**REGULAR MEETING**

**May 2, 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: Commissioner Sarah Nistler, Commissioner Dave Jones, Commissioner Mark Hager, Commissioner Michelle Stanford, Commissioner Kat Souza, City Manager Ed Patton, City Attorney Brad Jantz, and City Clerk Brenda Wildman.

The meeting was opened with the Pledge of Allegiance.

The annual reorganization of the Commission was held at this time. A motion was made by Commissioner Stanford, seconded by Commissioner Souza, to elect Mark Hager as the Mayor of Herington. During the discussion Commissioner Jones stated that Commissioner Hager would be better suited as Vice-Mayor and what a great job Commissioner Souza was doing. All the Commissioners asked Commissioner Hager if he wanted the position. Commissioner Hager indicated that he did. Motion failed 2-2. Vote as follows:

Aye: Commissioner Nistler, Commissioner Stanford

Abstain: Commissioner Hager

Nay: Commissioner Jones, Commissioner Souza

A motion was made by Commissioner Jones, seconded by Commissioner Nistler, to elect Commissioner Souza as the Mayor of Herington. Motion carried, all voting “Aye.” A motion was made by Commissioner Jones, seconded by Commissioner Nistler to elect Commissioner Hager as Vice-Mayor. Motion carried. Vote as follows:

Aye: Commissioner Nistler, Commissioner Stanford, Commissioner Hager, Commisioner Jones

Abstain: Commissioner Souza

A motion was made by Commissioner Jones, seconded by Commissioner Hager to approve the minutes from the April 18, 2017 meeting. Motion carried, all voting, “Aye.” A motion was made by Commissioner Stanford, seconded by Commissioner Jones to approve the minutes from the Special Meeting on April 26, 2017. Motion carried, all voting “Aye.”

At the public forum Kristi Lovett, Office Manager Herington Times introduced herself.

No additional items were added. A motion was made by Commissioner Jones, Seconded by Commissioner Stanford to approve the agenda. Motion carried, all voting “Aye.”

City Manager Ed Patton discussed the Public Hearing scheduled for May 16, 2017 regarding the Amended 2017 Budget.

Russad and Athena Emmans discussed their personal property in regards to the building permit they received from the city. Mr. Emmans had three (3) concerns: Not a property line dispute, City didn’t perform their job correctly, and the reimbursement they feel they should receive from the city. Mayor Souza expressed her apologize to Mr. and Mrs. Emmans and she is in agreement with the Emmans, but isn’t sure what can be done. Athena indicated that their property value had increased because of the deck. Commissioner Jones questioned why the other fence was in question. Commissioner Jones questioned if Mr. and Mrs Emmans had gotten a survey. They indicated they had one and the city lost it. Commissioner Jones, Commissioner Stanford, and Mayor Souza request they get a dated copy of the survey they had done, copies of receipts for building material. It can be submitted to the Commission by email. A time will be set up to return to a future meeting. The city staff will also help with the removal of the deck. The city is to call Russad or Athena to coordinate the removal.

Ashley Hartung, Tri County Chamber Office Administrator requested street closures on May 27, 2017 from 6:00 a.m. to 2:00 p.m. for the annual Throttle Jockeys Club Car Show. To include: Broadway from Central National Bank to First Impressions, Main from Flowers By Vikki to Atmos Gas on 1st Street, blocking off diagonal so Barnes Grocery Store and Kays Pharmacy still have access, Walnut from 1st Street blocking off diagonal for still street access to the west side of town and business to First Baptist Church. The original request was for April 29, 2017 and was cancelled due to weather.

A motion was made by Commissioner Stanford, seconded by Commissioner Stanford to approve the street closure list attached May 27, 2017 to include 6:00 a.m. to 2 p.m. Motion carried, all voting “Aye.”

Mayor Souza read the Transmission Letter of Understanding from the Kansas Municipal Energy Agency (KMEA). A motion was made by Commissioner Hager, seconded by Commissioner Stanford to agree and accept the KMEA rate study. Motion carried, all voting “Aye.”

