**REGULAR MEETING**

**February 21, 2017**

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 Mark Hager, and Commissioner Dave Jones, City Manager Ed Patton, City Attorney Brad Jantz and City Clerk Brenda Wildman. Absent was Commissioner Kitty Walter.

The meeting was opened with the presentation of a retirement plaque for Bret Beye celebrating his 31 years of service. Followed by the Pledge of Allegiance. A motion was made by Commissioner Stanford, seconded by Commissioner Jones, to approve the minutes of the February 7, 2017 meeting. Motion carried, all voting, “Aye.” Appropriation Ordinances #P0210-17 and #C0131-17 was discussed and reviewed.

During public forum Jan Kimbrell of Herington asked about city policy on trimming trees. Discussion was held and City Manager Ed Patton advised that the tree on D Street was being taken care of.

A motion was made by Commissioner Stanford, seconded by Mayor Souza to approve the agenda. Motion carried, all voting “Aye.”

Mayor Kat Souza opened the Public Hearing-Kansas Public Water Supply Loan administered by the Kansas Department of Health and Environment. Rita Clary from Kansas Rural Water Association read the Notice of Public Hearing. Rita Clary asked if there were any question from anyone in the audience or from the commission. Which there were none. Commissioner Hager did have a question for Buck Driggs about the timeline for the project. Buck address the steps for construction. Mayor Kat Souza declared the public meeting closed.

Mayor Kat Souza read the following Excerpt of Minutes of a Meeting of the Governing Body of the City of Herington, Kansas:

The City Commission (the “Governing Body”) of the City of Herington, Kansas (the “City”) met in regular session at City Hall, 17 North Broadway Street at 6:00 pm. The following Governing Body members were present: Commissioner Dave Jones, Commissioner Mark Hager, Commissioner Michelle Stanford and Mayor Kat Souza.

The following Governing Body members were absent: Commissioner Kitty Walter

The Mayor declared that a quorum was present and called the meeting to order.

In accordance with a Notice published on January 19, 2017 in Herington Times, a newspaper of general circulation in the City, a public hearing was held by the Governing Body relating to a proposed loan in an amount not to exceed $3,509,000 (the “Loan”) to be taken by the City from the Kansas Public Water Supply Loan Fund (the “Fund”) administered by the Kansas Department of Health and Environment (“KDHE”) pursuant to K.S.A. 65-163c *et seq.* Proceeds of the Loan would be used by the City to finance certain modifications and improvements (the “Project”) to the City’s water supply and distribution system (the “System”).

A record of persons attending the public hearing and a transcript of summary of the proceedings at the public hearing are on file with the City Clerk. The Mayor informed those present of the issues involved in the Governing Body making a decision whether to proceed with the Loan process, including entering into a loan agreement (the “Loan Agreement”) with KDHE to fund the Project. Information regarding the scope of the Project, the proposed Loan repayment terms, the covenants proposed to be contained in the Loan Agreement and other relevant matters were discussed by the Mayor and consultants to the City.

Members of the public were permitted to make statements and ask questions of the Governing Body and the City’s consultants. After all present were given an opportunity to speak and ask questions, the Mayor closed the public hearing.

The matter of proceeding with the application process came on for consideration and was discussed. Thereupon, Commissioner Kat Souza presented and moved the adoption of a Resolution entitled:

A RESOLUTION AUTHORIZING THE COMPLETION OF AN APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT REGARDING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND

Commissioner Stanford seconded the motion to adopt the Resolution. Thereupon, the Resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows:

Aye: Commissioner Dave Jones, Commissioner Mark Hager, Commissioner Stanford, and Mayor Kat Souza.

Nay: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The Mayor declared the Resolution duly adopted; the City Clerk designating the same Resolution No. 887.

On motion duly made, seconded and carried, the meeting thereupon adjourned.

RESOLUTION NO. 887

A RESOLUTION AUTHORIZING THE COMPLETION OF AN APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT REGARDING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND

**WHEREAS,** the City of Herington, Kansas (the “City”) is a duly incorporated city of the second class organized under the laws of the state of Kansas ( the “State”) which operates a public water supply and distribution system (the ”System”); and

**WHEREAS,** the City Commission (the “Governing Body”) of the City has heretofore determined in to be in the best needs of the customers of the System to undertake certain modifications and improvements (the “Project”) to the System; and

**WHEREAS,** the pursuant to K.S.A. 65-163c *et seq.* (the ”Act”), the Kansas Department of Health and Environment (“KDHE”) administers the Kansas Public Water Supply Loan Fund (the “Fund”) from which loans are made to certain qualified Municipalities (as said term is defined in the Act) to finance modification and improvements to public water supply systems; and

**WHEREAS,** the City has heretofore made an application to KDHE for a loan in an amount not to exceed $3,509,000 (the “Loan”) to finance the Project; and

**WHEREAS,** the Governing Body has conducted a public hearing this date on the advisability of proceeding with the completion of the application for the Loan and desires to authorize the appropriate officials of the City to accomplish the completion process.

**BE IT RESOLVED BY THE GOVERNING BODY OF HERINGTON, KANSAS, AS FOLLOWS:**

**Section 1. Loan Application.** The Mayor and City Clerk of the City are hereby authorized to cause to be prepared and to execute a Loan Application, including all attachments thereto (jointly, the “Application”); in substantially the form presented to the Governing Body this date, in order to provide financing for the Project. The Application shall be forwarded to KDHE as soon as possible.

**Section 2. Further Proceedings.** The Mayor, City Clerk and the other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to complete the Application and to coordinate processing of a loan agreement for the Loan (the “Loan Agreement”); provided that the authorization to execute the Loan Agreement shall be subject to further resolution of the Governing Body.

**Section 3. Further Authority.** This Resolution shall be in full force and effect from and after its adoption.

**Adopted** by the Governing Body of the City of Herington, Kansas on February 21, 2017.

A motion was made by Commissioner Stanford, seconded by Commissioner Jones, to appoint Donald Warren to the Lake Advisory Board to fill a vacancy, term to expire September 1, 2019. Motion carried, all voting, “Aye.”

The commission reviewed Ordinance 1640 Code Book Chapter 1 Administration. Requesting adjustments be made to 1-321, 1-502, 1-503, 1-504, 1-505, and 1-506. At the March 7, 2017 regular scheduled meeting the review will continue with Chapter 1, Article 6.

City Manager Ed Patton gave his city manager comments followed by comments from the City Commission.

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

Also present at the meeting were, Rita Clary KRWA, Buck Driggs DDG, Jan Kimbrell, DJ Neuberger, Bret Beye, Ken Walters, and Tandi Reiff.

Brenda Wildman

City Clerk