**Regular Meeting**

**January 2, 2018**

**6:00 P.M.**

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 Mark Hager, Commissioner Michelle Stanford, Commissioner Dave Jones, Commissioner Sarah Nistler, City Attorney Brad Jantz, and City Clerk Brenda Wildman. Absent: City Manager Ed Patton.

The meeting opened with the Pledge of Allegiance. Mayor Souza presented Commissioner Stanford with a plaque for her years of service to the community. A motion was made by Commissioner Stanford, seconded by Commissioner Nistler to approve the minutes of the meeting of December 19, 2017. Motion carried, all voting “Aye.”

Appropriation Ordinances #P1215-17 and #P1229-17 were reviewed.

At Public Forum Karla Mann wanted to know who enforces city ordinances. The house at 205 N 10th Street is terrible with trash, cars, ect. Karla stated that Kenny Ray (Fire Chief Staatz) has been working on this for 4 years and nothing has been done. Code Enforcement Officer Scott Melcher indicated that a letter has been sent and will be followed up with.

Ryan Stevenson is interested in the sidewalk program. He is working with Konza Rails to Trails Nature Trail. The trail runs from Herington (Lyons Creek) to Ottawa. The City Commission liked the idea and instructed Ryan to keep them informed of the progress.

Kevin Koelzer from Midway Farms and Forage updated the commission on meetings he has had with the City Manager Ed Patton regarding a new lease at the airport. Kevin was directed by Ed to get a survey of the property he is supposed to lease and to purchase the building. Kevin stated that the problem is now that the City Manager isn’t going to give him a lease; because Tiffany Cattle Company has 1st rights to the land in question. City Attorney Brad Jantz and the City Commission had no knowledge of this. City Clerk Brenda Wildman was directed to have City Manager Ed Patton get them all the information he has to them by Friday January 5, 2018.

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

**ORDINANCE NO. 1797**

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS, DECLARING IT NECESSARY TO MAKE CERTAIN WATER SYSTEM IMPROVEMENTS TO; AUTHORIZING AND DIRECTING THE ACQUISITION AND CONSTRUCTION OF SAID IMPROVEMENTS AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF; AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY IMPROVEMENT NOTES FROM TIME TO TIME AS FUNDS ARE NEEDED FOR THE ORDERLY CONSTRUCTION OF SAID IMPROVEMENTS, IF NECESSARY.**

A motion was made by Commissioner Stanford, seconded by Commissioner Jones to approve Ordinance #1797. Motion carried, all voting “Aye.”

### ORDINANCE NO. 1798

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN HERINGTON, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.**

A motion was made by Commissioner Jones, seconded by Commissioner Stanford to approve Ordinance #1798. Motion carried, all voting “Aye.”

Gary Young addressed the commission regarding a letter he received from Code Inspector Scott Melcher. Gary doesn’t dispute Scott’s findings and would like until the middle of March 2018 to comply. Commissioner Jones inquired if anyone was living at the residence. The house is occupied. This became a big concern for the commission for the safety of the individual(s) living in the house. The Commission doesn’t want to make anyone homeless, but the safety factor is a large concern. A motion was made by Commissioner Stanford, seconded by Commissioner Nistler to table this until January 16, 2018. Motion carried, all voting “Aye.

**RESOLUTION NO. 899**

**WHEREAS**, the City of Herington, Kansas, has determined that the financial statements and financial reports for the year ended December 31, 2018, 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, 2018.

**NOW, THEREFORE BE IT RESOLVED**, by the City Commission of the City of Herington, Kansas in its regular meeting duly assembled this 2nd day of January 2018, that the City Commission waives the requirements of K.S.A. 75-112a(a) as they apply to the City of Herington, Kansas, for the year ended December 31, 2018.

**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.

Passed on this 2nd day of January 2018.

A motion was made by Commissioner Stanford, seconded by Commissioner Hager to approve Resolution #899 2018 Fixed Asset Accounting. Motion carried, all voting “Aye.”

A motion was made by Commissioner Stanford, seconded by Commissioner Jones to table the amendment to the current 2006 Edition IBC-ICC Codes in the city code book to 2015 Series NFPA 70,101,ISEP and NFPA 1911 Codes until January 16, 2018 Regular Commission Meeting. Motion carried, all voting “Aye.”

A motion was made by Commissioner Jones, seconded by Commissioner Stanford to authorize Mayor Souza to sign the contract for Safe Routes to School Phase 1 Plan Agreement. Motion carried, all voting “Aye.”

A motion was made by Commissioner Jones, seconded by Commissioner Stanford to recess into executive session K.S.A. 75-4319 (b)(6) Preliminary discussions relating to the acquisition of real property; to include the Governing Body, City Attorney Brad Jantz, and Attorney Charles Steincamp. Meeting to resume at 7:18 p.m. Motion carried, all voting “Aye.” Meeting resumed into regular session with no action taken.

Mayor Souza opened the Distress Property Hearing. Rick Freeman and Cynthia Naylor addressed the commission during the public comments. The owner of the property was not in attendance. The Distressed Property Hearing will be continued until February 6, 2018. A motion was made by Mayor Souza, seconded by Commissioner Nistler. Motion carried, all voting “Aye.” Mayor Souza closed the hearing at 7:26 p.m. Regular Meeting resumed.

A motion was made by Commissioner Jones, seconded by Commissioner Stanford to recess into executive session K.S.A. 75-4319 (b)(2) for attorney-client privilege matters relating to potential litigation; to include the Governing Body, City Attorney Brad Jantz, City Clerk Brenda Wildman. Meeting to resume at 7:42 p.m. Motion carried, all voting “Aye.” Meeting resumed into regular session with no action taken.

A motion was made by Commissioner Stanford, seconded by Commissioner Nistler to approve Central National Bank and First National Bank of Hope the Official Depositories for the Year 2018. Motion carried, all voting “Aye.”

A motion was made by Commissioner Stanford, seconded by Commissioner Nistler to approve The Herington Times as the Official City Newspaper for the Year 2018. Motion carried, all voting “Aye.”

**ORDINANCE NO. 1799**

**AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 5, SECTION 6-519 OF THE CODE OF THE CITY OF HERINGTON, KANSAS, PROHIBITING AND REGULATING THE PARKING OF MOTOR VEHICLES OR PARTS OF SUCH VEHICLES WITHIN CERTAIN AREAS IN RESIDENTIAL ZONES OF THE CITY; PROVIDING PENALTIES THEREFORE; AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.**

A motion was made by Commissioner Stanford, seconded by Commissioner Jones to approve Ordinance # 1799. Motion carried, all voting “Aye.”

A motion was made by Commissioner Stanford, seconded by Mayor Souza to table the approval of the City of Herington Personnel Policies to the January 16, 2018 commission meeting. Motion carried, all voting “Aye.”

Discussion regarding a Spring Clean Up Campaign was held. Coordinating a working time line with Ron Wilson, USD 487 Superintendent and contacting the County Landfill. Project date is April 23-27.

A discussion regarding a security plan for the City Office was discussed. Instruction for City Manager to get estimates from a company that specialized in this type of construction was to be relayed by the City Clerk.

A motion was made by Commissioner Jones, seconded by Commissioner Nistler to recess into executive session 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 and City Attorney Brad Jantz. Meeting to resume at 8:11 p.m. Motion carried, all voting “Aye.”

Meeting resumed into regular session with no action taken.

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

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Brenda Wildman, City Clerk