

This is a business meeting of the governing body for the City of Herington. There is no implied or expressed right for persons outside the governing body to speak or voice their opinion unless specifically recognized by the chair.

Regular Meeting
October 12th, 2021
5:30 p.m.

1. Pledge of Allegiance

2. Consider Minutes of the Regular Meeting September 21, 2021

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek

3. Public Forum

4. Additional Agenda Items

5. Approval of Agenda

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek

6. Chief of Police Introduction

7. Police Update

8. Neighborhood Enforcement Update

9. Discuss and Action on Marcus Hawkes' Application for the Planning Commission Term to Expire 12/31/2025

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek

10. Discuss and Action on Brandy Sensmeier's Application for the CVB Board Term to Expire 10/31/2023

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek

11. Discuss and Action on Helen Mitchell's Resignation from the Hilltop Advisory Board

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek

12. Discuss and Action on Special Event Permit to Sell Cereal Malt Beverages at on Broadway Street between Main Street and Day Street on 10/30/2021 from 3:00pm to 8:00pm

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek

13. Discuss and Action on the Street Closure Request for Broadway Street between Main Street and Day Street for the Fall Festival on 10/30/2021

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek

14. Discuss and Action to approve an Ordinance to dissolve the Herington Municipal Hospital Board of Trustees

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek

15. Discuss and Action on Fowl Ordinance

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek

16. Discuss and Action on Neighborhood Revitalization Plan

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek

17. Fire Update

18. City Manager Comments

19. Commissioner Comments

20. Adjourn

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek

To join the City Commission meetings from your computer, tablet, or smartphone, go to

<https://www.youtube.com/channel/UCbvSBw6l4w85XQHSX0S1BXg> Public Forum Comments can be dropped in the deposit box or emailed to cityoffice@cityofherington.com.

DRAFT

Regular Meeting
September 21, 2021
5:30 p.m.

The Board of City Commissioners of the City of Herington, Kansas met at City Hall at 5:30 p.m. on the above date – the following being present: Mayor Debi Urbanek, Commissioner Curtis Hartman, Commissioner Robbin Bell, Commissioner Vance Donahue II, Commissioner Ben Castleberry, City Manager Branden Dross, City Attorney Brad Jantz and City Clerk Megan Lawrenz. Also, in attendance were Eric Gares, Larry Mann, Karen Soliz and Steve Lewis.

The meeting opened with the Pledge of Allegiance.

Public Forum – Eric Gares 15 N 12th St, Herington – Water and sewer rate sunset clauses and city Manager Compliment. Larry Mann 319 N E St, Herington – City Manager Compliment. Karen Soliz 602 N D St, Herington – Democracy.

Additional Agenda Items – Addition of 21a. Executive Session action item if needed.

A motion was made by Mayor Urbanek, seconded by Commissioner Bell to approve the agenda with the addition of 21a. Motion carried 5-0.

City Clerk Update – Provided the Commissioners with August Financials.

Change Order #5 for the Water Treatment Plant – Mayor Urbanek motioned to approve change order #5 for the water treatment plant in the amount of \$15,500 and authorize the City Manager to sign, seconded by Commissioner Castleberry. Motion carried 5-0.

Change Order #2 for the Wastewater Treatment Plant – Mayor Urbanek motioned to approve change order #2 for the wastewater treatment plant to change the completion date from 7/6/2021 to 12/15/2021 and authorize the City Manager to sign, seconded by Commissioner Bell. Motion carried 5-0.

Conditional Use Permit for 110 N Broadway – Mayor Urbanek motioned to approve ordinance 1840 adopting a conditional use permit for 110 N Broadway, Herington, KS to be a residence R1 in the central business district B5 and authorize the mayor to sign, seconded by Commissioner Bell. Motion carried 5-0.

ORDINANCE NO. 1840

AN ORDINANCE ADOPTING A CONDITIONAL USE PERMIT ON CERTAIN PROPERTY LOCATED AT 110 N. BROADWAY WITHIN THE CITY OF HERINGTON, DICKINSON COUNTY, STATE OF KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE 1490 ADOPTING ZONING REGULATIONS FOR THE CITY OF HERINGTON, KANSAS; REPEALING EXISTING ORDINANCES; AND INCORPORATING ALL SUCH PROVISIONS BY REFERENCE.

