

**Regular Meeting**  
**September 1, 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, City Clerk Trainee, Megan Lawrenz, 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 Hartman to approve the Minutes of the Regular Meeting August 18, 2020 and Special Meetings August 12, 21, 24, and 28, 2020. Motion carried with all voting “Aye.”

Public Forum Items – There were 2 Public Forum Items. Larry Mann, 319 N E St., spoke about electronic notifications and said he has not been receiving any notices on meetings. City Clerk Marcus Hawkes will check in to this and see why they are not being received. Vance Donahue Sr., 410 S. Broadway, spoke in reference to the City Manager Position and the Vacancy. Mr. Donahue asked if the League of Municipalities was notified to obtain an interim manager. Mr. Donahue suggested that the City Commission read the manuals and city policy handbook for proper placement of City Managers when there is a vacancy. Mr. Donahue also inquired if the current City Clerk was asked to be the Interim City Manager. Mayor Urbanek said yes that was asked of the City Clerk. Mr. Donahue said a local resident who he felt was qualified for the interim position of city manager was not interviewed and felt local, qualified candidates who reside and live here will stay longer in their respective position with the City.

Additional Agenda Items – Commissioner Gares added Agenda Item 7A to have a Discussion regarding Meeting Notifications and Clarification from City Attorney, Brad Jantz.

A motion was made by Commissioner Bell, seconded by Commissioner Gares, to approve the agenda with the addition of Agenda Item 7A to have a Discussion regarding Notifications and Clarification from City Attorney, Brad Jantz. Motion carried with all voting “Aye.”

City Update of COVID-19. Mayor Urbanek said on August 17, 2020, Governor Kelley renewed the ban on mortgage foreclosures and evictions. These are the most recent updates pertaining to COVID-19.

Discussion Regarding Meeting Notifications and Clarification from City Attorney, Brad Jantz. City Attorney Brad Jantz said to use General Guidance. Notices need to be publicly displayed at the City Building and signs would also be appropriate to use. City Attorney Jantz said the City should make provisions to notify newspapers and make sure this is posted on the city website. The City should give general and obvious impression on meeting notifications. City Clerk Marcus Hawkes said he would check and see why they are not showing up on the website and being received.

Discuss and Consider Sale of Logan Pointe Lot for \$1,000 to John & Kelli Thissen. Tracey Jones brought the Offer to the City for \$1000, Lot 8, which is close to Thissen’s property. Commissioner Bell said the

Thissen's wanted to purchase this lot with the intention of their son building a home on the lot within a year time frame. City Attorney Brad Jantz suggested the lot sell for a flat rate price of \$1000. A motion was made by Mayor Urbanek, seconded by Commissioner Bell to sell the Logan Pointe Lot for \$1000 to John & Kelli Thissen. Motion carried with all voting "Aye."

Recognition of Patriots Day Remembrance Walk. The Auxiliary of the Veterans of Foreign Wars and the Veterans of Foreign Wars invited the Mayor and City Commissioners to their 13<sup>th</sup> Annual Remembrance of 9-11-01, National Patriots Day Remembrance Walk. Everyone should meet at Father Padilla Park at 5 pm on Friday September 11, 2020. A prayer will be given at 6 pm in remembrance and following the prayer the color guard will lead a lap around the pond. The walk will continue however long you want to walk or until 8 pm.

Discussion of Progress on MOU with Jeff Kilmer and the Airport. City Attorney Brad Jantz is done with the MOU and the City Commissioners had the opportunity to make changes and now Jeff Kilmer needs to agree and approve the MOU and sign it. City Attorney Brad Jantz will email this document to City Clerk Marcus Hawkes to print it off and have Jeff Kilmer come into the City Office to sign the MOU. Final Execution and Approval will take place once Jeff signs the MOU Document.

Discussion on 5 West Walnut (Mini Mall) Fund Recovery Options. City Attorney Brad Jantz said there are several options available to the City for consideration and discussion. One option could include Attorney Fees to go after the previous owner by means of assigning a lien against the property. Since this property was sold at a Sheriff's Auction, this type of sale usually wipes out all costs with the property. This would be a time-consuming and expensive option for the City. Another option would be to go after the current owner. In this sale, an individual purchased the property and deeded it to a Non-Profit Organization. This clouds the title to the current owner and the owner only purchased this property and deeded it to the Non-Profit Organization. Commissioner Donahue had reservations and felt this property transaction was mishandled by the Governing Body prior to his election as City Commissioner. After thought and discussion, the Consensus of the Mayor and City Commission was to not pursue any liens against the previous or current owners of this property. The City does not have any responsibility with this property.

