subject to value of 7 mills maximum per Charter Regulations, subject to staff approval. Motion carried with 3 "Ayes" and 2 "Nays."

Discuss Strategic Plan for Airport. Mayor Urbanek said there are future needs at the Airport concerning water and sewer services. There are opportunities for development and an idea of a plan or layout for water and sewer services. Attorney Jantz said to develop a Preliminary Plat which is done by professionals where they reformat areas at the airports into lots. In the past, individual leases were negotiated to fit the needs of the lessees at the time of a new lease negotiation and now is the time to look towards the future and make uniform changes that fit all needs of the lessees. There needs to be a strategic and efficient supply of water and sewer services. Merlin will provide the information he has on hand from years ago where they started a plan like this and did not get it completed. It was also suggested to obtain Winfield's plan and compare it to the City of Herington's needs. Attorney Jantz will help gather this information. Commissioner Bell stated after the Budget is done and submitted, he will get with Merlin and work on the leases at the airport and lake to clarify and renegotiate terms on the leases.

A motion was made by Mayor Urbanek, seconded by Commissioner Bell to recess into Executive Session K.S.A. 75-4319(b)(2) consultation with an attorney for the public body agency which would be deemed privileged in the attorney-client relationship relating to contract negotiation. To include the Governing Body, the City Attorney and the City Clerk. Open meeting to resume in the City Hall Board Room at 7:00 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, City Clerk, and Chief of Police Brian Hornaday. Open meeting to resume in the City Hall Board Room at 7:30 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 Gares 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, City Clerk, and a portion of the meeting with Chief of Police Brian Hornaday. Open meeting to resume in the City Hall Board Room at 8:15 pm. Motion carried with all voting "Aye." The Regular Meeting resumed with no action taken.

A motion was made by Commissioner Donahue, seconded by Commissioner Gares, to add Agenda Item 15B to discuss the idea of adding a temporary City Manager contacting the Kansas League of Municipalities to help pursue and assist the City with this task. Motion carried with all voting "Aye." Commissioner Bell said he would like to keep things the way they are now as we are making progress and need to stay focused on completion of the Budget meeting required deadlines. Mayor Urbanek spoke with Art of Baker-Tilley and Art said he had 30-40 individuals he tried to entice to come here and the bottom line was the

individuals did not like this area and felt the City had a bad reputation. Art Davis is now talking with another individual as a possibility and will keep the Governing Body updated on this progress. A motion was made by Commissioner Donahue to search and get a temporary Interim City Manager with the Kansas League of Municipalities assistance. Hearing no second, the motion fails.

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

Also Present: Ingrid Herwick, Scott Melcher, Brian Hornaday, Dave Jones, Melissa Schaecher, Paul Mahlberg/KMEA, Darren Prince/KMEA, Neal DAney/KMEA, Robert Snurpus, Suzanne Snurpus, Buck Driggs, David Kahle, Carl Urbanek, Leslie Mayes and J.R. Sparke-Herington Times.

Marcus Hawkes, City Clerk