Special Event Permit to Sell Cereal Malt Beverages – Mayor Urbanek motioned to approve the special event permit to sell cereal malt beverages at the airport on 9/25/2021 from 10:00am to 10:00pm, seconded by Commissioner Castleberry. Motion carried 5-0.

RESOLUTION NO. 942

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTICLE II, SECTION 3-204 PROHIBITING CONSUMPTION OF ANY ALCOHOLIC LIQUOR OR ENHANCED CEREAL MALT BEVERAGE ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANSAS.

Special Event Permit to Sell Cereal Malt Beverages – Mayor Urbanek motioned to approve the special event permit to sell cereal malt beverages at the South Ball Fields on 10/2/2021 from 9:00am to 11:59pm, seconded by Commissioner Bell. Motion carried 5-0.

RESOLUTION NO. 943

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTICLE II, SECTION 3-204 PROHIBITING CONSUMPTION OF ANY ALCOHOLIC LIQUOR OR ENHANCED CEREAL MALT BEVERAGE ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANSAS.

Special Event Permit to Sell Cereal Malt Beverages – Mayor Urbanek motioned to approve the special event permit to sell cereal malt beverages at the Community Building on 11/12/2021 from 7:30pm to 10:30pm, seconded by Commissioner Bell. Motion carried 5-0.

RESOLUTION NO. 944

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTICLE II, SECTION 3-204 PROHIBITING CONSUMPTION OF ANY ALCOHOLIC LIQUOR OR ENHANCED CEREAL MALT BEVERAGE ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANSAS.

Removal of Savannah Porter/DePriest from the CVB Board – Mayor Urbanek motioned to approve removal of Savannah Porter/DePriest from the CVB Board, seconded by Commissioner Bell. Motion carried 5-0.

Removal of John Matula from the CVB Board – Mayor Urbanek motioned to approve removal of John Matula from the CVB Board, seconded by Commissioner Bell. Motion carried 5-0.

Approval of MacKenzie Langley to the CVB Board – Mayor Urbanek motioned to approve MacKenzie Langley’s application for the CVB Board term to expire 9/30/2023, seconded by Commissioner Bell. Motion carried 5-0.

Resignation of Dennis Albrecht from the Planning Commission – Mayor Urbanek motioned to accept Dennis Albrecht’s resignation from the Planning Commission, seconded by Commissioner Bell. Motion carried 5-0.

Moving the Regular City Commission Meeting – Commissioner Donahue motioned to move the regularly scheduled city commission meeting from 10/5/2021 to 10/12/2021 at 5:30pm so that staff and commissioners can attend National Night Out, seconded by Commissioner Castleberry. Motion carried 3-2, with Mayor Urbanek and Commissioner Bell casting the dissenting votes.

Lease Purchase Agreement for the Brush Truck, Breathing Apparatus’ and Thermal Image Cameras – Commissioner Bell motioned to approve the lease purchase agreement for the Brush Truck, Breathing Apparatus’ and Thermal Image Cameras and authorized the Mayor’s signature, seconded by Commissioner Donahue. Motion carried 5-0.

Sewer Rate Increase – Mayor Urbanek motioned to approve Ordinance 1841 raising the sewer rates, seconded by Commissioner Bell. Motion carried 4-1 with Commissioner Donahue casting the dissenting vote.

ORDINANCE NO. 1841

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPEAL AND REPLACE CHAPTER VII, ARTICLE 3, 7-309 ESTABLISHING SEWER RATES TO BE CHARGED FOR SERVICE FROM THE HERINGTON SEWER UTILITY SERVICE AND REPEALING ANY OTHER CURRENT ORDINANCES INCLUDING BUT NOT LIMITED TO NO. 1808 AND 1884, OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Neighborhood Revitalization Plan – City Manager Dross explained that he would like to include more benefits for commercial properties in the new neighborhood revitalization plan. Discussion was had on what the Commissioners would like to see, staff was directed to present a draft Neighborhood Revitalization Plan at the next commission meeting.

