

Regular Meeting
July 7, 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 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 June 16, 2020 with necessary corrections and Special Meeting July 1, 2020. Motion carried with all voting “Aye.”

Public Forum Items – One item on Public Forum-Steve Henby had a complaint on sewer line draining out of his property to the adjacent lot. Steve initially wanted to request a hearing and learned that needs to be done in writing. Steve needs to know if the problem with the sewer line/leak bears his financial responsibility or the entity who owns the adjacent lot. Steve also wanted to address the speeders on 12th St. on Trapp St.

Additional Agenda Items. Add Agenda Item 6A to Discuss Sewer Line Complaint from Steve Henby. Remove Agenda Item #8 Discussion of 205 S. 10th with Ingrid Herwick. Ingrid was not prepared to make her presentation at this meeting. A motion was made by Commissioner Hartman, seconded by Commissioner Donahue, to approve the Agenda with corrections to the June 16, 2020 minutes, add additional agenda item 6A, and removing agenda item 8. Motion carried with all voting “Aye.”

Insurance Update from Tandi Reiff of Smart Insurance. The City of Herington received a Dividend Check from EMC Insurance in the amount of \$26,093.08 from KMU Safety Group Program. Tandi addressed the City Commissioner’s meeting to discuss Cyber Insurance. Tandi found a policy that has better coverage than the current Cyber Policy with EMC. This company is called Evolve. Evolve offers whatever limit of coverage you choose where EMC has an aggregate limit of \$50,000.00 and once that limit is reached, you cannot file any more claims that year. Evolve covers three accounts where EMC only covers one account. Evolve covers customers and vendors if data is breached and covers devices anywhere in the world including laptops, phones and all mobile devices. Evolve covers the dark web and sends an alert notice of what has happened. Tandi gave handouts to all the Commissioners to look over and see if the City needs to change their current cyber policy with EMC.

Item 6A Discussion regarding Steve Henby’s sewer problem/situation at 12th & Trapp St. Leo and/or Dennis needs to look at the sewer line causing leaks and problems. Steve said his sewer line works and function fine and does not have any backups. Mayor Urbanek told Steve Henby she would follow up on this personally. City Attorney Brad Jantz called Scott Melcher and Scott came to the meeting to share information on this situation. Scott spoke and said the city crews were mowing the old lot at the mobile home area and found a large area of water and a noticeable stench smell was observed. Scott said it will have to be determined if it involves Steve Henby’s sewer line coming off the alley and Jason will have to

acknowledge where the sewer line is located. Scott said a summons will be issued and this will be dealt with through the Municipal Court and not a City issue, due to being a nuisance issue. Scott anticipated quick movement on this with Jason's answers on the location of the sewer lines in question. The speeding problem at 12th St. on Trapp was discussed and will be looked at and addressed.

City Update of COVID-19. Mayor Urbanek shared her thoughts to leave current guidelines in place and follow recommendations of the county. Commissioner Gares made a motion to use less restriction and no mandate on wearing a mask, ultimately following county guidelines, seconded by Mayor Urbanek. Motion carried with all voting "Aye."

Discussion of 205 S. 10th-Ingrid Herwick. This agenda item was removed off the agenda as Ingrid Herwick was not prepared to present her discussion.

Discussion of Progress on MOU with Jeff Kilmer and Herington Regional Airport. City Attorney Brad Jantz sent draft copies to all the City Commissioners asking if they had any additional input on the MOU. Attorney Jantz said he had drawn up this draft with Jeff Kilmer and used Jeff's input. Jeff wants to hold 2 events yearly, maybe more. The city provides the venue and Jeff Kilmer manages the events. Jeff set up an LLC. City Attorney Jantz will prepare a Final Draft with changes and see if Jeff Kilmer is ready to sign it.

Discussion of Lake Ordinances. Mayor Urbanek presented changes and clarification points on the Lake Ordinances to the City Commissioner and City Clerk. Any extension will be at the sole discretion of the camp host in a fair and equitable manner. The City will use Reservation Software for patrons and staff. A representative said to use 1 year or a "rolling year", 13 months, to make reservations in advance. The City can add in any specifications needed for the City Lake Ordinances. Mayor Urbanek went over this document with the City Commissioners and said the City will do an amendment to the Code Section and reflect what the city wants and formalize and publish the Lake Ordinance. Mayor Urbanek said the Lake Advisory Board was dis-banded. Mayor Urbanek will condense this document and give it to the City Attorney who will then present it to the City Commissioners for approval.

Discussion of Revisions to Code Regarding Cereal Malt Beverages. Changes to accommodate 6% alcohol and public consumption of alcohol needs revision to include restrictions on what gets consumed on public property or city property. This revision needs to be explicit in nature to accurately reflect all necessary information. City Attorney Brad Jantz will prepare the Revised Code regarding Cereal Malt Beverages and will present this to the City Commissioners for discussion and approval.

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 and the City Clerk. Open meeting to resume in the City Hall Board Room at 7:18 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 Hartman 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 7:30 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 Donahue to adjourn. Motion carried with all voting "Aye."

Also Present: Chief Brian Hornaday, Chief Scott Melcher, Steve Henby and J.R. Sparke-Herington Times

Marcus Hawkes, City Clerk