**REGULAR MEETING**

**December 6, 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: Commissioner Michelle Stanford, Commissioner Mark Hager, Commissioner Kitty Walter, Commissioner Dave Jones, City Manager Ed Patton, City Attorney Brad Jantz, and City Clerk Debra Wendt. Mayor Kat Souza was absent. The meeting was conducted by Vice-Mayor Michelle Stanford.

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 November 15, 2016. Motion carried, all voting, “Aye.” Appropriation Ordinance #P1125-16 was discussed and reviewed.

At the public forum, Beth Wade, 508 East Kirkland, presented a letter to the City Commission. It said that she and her husband Lyle are going to proceed with the erection of a structure on their property. She said they obtained a building permit, and were later informed that a variance was needed. The Board of Zoning Appeals approved the variance, and there two individuals in attendance at the hearing objecting to the building plan, but as of December 5, 2016, no protest had been filed with the Clerk of the District Court. On November 24, 2016 Ed Patton verbally informed the Wades to not proceed with the building because the term of one of the members of the Board of Zoning Appeals had expired, and therefore their permit is not valid. Beth added that they have not received a letter telling them to stop their building, they have a permit, and she feels they should be allowed to continue the building. Ed pointed out that the decision that was made by the Board of Zoning Appeals was not legal, as only two members were qualified to vote, and did not constitute a quorum. Michelle stated that we need to do something, as this is not the Wades fault. Brad said that the lack of a quorum was a real problem, and that any action taken is voidable. He also agreed that the thirty day protest period is over, but it is important to get the quorum restored. The Board of Zoning Appeals will meet again to consider the variance, and the Wades will be notified of the meeting.

Also at the public forum, Gloria Boomer asked about the forgiveness of mowing assessments on a property she purchased at a tax sale. Ed suggested putting this on the agenda with some other people that are asking for the same thing.

Mark added several additional agenda items:

8A Appointment to the Planning Commission

8B Appointment to the Board of Zoning Appeals

8C Appointment to the Convention and Visitors Bureau

11A Gloria Boomer, 222 West Main, forgiveness of special assessments

6A Mike Walsh, trash contract with M & K Trash Service

A motion was made by Commissioner Hager, seconded by Commissioner Stanford, to approve the agenda, with the aforementioned additions. Motion carried, all voting, “Aye.”

Mike Walsh, M & K Trash Service, asked for another two-year contract for solid waste disposal, at the same rate they have now. The current contract will be re-written with the new dates and considered at the next meeting.

A motion was made by Commissioner Stanford, seconded by Commissioner Hager, to re-appoint Linda Herbel to the Housing Authority for a 4-year term, to expire 12-31-2020. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Hager, seconded by Commissioner Stanford, to re-appoint Ron Biehler to the Tree Board for a three-year term, to expire 9-1-2019. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Stanford, seconded by Commissioner Jones, to appoint Cherry Patton to the Planning Commission to fill a vacancy, term to expire 12-31-2018. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Stanford, seconded by Commissioner Hager, to appoint Cherry Patton to the Board of Zoning Appeals to fill a vacancy, term to expire 10-24-2018. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Stanford, seconded by Commissioner Jones, to appoint Cherry Patton to the Convention and Visitors Bureau (general public member) to fill a vacancy, term to expire 4-30-2017. Motion carried, all voting, “Aye.”

Bryan Knight, a representative from the Asphalt Zipper Company, was present to speak about a zipper machine. He asked if anyone had seen the demonstration of the machine when it was here, and he said that he has sold many of them to small communities. Ed said that he and Leo had compared this machine to a Road Hog, and felt that the Zipper is a much safer machine. Bryan indicated that it is made for asphalt, but that it also works well on gravel, but not concrete. Ed added that the machine would save us money as well as time, and that it could be purchased with nothing down, and no payments due until one year from the date we take possession. After discussion, a motion was made by Commissioner Stanford, seconded by Commissioner Hager, to purchase an AZ360B Asphalt Zipper for $105,090.00, to be financed for five years through Welch State Bank, with approximate annual payments of $23,361.51. Motion carried, all voting, “Aye.”

Three individuals were present to ask forgiveness of special assessment charges on property they purchased at a Dickinson County tax sale. They were Herman Falk, 219 North 12th, Nancy Christner, 104 South G, and Gloria Boomer, 222 West Main. It was agreed upon that assessments for landfill and storm water charges should not be removed. Dave Jones felt that all three properties should be dealt with in the same way, and he suggested waiving 75% of the mowing charges after one year on the properties, but only after the property is cleaned up and taken care of. This was discussed. It was pointed out by Brad that the condemnation proceedings on 222 West Main do not have to start over, and he also said that the owners do not necessarily get immediate possession of the property, as it is subject to redemption rights for one year. The Commission was receptive to waiving 75% of the assessments after one year if it is cleaned up, and asked if a resolution should be done. Brad suggested starting with a policy for now.

Ed presented a proposal from Parsons Communications Inc. for terminating the fiber optic cabling between the Public Safety Building and four other facilities. There would be a small discount to purchase the materials now. It was decided to wait until next year.

Ed also had some information from Data Technologies Inc. on software. He feels that it would do some things our current software doesn’t do, and he suggested putting the purchase on the agenda for the first meeting in January. Brenda Wildman stated that she likes our current software, and she told about the good qualities of the programs. Dave said he would like a side by side comparison of the two, and Michelle also agreed that more research needs to be done.

Ed gave brief updates on his meeting with the Hope City Council, the water plant project, the expenditure report, and a letter he received from KDHE concerning the Mall at 5 West Walnut. Dave asked for an update on the trailer on 12th Street.

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

Also present at the meeting were Bryan Knight, Ken Walters, Gloria Boomer, Nancy Christner, Tandi Reiff, Cherry Patton, Mike Walsh, Herman Falk, Virginia Neuberger, Lyle Wade, Beth Wade, Mary Alice Wells, and J.R. Sparke.

Debra Wendt

City Clerk