Executive Session – Mayor Urbanek motioned to that the Herington City Commission recess into executive session, pursuant to the personnel matters of non-elected personnel exception K.S.A. 75-4319(b)(1) to discuss the City Managers 1-year evaluation to include the Governing Body and City Manager with the open meeting to resume at 6:55pm, seconded by Commissioner Bell. Motion carried 5-0.

Executive Session Action Item – Commissioner Bell motioned to give the City Manager a 3% raise, seconded by Mayor Urbanek. Motion carried 4-1, with Commissioner Donahue casting the dissenting vote.

City Manager Comments – Branden will bring options for the next phase of the wastewater treatment plant to the 10/19/2021 commission meeting. Talked about using APRA funds for pump house improvements, and sewer and water mapping, commissioners advised Branden to investigate the water treatment loan paperwork to see if the pump house has already been included for repairs. The bathrooms at Father Padilla Park should be painted and cleaned by this weekend. Will bring the KMEA generators up for discussion before the end of the year. Waiting on the Herington Municipal Hospital Attorneys to finalize the paperwork to dissolve the board. Waiting on a response from Schilling to see if there will be any maintenance for the street work that was already completed. The Chief of Police position has been

open for about a week now, and we have received approximately 20 responses, hope to have someone in place by the end of October.

Commissioner Castleberry – Thanked the ad hoc committee for all the hard work around town and congratulated Branden on one year with the city.

Commissioner Donahue – Told Branden good job for his first year. Thanked Savannah and John for their time on the CVB board, hopes the new police chief will also be involved. Asked Brad for guidance on how to handle an accidental quorum.

Commissioner Bell – Talked about some of the street work that has been completed recently needs maintenance to prevent deterioration. Said he appreciated Branden’s work over the last year.

Commissioner Hartman – Mentioned that there were a lot of people camping at the lake recently that have not paid, suggested adding signage and talked about locks for the electrical. Said that Father Padilla Park looked good, but 3 out of 5 tables are broken. Thanked Branden for a great year.

Mayor Urbanek – Asked for an update on the builder’s group and was told that Brad is working on it for the next meeting. Wanted to set time with staff to have a meeting for a wrap up on the lake season, and to talk about the lake reservation software and to discuss strategies for next year. Thanked Branden for his work this year.

Adjourn – Commissioner Hartman made a motion to adjourn, seconded by Commissioner Castleberry. Motion carried 5-0.

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Megan Lawrenz, City Clerk



Advisory Board Application

OFFICE USE:	
Term Length	3 years
Appointed Date	9
Expiration Date	12/31/2025

The City of Herington is committed to citizen involvement. A significant portion of that commitment involves our area residents' participation on advisory boards. We have found that the recommendations advisory boards present to the City Commission are invaluable in the decision making process. This questionnaire is designed to assist the City Commission in filling advisory board vacancies.

Advisory Board of interest to you Planning Commission

Name: Marcus Hawkes Address: [REDACTED]

Phone Number: [REDACTED] Email Address: [REDACTED]

➤ Why do you want to become a member of an Advisory Board?

I believe it's important to be involved in the community and I want to help move Herington forward.

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➤ If you were to suggest goals to accomplish in the coming year for the current Advisory Board for which you are interested, what would they be?

One of the goals would be to work on the City's Comprehensive plan. Another is to go through the zoning regulations to help clarify or adjust any that might not read clearly.

➤ Describe any past experiences you might have that would enhance the performance of this board.

Along with being very familiar with Herington from growing up here, I also believe my past work experience in various positions at the city office, as well as being a commissioner, would be valuable to this board.

Thank you for your interest in the City of Herington Advisory Boards system. Please feel free to contact the City Manager or City Clerk at 785-258-2271 with questions regarding the Advisory Board of interest.



Advisory Board Application

OFFICE USE:	
Term Length	2 YEARS
Appointed Date	
Expiration Date	10/31/2023

The City of Herington is committed to citizen involvement. A significant portion of that commitment involves our area residents' participation on advisory boards. We have found that the recommendations advisory boards present to the City Commission are invaluable in the decision making process. This questionnaire is designed to assist the City Commission in filling advisory board vacancies.