Discussion on Solar Policy. City Attorney Brad Jantz has completed the Solar Policy Draft and said there have been more changes added to look at and possibly incorporate into the draft and asked the Governing Body for forbearance to address everything properly with the added changes in place. Mayor Urbanek said another inquiry was shared with her on the Solar Policy. City Attorney Brad Jantz said he will bring the updated Solar Policy Draft to the next meeting for review and approval.

Discussion of Annexation Progress. City Attorney Brad Jantz has completed the Annexation Paperwork. The file with the Ordinance needs to be located and filed with the County and the City will be done with the annexation. The City Commission will then be able to pass it and publish it in the paper one more time. Commissioner Gares said he had received emails about the annexation process, inquiries from residents asking about the annexation process and after he sent them emailed responses back, he has not heard any more from these residents.

Discussion of Lake Ordinance Progress. City Attorney Brad Jantz is done with the Lake Ordinance and it is ready to be adopted by the Governing Body. Mayor Urbanek said Commissioner Donahue wants to consider additional changes and recommendations to the Lake Ordinance and wants a copy in front of him in order to consider these changes and additions. City Attorney Jantz will bring the Lake Ordinance with him to the next city meeting for review and last-minute changes and additions to the Lake Ordinance. Once this is done, it will be ready for the Governing Body to pass and approve.

Discussion of Progress on Lease Agreements with Hodgdon Powder Company. City Attorney Brad Jantz said agreements are not the issue. City Attorney Jantz said the leases need clarification with specifics of the leases being looked at and changed to make sure they are in proper order with what the City requires and wants.

Discussion of Logan Pointe HOA. Mayor Urbanek said there are individuals wanting to purchase property and currently there are covenants with major restrictions in place. Mayor Urbanek said the City Commission has the authority to waive these covenants dating back to 2007. City Attorney Brad Jantz said there were major revisions and substantial changes made to the Logan Pointe HOA during City Manager Ed Patton's period of employment with the City of Herington, but the document was not completed or approved or filed with the County. Commissioner Donahue wants to review HOA agreements and do research in this area and the consensus of the governing body is to review covenants and restrictions and view other options at a future city meeting. City Attorney Brad Jantz has drafts and a template form and will share these documents with the governing board and make any necessary changes as needed and approved by the City Commission.

Discuss and Consider Appointing a Contact Person for Accounts at The First National Bank of Hope. A motion was made by Mayor Urbanek, seconded by Commissioner Bell to appoint Megan Lawrenz as Contact Person for Accounts at The First National Bank of Hope. 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) 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, City Attorney, City Clerk, and City Clerk Trainee. The open meeting will resume in the City Hall Board Room at 6:45 pm. Motion carried with all voting "Aye." The Regular Meeting resumed with no action taken.

Discuss and Consider Disciplinary Authority in the Absence of a City Manager. Commissioner Bell wants to make an adjustment or amend the motion previously approved regarding Disciplinary Authority in the Absence of a City Manager. Commissioner Bell further wants to include guidance and advice from City Attorney Brad Jantz in these matters. A motion was made by Commissioner Gares, seconded by Commissioner Donahue to grant Disciplinary Authority to the City Clerk in absence of the City Manager with guidance and advice from City Attorney Brad Jantz. Motion carried with all voting "Aye."

Discussion of City Manager Update – City Attorney Brad Jantz said the Contract is drafted and a Final Review is underway. The City is waiting on a Signature from the Successful Candidate and once that is signed by the Successful Candidate then the Contract will get approved by the Governing Board and the Successful Candidate will be hired as the New City Manager.

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

Also Present: Larry Mann, Karla Mann, Carl Urbanek, Vance Donahue Sr., Chief Brian Hornaday and J.R. Sparke-Dickinson County News-Time

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Marcus Hawkes, City Clerk