

**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  
November 2, 2021  
5:30 p.m.

1. Pledge of Allegiance
2. Consider Minutes of the Regular Meeting October 12, 2021, and October 19, 2021, and Special Meeting October 29, 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. Police Update

7. Fire Update

8. Neighborhood Enforcement Update

9. City Attorney Update on Comprehensive Plan Regulations

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

10. Discuss and Action on Tim Bettles' Application for the Lake Advisory Board Term to Expire 11/30/2024

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

11. Discuss and Action on Becca Eggleston’s Application for the Lake Advisory Board Term to Expire 11/30/2024

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

12. Discuss and Action on Jean Kremeier’s Application for the Lake Advisory Board Term to Expire 11/30/2024

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

13. Discuss and Action on Curb and Guttering and ADA Ramp Construction

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

14. Discuss and Action on Lindburg Vogel Pierce Faris, Chartered Contract for Audit Services for the year ending 12/31/2021

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

15. Discuss and Action to set at date for a Special City Commission Meeting with the Planning Commission

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

16. Discuss and Action to approve Larry Mann’s Resignation from the Planning Commission

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

17. Discuss and Action on License Requirements for Mechanical Tradesman – Ordinance 1842 - **AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO ADD CHAPTER VI, ARTICLE 6, 4-608 ESTABLISHING A LICENSURE REQUIREMENT FOR ANYONE PERRFORMING SERVICES UNDER THE MECHANICAL CODE IN THE CODE FOR THE CITY OF HERINGTON, KANSAS CHAPTER VI, ARTICLE 6 AND REPEALING ANY OTHER CURRENT ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HEREWITH.**

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

18. Executive Session –

I move that the Herington City Commission Recess into Executive Session, Pursuant to the Consultation with an Attorney on matters that would be deemed privileged in the attorney-client relationship exception K.S.A. 75-4319(b)(2) in order to discuss matters of litigation, and to include the following persons:

- o Governing Body
- o City Manager
- o City Attorney
- o City Clerk
- o \_\_\_\_\_

With the open meeting to resume in the City Commission Chambers at \_\_\_\_\_pm.

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

Executive Session –

I move that the Herington City Commission Recess into Executive Session, Pursuant to the Consultation with an Attorney on matters that would be deemed privileged in the attorney-client relationship exception K.S.A. 75-4319(b)(2) in order to discuss contract negotiations, and to include the following persons:

- o Governing Body
- o City Manager
- o City Attorney
- o City Clerk
- o \_\_\_\_\_

With the open meeting to resume in the City Commission Chambers at \_\_\_\_\_pm.

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

19. City Manager Comments

20. Commissioner Comments

21. 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](mailto:cityoffice@cityofherington.com).

Public Comment is limited to 3 minutes per person. This is intended for citizens to express their views. 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. All Commissioners can add additional agenda items if they choose for discussion. See The Code of Procedure for Kansas Cities section 10 Agenda items. *“Members of the public may not place an item on the agenda but may have a governing body member sponsor such an item.”*

All questions posed during public forum should be answered within the specific agenda item by any Commissioner or followed up as needed by staff in a timely manner during regular business hours following the meeting.

Please also review the protocol from The Code of Procedure for Kansas Cities Section 7 Public Comment. *If public comment is allowed during the meeting, the citizen desiring to comment on matters of a general nature, not specific to an agenda item, shall sign up in advance of the meeting & shall provide his or her name and address for the purpose of putting both in in the minutes of the meeting. Any comment taken on specific agenda items shall require the citizen to state his or her name and address for the minutes. The mayor or meeting chair may limit the time of each citizen based upon the number of people wishing to speak and the amount of time available for the public comment portion of the meeting.* All questions posed during public forum should be answered within the specific agenda item by any Commissioner or followed up as needed by staff in a timely manner during regular business hours following the meeting. Unfortunately, some citizen prolonged dialogue, demeanor & or outburst during the meeting has caused this to be enforced for all.

