

REGULAR MEETING

March 18, 2014

The Board of City Commissioners of the City of Herington, Kansas met at City Hall at 4:30 p.m. on the above date—the following being present: Mayor Robbin Bell, Commissioner Fred Olsen, Commissioner D.J. Neuberger, Commissioner Beth Wade, Commissioner Chuck Miller, City Manager Ron Strickland, and City Clerk Debra Wendt. City Attorney Brad Jantz arrived late.

A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to approve the minutes of the meeting of March 4, 2014. Motion carried, all voting, “Aye.” Appropriation Ordinances #C0228-14 and #P0310-14 were discussed and reviewed.

D.J. had six items to add to the agenda—(1) Discussion of ADA requirements (7A); (2) ADA curb cuts (7B); (3) Electric rates (9A); (4) Cost of utilities at Homestead Village, Hilltop, Community Building (9B); (5) Executive session—attorney/client privilege (9C); (6) Executive session—non-elected personnel (9D). Fred objected to adding these items, and said they should be brought up at the next meeting. Brad Jantz arrived at this time. D.J. pointed out that the rates, utility costs, and ADA matters are all items that have been discussed in recent months. Commissioner Wade made a motion to approve the agenda, with the addition of #7A, 7B, 9A, 9B, 9C, and 9D. It was seconded by Commissioner Neuberger. D.J. said that we keep putting things off, so nothing is getting accomplished, and he also referred to an e-mail on ADA regulations that he sent to the Commissioners. When the vote was taken, the motion failed, with Commissioners Miller and Neuberger voting “Aye,” and Mayor Bell and Commissioners Wade and Olsen voting “Nay.” Ron had some items to add—Cemetery lot prices, an EDC project, and Neighborhood Revitalization—but he said he would discuss these things during his City Manager comments. A motion was made by Commissioner Olsen, seconded by Commissioner Wade, to approve the agenda as presented. The motion passed 4-1, with Commissioner Neuberger casting the dissenting vote.

A motion was made by Commissioner Olsen, seconded by Commissioner Miller, to appoint David Gehrke to the Director #2 position on the KMEA Board of Directors for a two-year term, to expire 4-30-16. Motion carried, all voting, “Aye.”

We received a quote for work comp insurance from the Kansas Municipal Insurance Trust (KMIT) for \$53,576.00 annually, or \$40,255.00 for the remainder of 2014, April through December. EMC Insurance has recently cancelled our work comp insurance effective 4-1-14. Ron recommended approving this bid and keeping the rest of our insurance with EMC. Tandi Arevelo said that she would still be our local agent, and that she felt that switching to KMIT would be a good decision. A motion was made by Commissioner Wade, seconded by Commissioner Olsen, to accept the quote from KMIT for \$40,255.00 for work comp insurance for the remainder of 2014. After the motion and second, D.J. asked how many quotes we received. The motion passed unanimously.

A resolution that would authorize the Mayor to sign the interlocal agreement with KMIT and incorporate the bylaws and the agreement was considered:

RESOLUTION NO. 843

WHEREAS, the Governing Body of the City of Herington, Kansas has authority under the Kansas Municipal Group-Funded Pool Act, K.S.A. 12-1616, et.seq., as amended, and the Interlocal Cooperation Act, K.S.A. 12-2901, et.seq., as amended, to participate in and form a group-funded pool for workers compensation coverage; and

WHEREAS, the City of Herington, Kansas has reviewed an agreement to cooperate with other municipalities to form such group-funded pool entitled Bylaws and Interlocal Cooperation Agreement for the Kansas Municipal Insurance Trust, a copy of which is attached hereto and incorporated by reference in this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE ABOVE STATED MUNICIPALITY THAT:

1. The Bylaws and Interlocal Cooperation Agreement for the Kansas Municipal Insurance Trust, a copy of which is attached hereto and incorporated by reference into this Resolution, is hereby approved.
2. The Mayor is hereby authorized and directed to sign the Agreement on behalf of the municipality.
3. Neither this Resolution for the Agreement approved hereby is intended to nor does it waive, nor shall it be construed as waiving, any immunity or limitation on liability provided to the League, its offices or employees, by any law, including but not limited to any such immunity or limitation appearing in the Kansas Tort Claims Act or amendments thereto. Furthermore, neither this Resolution or the Agreement is intended to, nor does it provide for coverage in excess of the limitation on liability within the Workers Compensation Act, K.S.A. 44-501 et. seq., or amendments thereto.
4. The municipality understands and further by execution of this Resolution and the Agreement agrees that it will comply with the requirements of the Workers Compensation Act and amendments thereto and further understands that in accordance with the BYLAWS AND INTERLOCAL COOPERATION AGREEMENT THAT THE INDIVIDUAL MEMBERS OF THE COOPERATION MAY BE SUBJECT TO ASSESSMENT OF ADDITIONAL CONTRIBUTIONS UNDER THE CIRCUMSTANCES DESCRIBED IN THE AGREEMENT.
5. One copy of the signed Agreement shall be mailed to the Executive Director of the League of Kansas Municipalities along with a copy of this Resolution, one copy of the signed Agreement shall be filed with the County Register of Deeds, and one copy of the signed Agreement shall be filed with the Secretary of State of the State of Kansas.

A motion was made by Commissioner Neuberger, seconded by Commissioner Wade, to adopt Resolution No. 843. Brad Jantz said that he has not reviewed the documents. The motion failed 5-0. A motion was made by Commissioner Wade, seconded by Mayor Bell, to adopt Resolution No. 843, subject to staff review. Commissioner Neuberger suggested having a special meeting after Brad has reviewed the documents. The motion passed 4-1, with Commissioner Neuberger casting the dissenting vote.

KMIT suggested implementing a policy that defines the employees return to work after an injury. Ron incorporated their sample into our personnel policy, under F-4, and he presented the update for consideration. It was brought up that injuries should be reported promptly, and this should be included in the personnel policy. Ron said it is in another section of the policy. It was decided to table this until the next meeting.

Ron brought up the repair of the adjoining wall with Kay's Pharmacy. Kay Brunner owns one-half of the wall, and the City/USD 487 owns half. Kay indicated that if we repair the wall, she will pay half of the material cost and release the wall from our liability. The Commission gave permission to repair the wall.

The next item discussed was the selling price of the Logan Pointe lots. Beth suggested \$3,000 per lot. Chuck thought that is too much, and Ron said that the EDC recommends \$2,500-\$3,000. D.J. felt that we need to stay with \$3,000 to keep the property values in town up. A motion was made by Mayor Bell, seconded by Commissioner Olsen, to set the price per lot at Logan Pointe at \$2,000 each. The motion passed 3-2, with Mayor Bell and Commissioners Olsen and Miller voting "Aye," and Commissioners Wade and Neuberger voting "Nay."

Ron briefly commented on the Broadway Street bridge and signs for Logan Pointe and the Commercial Park. He then spoke about some confusion with the Neighborhood Revitalization Plan. He thought that a rebate of city sales tax on materials purchased locally was in the plan, but it is not. Brad explained that legally, it could not be included in the Neighborhood Revitalization Plan, but that a separate document could be approved that would allow the rebate. Ron said that he has offered the rebate to a person, and he thinks it should be honored. The Commission disagreed, and said that they like the idea, but that we can't go back now to purchases that have already been made. They directed Brad to create something that would allow the rebate for their consideration.

Ron suggested increasing the price of cemetery lots. Beth said that the maintenance at the cemetery needs to be looked at, and that people need to start taking pride in their property. Ron briefly explained a proposed new EDC incentive program that would allow all citizens of Herington to be "ambassadors." If it is something the Commission would like to do, money could be put in the budget. Ron then reported that the animal ordinance is almost finished, and Brad said that the sales tax ordinance should be ready for the next meeting. D.J. was concerned that the proposed sales tax would not be enough to pay the hospital's electric bills and still help them out financially. He also commented on the electric bills for the Hilltop and Homestead, the electric fund balance, and ADA compliance.

A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to adjourn the meeting. Motion carried, all voting, "Aye."

Also present at the meeting were Michelle Stanford, Gloria Boomer, Wendy Jones, David Jones, Pat Moyer, Cynthia Naylor, Elaine Conant, Mark Wendt, Virginia Neuberger, Diane Walters, Tandi Arevelo, Kathleen Walter, Paula Strickland, and Stephanie Gilbert of the Herington Times.

Debra Wendt
City Clerk