Advisory Board of interest to you CVB

Name: Brandy Sensmeier Address: [REDACTED]

Phone Number: [REDACTED] Email Address: [REDACTED]

➤ Why do you want to become a member of an Advisory Board?
 I think I can help build the community & Help to bring more Ideas to events

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➤ If you were to suggest goals to accomplish in the coming year for the current Advisory Board for which you are interested, what would they be?
 - more advertisements to bring in visitors
 - more events to show case the town
 - Bring Positive Headlines to our town by showing we care for our community through outreach

➤ Describe any past experiences you might have that would enhance the performance of this board.
 I have served on Church Boards, Youth Group Boards, and Security Boards. I have hosted, Planned, & Coordinated Several events in our Community & others.

I love my small town, I want to build it up in Pos Light

Thank you for your interest in the City of Herington Advisory Boards system. Please feel free to contact the City Manager or City Clerk at 785-258-2271 with questions regarding the Advisory Board of interest.

9-20-21

I am resigning from the
Herington Hill Top Advisory Board
and as the Secretary of the
Board. The Secretary note book
has been turned in;

Helen Mitchell

750° Pd

INDIVIDUAL/SOLE PROPRIETOR APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

(This form has been prepared by the Attorney General's Office)

City or County of Herington

SECTION 1 – LICENSE TYPE

Check One: New License Renew License Special Event Permit

Check One:

- License to sell cereal malt beverages for consumption on the premises.
 License to sell cereal malt beverages in original and unopened containers and not for consumption on the licenses premises.

SECTION 2 – APPLICANT INFORMATION

Kansas Sales Tax Registration Number (required): 022-842210728-FOI

I have registered as an Alcohol Dealer with the TTB. Yes (required for new application)

Name <u>Lauren Spelts</u>	Phone No. [REDACTED]	Date of Birth [REDACTED]
Residence Street Address [REDACTED]	City <u>Herington</u>	Zip Code <u>67449</u>

Applicant Spousal Information

Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code

SECTION 3 – LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name <u>Rail Liquor</u>	Name <u>Lauren Spelts</u>
Business Location Address <u>401 S 85th St</u>	Address [REDACTED]
City <u>Herington</u> State <u>KS</u> Zip <u>67449</u>	City <u>Herington</u> State <u>KS</u> Zip <u>67449</u>
Business Phone No. <u>785-512-0413</u>	<input type="checkbox"/> I own the proposed business location. <input type="checkbox"/> I do not own the proposed business location.
Business Location Owner Name(s) <u>Lauren Spelts</u>	

SECTION 4 – APPLICANT QUALIFICATION

I am a U.S. Citizen Yes No

I have been a resident of Kansas for at least one year prior to application. Yes No

I have resided within the state of Kansas for 3 years.

I am at least 21 years old. Yes No

I have been a resident of this county for at least 6 months. Yes No

Within 2 years immediately preceding the date of this application, neither I nor my spouse* have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes:
 (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.

Yes No

My spouse has previously held a CMB license. NA Yes No

My spouse has never been convicted of one of the crimes mentioned above while licensed. NA Yes No

SECTION 5 – MANAGER OR AGENT QUALIFICATION		
My place of business or special event will be conducted by a manager or agent.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, provide the following:		
Manager/Agent Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code
Manager or Agent Spousal Information		
Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code
Qualification Statement		
My manager/agent and his/her spouse* meets all of the qualifications in Section 4.		<input type="checkbox"/> Yes <input type="checkbox"/> No
SECTION 6 – DURATION OF SPECIAL EVENT		
Start Date 10/30/2021	Time 3:00	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
End Date 10/30/2021	Time 8:00	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM

Proceed to Section 7 on the next page.

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SECTION 7 – LICENSED PREMISE

In the space below, draw the area you wish to sell or deliver CMB. Include entrances, exits and storage areas. Do not include areas you do not wish to license. If you wish to attach a drawing, check the box: 8 1/2" by 11" drawing attached.



