**REGULAR MEETING**

**October 18, 2016**

The Board of City Commissioners of the City of Herington, Kansas met at City Hall at 6:00 p.m. on the above date—the following being present: Mayor Kat Souza, Commissioner Michelle Stanford, Commissioner Dave Jones, City Manager Ed Patton, City Attorney Brad Jantz, and City Clerk Debra Wendt. Commissioners Mark Hager and Kitty Walter were absent.

The meeting was opened with the Pledge of Allegiance. A motion was made by Commissioner Stanford, seconded by Commissioner Jones, to approve the minutes of the meeting of October 4, 2016. Motion carried, all voting, “Aye.” Appropriation Ordinances #C0930-16 and #P1010-16 were discussed and reviewed. No one spoke at the public forum.

Ed had some additional agenda items. He moved #8, executive session for non-elected personnel, City Manager evaluation, to #10A, replaced #8 with an agreement for lease of a skid-steer loader, added a Chapter 60 petition as #8A, and added a ten minute executive session, attorney/client privilege, as #8B. A motion was made by Commissioner Jones, seconded by Mayor Souza, to approve the agenda, with the aforementioned changes. Motion carried, all voting, “Aye.”

The Mayor read the following resolution:

**RESOLUTION NO. 885**

**WHEREAS**, the City of Herington has determined that the financial statements and financial reports for the year ended December 31, 2016, to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Herington City Commission or the members of the general public of the City of Herington, Kansas, and

**WHEREAS**, there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ended December 31, 2016.

**NOW, THEREFORE BE IT RESOLVED**, by the City Commission of the City of Herington, Kansas in its regular meeting duly assembled this 18th day of October, 2016, that the City Commission waives the requirements of K.S.A. 75-1120a(a) as they apply to the City of Herington, Kansas, for the year ended December 31, 2016.

**BE IT FURTHER RESOLVED** that the City Commission of the City of Herington, Kansas shall cause the financial statements and financial reports of the City of Herington, Kansas to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

A motion was made by Commissioner Stanford, seconded by Commissioner Jones, to adopt Resolution No. 885. Motion carried, all voting, “Aye.”

Ed presented a lease for a new Bobcat skid-steer loader. He explained that this is the time of year that we can get a new one and send the one leased from last year back, which is his recommendation. He would like to purchase the new one in 2017. The interest rate is valid through October 29, 2016, so Ed said the choices are to go ahead and approve the lease, wait until the next meeting and possibly have a higher interest rate, or have a special meeting. After discussion, a motion was made by Commissioner Stanford, seconded by Commissioner Jones, to authorize the Mayor to sign an agreement with KS State Bank for a Bobcat skid-steer loader, for a payment due at closing of $2,900.00. Motion carried, all voting, “Aye.”

Ed reviewed a Chapter 60 petition that has been filed against us concerning a zoning issue. It was served on October 14, 2016. Brad will answer the petition. The Commission questioned why they hadn’t heard about this sooner, and Ed said that he didn’t think the issue would go this far.

At 6:21 p.m. a motion was made by Mayor Souza, seconded by Commissioner Stanford, for the City Commission, City Manager, and City Attorney to go into executive session for 10 minutes, attorney/client privilege. Motion carried, all voting, “Aye.” At 6:32 p.m. the meeting was back in regular session. No action was taken.

Ed announced that we received a $100 “down payment” from Tower Point Capital LLC for the cell tower agreement. He also commented on a resident that took offense on a matter involving parking a semi-truck on City streets. He felt there had been a miscommunication on the matter, and said he would bring an update to the code book, 5-204 (B) and (C) for their consideration at the next meeting, after having Brad review it.

Ed said he has the monthly budget fund expenditure report done for September. He also mentioned letters he received from Randy Barten of Dickinson County concerning the recycling trailer, and from KDHE concerning the 2015 audit. Ed will speak to two 7th grade classes at Herington Middle School next week concerning the “If I Were Mayor” contest sponsored by the League. Mayor Souza will also attend.

Dave asked if there had been any updates on the inspection of the mall, and said he would like to see times scheduled for the Commission to go through the code book. Michelle mentioned that the house directly behind Barnes Heartland Foods has broken windows, tree branches, tall grass, etc.

At 6:48 p.m. a motion was made by Mayor Souza, seconded by Commissioner Stanford, for the City Commission to go into executive session for 30 minutes to discuss non-elected personnel, City Manager evaluation, with the ability to call the City Manager and City Attorney into the session. Motion carried, all voting, “Aye.” At 7:20 p.m. the meeting was back in regular session, and a motion was made by Mayor Souza, seconded by Commissioner Stanford, to extend the executive session for another 15 minutes, to include the City Manager. Motion carried, all voting, “Aye.” At 7:38 p.m. the meeting was back in regular session. Mayor Souza reported that Ed was given a six month evaluation and that the consensus is that he is doing a phenomenal job and that they are very pleased with him.

A motion was made by Commissioner Stanford, seconded by Commissioner Jones, to adjourn the meeting. Motion carried, all voting, “Aye.”

Also present at the meeting were Ken Walters, Gloria Boomer, Rick Freeman, Tandi Reiff, and J.R. Sparke.

Debra Wendt

City Clerk