**REGULAR MEETING**

**October 4, 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 Mark Hager, Commissioner Dave Jones, City Manager Ed Patton, City Attorney Brad Jantz, and City Clerk Debra Wendt. Commissioner Kitty Walter was absent.

The meeting was opened with the Pledge of Allegiance. A motion was made by Commissioner Jones, seconded by Commissioner Hager, to approve the minutes of the meeting of September 20, 2016. Motion carried, all voting, “Aye.” Appropriation Ordinance #P0825-16 was discussed and reviewed. No one spoke at the public forum.

There were several changes to the agenda. Michelle removed #9, discussion of the Lake Board. She said she would like to have the full Commission present when this is discussed. Ed replaced #9 with a report from Buck Driggs on the water plant project, and added #9A, mower for the airport, 9B, a letter agreement to finalize, and #9C, authorize the signing of an FAA airport grant prepared by Lochner. Mayor Souza added an additional executive session, non-elected personnel, for 20 minutes as #11A. A motion was made by Commissioner Jones, seconded by Mayor Souza, to approve the agenda, with the aforementioned changes. Motion carried, all voting, “Aye.”

Deb Odell was present to discuss dog fines. She recently was fined $295 for a dog running at large. She felt this is outrageous, and asked the Commission to do something with the fees. Kat explained that this new ordinance was passed in April of this year to ensure that people keep their dogs contained. Deb said that her dogs are now contained in her back yard. Michelle said that the intent of the ordinance was to reset the time for the fine increasing each time the dogs are picked up to six months, but the ordinance passed without a time frame included. She felt that this needs to be fixed, but not the fines. Deb stated that she is very responsible for her pets, but that there are children in the road and she is concerned for their safety. Mark said that all of the Commissioners are dog owners, so this affects them too. He added that increasing the fines has helped the dogs running at large situation, as there are people keeping their dogs in that never did before. Lois Whitebread asked what happens to the dogs that are not picked up by their owners at the Veterinary Clinic, and she was told that they are put up for adoption after 72 hours. The Commission will look at amending the dog ordinance to allow a reset period of every six months for taking tallies of a dog owner’s infractions.

Brad presented a Charter Ordinance dealing with elections that would comply with the new state laws. City Commissioners would be elected every year, with the same 2-2-1 rotation, beginning in November, 2017, with the Commissioners taking office on the second Monday in January. The elections will be nonpartisan, and candidates can either file by paying a fee or providing a petition signed by 5% of the qualified electors of the City. Ed said that he talked to the County Clerk about the cost of ballots, software, and having elections every year. He will also check with the Hospital and USD #487 to see what they are going to do.

**CHARTER ORDINANCE NO. 27**

**AN ORDINANCE EXEMPTING THE CITY OF HERINGTON, KANSAS FROM THE PROVISIONS OF K.S.A. 14-1204, RELATING TO THE ELECTION OF COMMISSIONERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, AND NOMINATION PETITIONS; AND, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING ANY OTHER PARTS OF EXISTING CHARTER ORDINANCES INCONSISTENT HEREWITH.**

A motion was made by Commissioner Stanford, seconded by Commissioner Jones, to adopt Charter Ordinance No. 27. The vote was as follows:

Ayes: Mayor Souza, Commissioners Stanford, Hager, and Jones.

Nays: None. Motion carried.

The Charter Ordinance will take effect 61 days after the final publication, unless a sufficient petition for a referendum is filed.

Buck Driggs gave an update on the preliminary report for the water plant project. He has added ozone conversion and a 2,000 KW generator to the application. Ed added that if the application is approved, we do not have to accept all of the items that are included—we can’t add things later, but we can cut things out. Buck answered several questions, and said we have a good shot at getting some grant money. Ed said we are looking into adding our sewer and water loans into the financing to save some interest. The Commission directed Buck to re-submit the application, with the additions.

Ed presented a proposal for a brush hog for the airport. He said that there is money in the airport fund, and we would be getting a year-end clearance price. One machine was priced at $10,700, and the other at $13,400. Ed explained the differences in the two, and said that he recommends the larger one. Mark questioned the $3,000 price difference for three extra feet. After discussion, a motion was made by Commissioner Stanford, seconded by Commissioner Jones, to purchase a Land Pride RCM3615 brush cutter for a cost of $13,400 from Kan Equip Inc. Motion carried, all voting, “Aye.”

Ed presented an agreement with Tower Point Capital for purchase of our cell tower. A motion was made by Commissioner Stanford, seconded by Mayor Souza, to authorize the Mayor to sign the agreement. Motion carried, all voting, “Aye.” Kat explained that the company is purchasing our cell tower for a $104,000 lump sum payment, we will receive 50% of any additional revenue generated, and there is an accelerated increase clause.

The FAA grant paperwork has been completed by Lochner. A motion was made by Commissioner Stanford, seconded by Commissioner Hager, to authorize the Mayor to sign airport grant #AIP3-20-0029-008-2016. Motion carried, all voting, “Aye.”

The 2015 audit was reviewed, and it meets statutory requirements.

At 7:00 p.m. a motion was made by Mayor Souza, seconded by Commissioner Hager, for the City Commission, City Manager, and City Attorney to go into executive session, K.S.A. 75-4319(b)(1), non-elected personnel, for 20 minutes. Motion carried, all voting, “Aye.” At 7:22 p.m. the meeting was back in regular session. No action was taken.

At 7:23 p.m. a motion was made by Mayor Souza, seconded by Commissioner Hager, for the City Commission and City Attorney to go into executive session for 20 minutes to discuss non-elected personnel, with the ability to call Ed Patton into the session. Motion carried, all voting, “Aye.” At 7:32 p.m. Ed was asked to join the executive session. At 7:43 p.m. the meeting was back in regular session. No action was taken.

Ed said that his report should be on the web page tomorrow. He also said he met with an alternative health insurance company. He felt they have good ideas and take a different tactic. We will not be able to change companies this year, but he will gather more information and look at it for next year. Ed also had some information and pictures of potential street projects, said he talked to the Vice-President of Sales and Operations of a company that is interested in locating here, and reported that we are leasing a generator for the airport so that the wells can be tested. He also mentioned that there have not been any injuries lately, and that a “shake up” in one department may be coming. Ed said he is looking at a mower for the lake, that the old docks and the fogger will be advertised on Purple Wave, and that he and Russ have been going over the ordinances. He is also putting together a “clean town ordinance with teeth” and working on the downtown ADA projects. Kat asked if the hospital has been making their payments, and she was told that they are.

Dave asked what department the recently purchased mower was for, and commented on several houses in town that are being fixed up and painted, especially the one at 708 West Walnut. Michelle apologized to the Police Department, administration office, and citizens that have been affected by the dog ordinance not having the 6 months time limit included, and she said Halloween would be observed on October 31st. Mark said that rock is needed at B Street and East Walnut, and that code enforcement is doing a good job. Kat said that the 45 mph speed limit signs are up on North D Street.

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

Also present at the meeting were Buck Driggs, Rick Freeman, Deb Odell, Lois Whitebread, Natasha Barnett, Gloria Boomer, Ken Walters, and J.R. Sparke.

Debra Wendt

City Clerk