See attached map

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I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct. (K.S.A. 52-601)

SIGNATURE *Dauren Spellis* DATE 9/20/2021

FOR CITY/COUNTY OFFICE USE ONLY:

- License Fee Received Amount \$ 25.00 Date 9/20/21
(\$25 - \$50 for Off-Premise license or \$25-200 On-Premise license)
- \$25 CMB Stamp Fee Received Date 9/20/21
- Background Investigation Completed Date _____ Qualified Disqualified
- Verified applicant has registered with the TTB as an Alcohol Dealer
- New License Approved Valid From Date _____ to _____ By: _____
- License Renewed Valid From Date _____ to _____ By: _____
- Special Event Permit Approved Valid From Date _____ to _____ By: _____

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR MONTHLY REPORT (ABC-307) TO THE ALCOHOLIC BEVERAGE CONTROL, 915 SW HARRISON STREET, TOPEKA, KS 66612.

* Applicant's spouse is not required to meet the citizenship, residency or age requirements. If renewal application, applicant's spouse is not required to meet the no criminal history requirement. K.S.A. 41-2703(b)(9)

Clear Form

HERINGTON

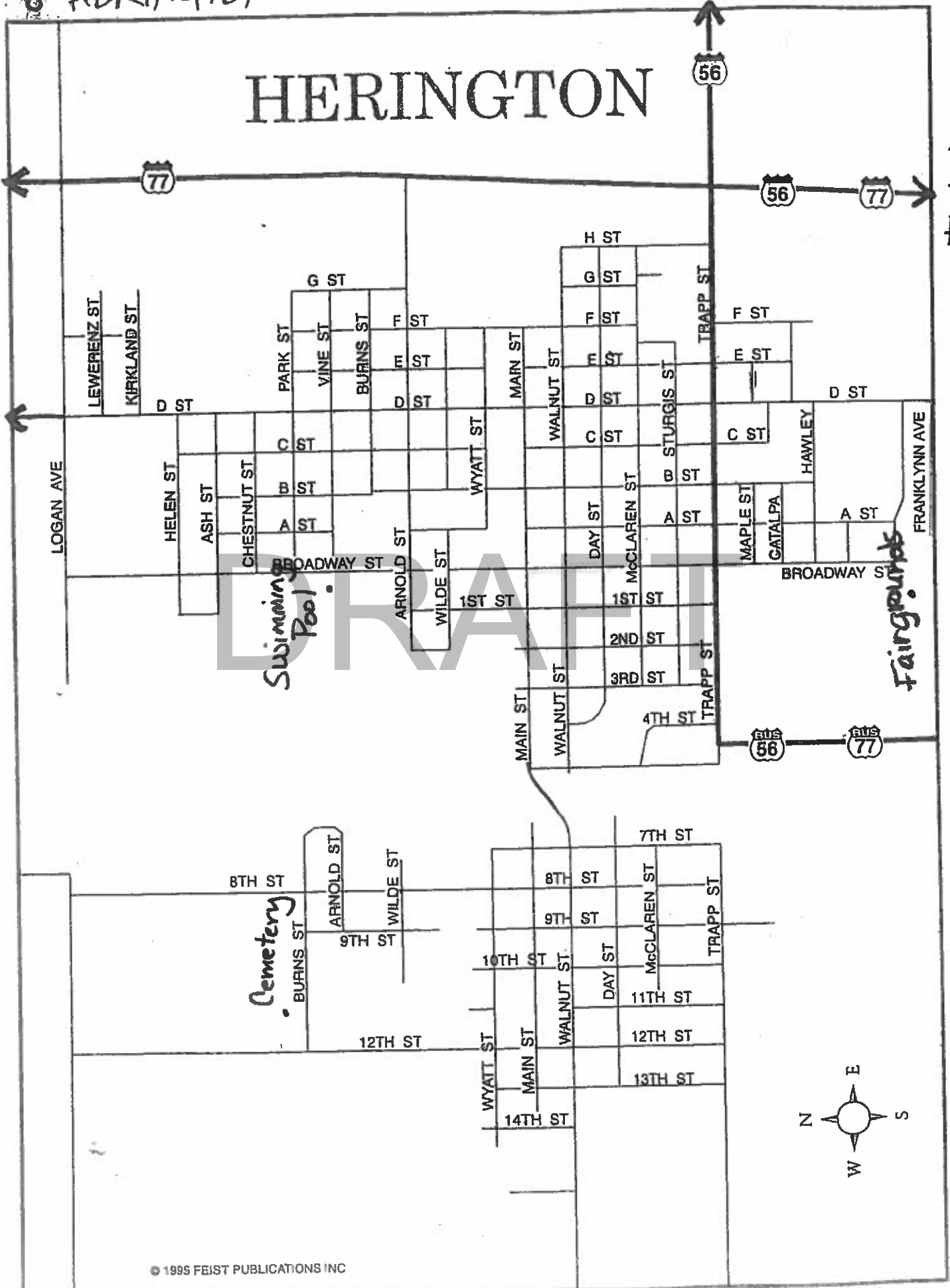
to C.G.
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HERINGTON