RESOLUTION NO. #890

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS DECLARING IT NECESSARY TO ACQUIRE, CONSTRUCT, REPAIR AND IMPROVE AN EXISTING HOSPITAL TO BE OWNED BY THE CITY AND OPERATED BY THE HERINGTON MUNICIPAL HOSPITAL BOARD OF TRUSTEES; TO ISSUE REVENUE BONDS OF THE CITY IN AN AMOUNT NOT TO EXCEED $1,160,000, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS THEREOF; AND PROVIDING FOR THE PUBLICATION OF THIS RESOLUTION IN THE MANNER REQUIRED BY LAW.

J.T. Klaus from Triplett Woolf Garretson, LLC explained the process and financial responsibility of the Revenue Bonds that the Herington Municipal Hospital is requesting from the City of Herington. A motion was made by Mayor Souza, seconded by Commissioner Jones to approve Resolution #890 the Issue of Revenue Bonds for Herington Municipal Hospital not to exceed $1,160,000. Motion failed 3-2. Vote as follows:

Aye: Commissioner Jones, Commissioner Stanford, Mayor Souza.

Nay: Commissioner Nistler and Commissioner Hager.

This type of bond resolution must have a super majority. 2/3 of majority voting yes.

A motion to reconsider was made by Commissioner Jones, seconded by Mayor Souza to approve Resolution #890 the Issue of Revenue Bonds for Herington Municipal Hospital not to exceed $1,160,000. Motion carried 4-1. Vote as follows:

Aye: Commissioner Nistler, Commissioner Jones,

Commissioner Stanford, Mayor Souza.

Nay: Commissioner Hager.

**ORDINANCE 1789**

AN ORDINANCE CREATING A FISCAL BUDGET FUND; KNOWN AS THE FIRE EQUIPMENT RESERVE FUND, FOR THE CITY OF HERINGTON, KANSAS;  AUTHORIZING THE GOVERNING BODY TO PROVIDE FOR THE TRANSFERS OF MONEYS INTO SAID FUND FROM OTHER FISCAL BUDGET RESOURCES; ESTABLISHING AUTHORIZED EXPEDITURES FROM SAID FUND FOR THE SOLE PURPOSE OF REPLACING FIRE FIGHTING MOTOR VEHICLES AND EQUIPMENT FOR THE CITY OF HERINGTON, KANSAS FIRE DEPARTMENT; AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

A motion was made by Commissioner Jones, seconded by Commissioner Stanford to approve Ordinance 1789 to add a Fire Equipment Reserve Fund. Motion carried, all voting “Aye.”

**ORDINANCE 1790**

AN ORDINANCE CREATING A FISCAL BUDGET FUND; KNOWN AS THE POLICE EQUIPMENT RESERVE FUND; FOR THE CITY OF HERINGTON, KANSAS;  AUTHORIZING THE GOVERNING BODY TO PROVIDE FOR THE TRANSFERS OF MONEYS INTO SAID FUND FROM OTHER FISCAL BUDGET RESOURCES; ESTABLISHING AUTHORIZED EXPEDITURES FROM SAID FUND FOR THE SOLE PURPOSE OF REPLACING POLICE MOTOR VEHICLES AND EQUIPMENT FOR THE CITY OF HERINGTON, KANSAS POLICE DEPARTMENT; AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

A motion was made by Commissioner Jones, seconded by Commissioner Hager to approve Ordinance 1790 to add a Police Equipment Reserve Fund. Motion carried, all voting “Aye.”

An ordinance adopting the International Property Maintenance Code 2012 Edition was discussed. All Commissioners stating they want to proceed with adopting the whole code to include a resolution for updated editions. No motion

A motion was made by Commissioner Hager, seconded by Commissioner Stanford to accept the Kansas Airport Improvement Program Grant trough KDOT in the amount of $41,225.00. Motion carried, all voting “Aye.”

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

Mayor Souza suggested the commission review and highlight Chapter 2, Article 1. Animal Control and bring to the next meeting the changes they want to make. No review was held.

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

Also present: Fire Chief Ken Staatz, Police Chief Russ Almes, Rick Freeman, Duane Bauer, Ken Walters, Kristi Lovett, Wendy Jones, Ashley Hartund, Russaad and Athena Emmans, J.T. Klaus, Cynthia Naylor, Gloria Boomer.

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Brenda Wildman, City Clerk