to J.C.

to Schools

to Marion





THE CITY OF HERINGTON

P.O. Box 31 • 17 North Broadway • Herington, KS 67449

Telephone: (785) 258-2271

FAX: (785) 258-3552

STREET CLOSURE REQUEST

City Ordinance 1640 Chapter 6 Article 5 Section 518

Requests must be returned and on Commission Agenda before Meetings which are held the 1st and 3rd Tuesdays of each month

Applicant Name Brandy Sensmeter

Address [Redacted]

Contact Phone Number [Redacted]

I would like permission to close Broadway Street

between Main & Day Streets on the day of October 30th

from 2 AM/PM to 9 AM/PM for the purpose of:

Fall Festival

I would also like for the City of Herington to provide equipment for the street closure in accordance with MUTCD guidelines.

[Signature]

9/20/21

Applicant Signature

Today's Date

Notification List

Police Chief's Signature/Date [Signature] 9-20-2021

Fire Department Employee Signature/Date [Signature]

Ambulance Service Signature/Date [Signature] 9-20-21

Director/Asst Director of Public Works Signature/Date [Signature] 9/20/21

Neighbors and/or Business Owner Signatures who will be affected by and agree to this closure. Check if Done

City Manager [Signature]

Date 9/20/2021

The applicant agrees to hold the City of Herington harmless in the event of an accident or incident. *See attached from the City Ordinance Book.

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HERINGTON

NEIGHBORHOOD REVITALIZATION PLAN

Interlocal Cooperation Agreement by and between the City of Herington,

DRAFT

**Dickinson County and
USD #487 of Dickinson County
Dated: SECOND DRAFT October 8, 2021**

**City of Herington
Neighborhood Revitalization Plan**

Purpose: This plan is intended to promote the revitalization and development of all areas within the city limits of the City of Herington in order to protect the public health, safety, and welfare of the residents of the city. More specifically, the City of Herington will offer a tax rebate incentive that is available for certain improvements or renovation of property within the designated area, in accordance with the provisions of K.S.A. 12-17, 114 et seq.

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Part 1

LEGAL DESCRIPTION OF AREA AND MAP DEPICTING ELIGIBLE PARCELS OF REAL ESTATE

Legal Description of Neighborhood Revitalization Area

All parcels within the legal city limits of the City of Herington, Kansas

See Exhibit A

Map of Neighborhood Revitalization Area

All parcels within the legal city limits of the City of Herington, Kansas

See Exhibit B

PART 2

EXISTING ASSESSED VALUATION OF LAND AND BUILDINGS WITHIN THE NEIGHBORHOOD REVITALIZATION AREA

The existing assessed valuation of the parcels of real estate in Dickinson County in the Neighborhood Revitalization Area is as follows:

See Exhibit C

PART 3

NAMES AND ADDRESSES OF OWNERS OF RECORD WITHIN THE NEIGHBORHOOD REVITALIZATION AREA

Each owner of record of each parcel of land is listed together with the corresponding address in the files of the Dickinson County Appraiser's office located at the Dickinson County Office Building, 109 East 1st. Street, Abilene, Kansas.

PART 4

EXISTING ZONING CLASSIFICATIONS AND DISTRICTS AND EXISTING AND PROPOSED LAND USES WITHIN THE NEIGHBORHOOD REVITALIZATION AREA

A zoning district classification map and list of zoning districts for the Neighborhood Revitalization Area is attached hereto.

See Exhibit D

PART 5

PROPOSALS FOR IMPROVING OR EXPANDING MUNICIPAL SERVICES WITHIN THE NEIGHBORHOOD REVITALIZATION AREA

PART 6

PROPERTIES ELIGIBLE FOR TAX REBATES UNDER THE NEIGHBORHOOD REVITALIZATION PROGRAM

Rehabilitation, alterations, additions and new construction affecting declared residential, commercial, and industrial property shall be eligible for the NRP tax rebate program. Public utility and railroad properties are ineligible. Personal property is not included.

PART 7

CRITERIA TO BE USED IN DETERMINING PROPERTIES ELIGIBLE FOR THE NEIGHBORHOOD REVITALIZATION PROGRAM

The following criteria are to be used to determine properties eligible under the Neighborhood Revitalization Act Program.

- a. All improvements must conform to zoning, building and other applicable regulations in effect in the Neighborhood Revitalization Plan target area at the time the improvements are made and remain in conformance with such regulations for the length of the rebate period;
- b. Construction of improvements must have begun on or after the date of inclusion of the property in the NRP target area;

- c. Improvements must increase the appraised value by at least 15% or \$5,000, **whichever is greater**, for all Residential, Commercial and Industrial Properties.
- d. Properties delinquent in tax payments or special assessments or under appeal or protest are not eligible until such delinquent payments or assessments have been paid;
- e. Properties eligible for tax incentives under any other program shall be eligible to submit applications under only one program at a time;
- f. Only owners are eligible for tax rebates;
- g. Tax rebates transfer with ownership of property and remain with the improved property, as per the original abatement schedule;
- h. Tax rebates are based on the increase of appraised value as of January 1 following the year of 100% completion and will be contingent on final inspection or issuance of certificate of occupancy.

PART 8

CONTENTS OF APPLICATIONS FOR PROPERTY TAX REBATES UNDER THE NEIGHBORHOOD REVITALIZATION ACT PROGRAM

Applicants for the Neighborhood Revitalization Act tax rebate program shall complete the application attached hereto.

[See Exhibit E](#)

PART 9

PROCEDURE FOR SUBMISSION AND REVIEW OF APPLICATIONS UNDER THE NEIGHBORHOOD REVITALIZATION PLAN PROGRAM

- a. Obtain an Application for Tax Rebate from the City of Herington.
- b. Complete and sign the application and file the original at the Herington City Office with a building permit. A copy will be returned to the applicant.
- c. Herington City Office will verify the applicant is the owner of record at the Dickinson County Appraiser's office, that the taxes are paid current with no delinquent taxes due, will inspect the site to ensure that no construction has been started and review the cost estimates to verify the minimum investment is being met.
- d. Owner will begin work on the improvements covered in the building permit.

- e. Owner will complete the rebate application upon 100% completion of the project and file at the Herington City office, which will then forward the application to the Dickinson County Appraiser's Office. This step must be completed by October 1 of the year preceding the commencement of the first year of the tax rebate period in order to qualify for the rebate.
- f. In the January following, the Dickinson County Appraiser's Office will conduct an onsite inspection of the construction project to determine the new valuation of the real estate, complete the appraiser's portion of the application and return the application to the Herington City Office, and report the new valuation to the Dickinson County Clerk by June 15. Tax records on the project will be revised by the Dickinson County Clerk's office to reflect the change in valuation.
- g. City of Herington will review the application to determine whether the percentage test for rebate has been met and check to see that taxes and assessments are not delinquent. If all criteria have been met, the City Clerk of Herington will certify the project for rebate.
- h. Upon payment of the real estate tax for the subject property for the initial and succeeding tax years of the rebate period, Dickinson County will make the appropriate rebates to the City within 30 days following payment and submittal of a receipt by the City to the County. The City is responsible for paying the owner within 2 weeks of receipt of the funds. The rebate will be made from the Neighborhood Revitalization Act Fund established in conjunction with other taxing jurisdictions participating in the Inter-local Agreement established for the program. Any increment in property taxes received by Dickinson County for a participating city and/or district shall be credited to the neighborhood revitalization fund.

PART 10

STANDARDS AND CRITERIA FOR REVIEW AND APPROVAL OF PROJECTS UNDER THE NEIGHBORHOOD REVITALIZATION ACT PROGRAM

- a. All improvements must conform to zoning, building and other applicable regulations in effect in the Neighborhood Revitalization Plan target area at the time the improvements are made and remain in conformance with such regulations for the length of the rebate period;
- b. Construction of improvements must have begun on or after the date of inclusion of the property in the NRP target area;

- c. Residential Improvements must increase the appraised value by at least 15% or \$25,000, **whichever is greater**, to qualify for the Rebate program.
Commercial and Industrial improvements must increase the appraised value of the subject property by at least 15% or \$25,000, **whichever is greater** to qualify for the Rebate program.
- d. Properties delinquent in tax payments or special assessments or under appeal or protest are not eligible until such delinquent payments or assessments have been paid;
- e. Properties eligible for tax incentives under any other program shall be eligible to submit applications under only one program at a time;
- f. Only owners are eligible for tax rebates;
- g. Tax rebates transfer with ownership of property and remain with the improved property;
- h. On January 1, following the year the project is 100% completed, the rebates will be based on the increase of **appraised value**. This is contingent on final inspection and issuance of a certificate of occupancy.
- i. Conditions for rebate termination.
 - 1. Failure to build or maintain the property to applicable codes, rules and regulations shall cause the rebate application to be terminated.
 - 2. Failure to timely pay all property taxes and required assessments shall result in removal from the rebate program. Late fees, fines, surcharges and the like are not eligible for rebate.

PART 11

PROGRAM AMOUNTS AND YEARS OF ELIGIBILITY UNDER THE NEIGHBORHOOD REVITALIZATION PROGRAM

The Neighborhood Revitalization Plan and tax rebate incentive program shall expire on December 31, 2031. The program will be reviewed annually on or before December 31st by the council and modifications will be considered at that time. On or before December 31, 2031 the City of Herington, Dickinson County and USD #487 will consider a new interlocal agreement to continue the Neighborhood Revitalization Plan. The parties agree that any party may terminate this agreement prior to December 31, 2031, by providing thirty (30) days advance notice, provided, however, any applications for tax rebates submitted prior to termination shall, if approved, be considered eligible for the duration of the rebate period.

The Rebate Period is for 10 Years on Residential and Commercial and Industrial Properties.

Five (5) percent of all rebates shall be retained and deposited in the Neighborhood Revitalization Act Fund for administrative costs.

Rebate periods and schedules shall be as follows for additional taxes due on **new construction or rehabilitation of Residential Property**:

Year 1	100% of the Increase in Appraised Value
Year 2	100% of the Increase in Appraised Value
Year 3	90% of the Increase in Appraised Value
Year 4	80% of the Increase in Appraised Value
Year 5	70% of the Increase in Appraised Value
Year 6	60% of the Increase in Appraised Value
Year 7	50% of the Increase in Appraised Value
Year 8	40% of the Increase in Appraised Value
Year 9	30% of the Increase in Appraised Value
Year 10	20% of the Increase in Appraised Value
Year 11	0%

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Rebate periods and schedules shall be as follows for additional taxes due **on new construction and or rehabilitation of Commercial and Industrial Property**:

Year 1	100% of the Increase in Appraised Value
Year 2	100% of the Increase in Appraised Value
Year 3	100% of the Increase in Appraised Value
Year 4	100% of the Increase in Appraised Value
Year 5	100% of the Increase in Appraised Value
Year 6	50% of the Increase in Appraised Value
Year 7	40% of the Increase in Appraised Value
Year 8	30% of the Increase in Appraised Value
Year 9	20% of the Increase in Appraised Value
Year 10	20% of the Increase in Appraised Value
Year 11	0%