It is recommended that you request in advance for a specific item to be added to the agenda. This request should be received by the City Manager before Friday at noon preceding the meeting.

See The Code of Procedure for Kansas Cities section 10 Agenda items. Agenda items. *“Members of the public may not place an item on the agenda but may have a governing body member sponsor such an item.”*

I would encourage every citizen to reach out to every Commissioner to have personal discussion of their concerns. By reaching out to select individuals only, may result in dissatisfaction of the outcome. We all have discussions with many citizens, how we base our decision is relative to the individuals that reach out to us specifically.

**Regular Meeting**  
**October 12, 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 Vance Donahue II, Commissioner Ben Castleberry, City Manager Branden Dross, City Attorney Brad Jantz and City Clerk Megan Lawrenz. Also, in attendance were Officer Chad Langley, Carl Urbanek, Larry Mann, Eric Gares, John Shepherd, Analda Shepherd, Shelly Langhofer, Officer Breanna Canby, Steve Lewis, Officer Ronald Cervera, MacKenzie Langley, Crystal Parris, Officer Brian Schantz, Officer Allen Cottone, Brandy Sensmeier and Wayne Langhofer.

The meeting opened with the Pledge of Allegiance.

Commissioner Donahue motioned to approve the minutes from the Regular Meeting September 21, 2021, seconded by Mayor Urbanek. Motion carried 3-0.

Public Forum – Analda Shepherd – 616 N D St, Herington, KS 67449 spoke about the fowl ordinance.

Additional Agenda Items – Addition of 5a Executive Session.

A motion was made by Commissioner Donahue, seconded by Commissioner Castleberry to approve the agenda with the addition of 5a. Motion carried 3-0.

Executive Session – Mayor Urbanek motioned to move to executive sessions pursuant to the personnel matters of non-elected personnel exception, K.S.A. 75-4319(b)(1) to include the governing body, city manager and city attorney if needed, with the regularly scheduled meeting to resume at 5:46p, seconded by Commissioner Castleberry. Motion carried 3-0. No action taken.

City Manager Branden Dross introduced Sergeant Detective Chad Langley as the new Chief of Police for the Herington Police Department.

Police Update – There were 239 calls for service, and 4 misdemeanor arrests.

Neighborhood Enforcement Update – Out of 4 condemnations, two homes have come off the list. The other two houses need to be abated. Court cases were paused for a while but resumed today. Certification training will be starting this fall in Manhattan. The city wide clean up went well, Crystal worked with Mike to get some last-minute garbage picked up. Will be working some Saturdays. Has been working on last minute grass letters and is getting ready to start working on parking campers on wood or cement on the side of houses.

Marcus Hawkes' Application for the Planning Commission – Mayor Urbanek motioned to approve Marcus Hawkes' application for the Planning Commission term to expire 12/31/2025, seconded by Commissioner Castleberry. There was discussion about making sure that extending the term expiration date is allowed.

Staff confirmed it is allowed and will update the planning commission by-laws to reflect. Motion carried 3-0.

Brandy Sensmeier's Application for the CVB Board – Mayor Urbanek motion to approve Brandy Sensmeier's application for the CVB board term to expire 10/31/2023, seconded by Commissioner Donahue. Motion carried 3-0.

Helen Mitchell's resignation from the Hilltop Advisory Board – Mayor Urbanek motioned to approve Helen Mitchell's resignation from the Hilltop Advisory Board, seconded by Commissioner Castleberry. Motion carried 3-0.

Special Event Permit to sell Cereal Malt Beverages – Mayor Urbanek motioned to approve the special event permit to sell cereal malt beverages on Broadway Street in front of City Hall on 10/30/2021 from 3:00pm to 8:00pm for the fall festival, seconded by Commissioner Castleberry. Motion carried 3-0.

Street Closure Request – Mayor Urbanek motioned to approve the street closure request for Broadway Street between Main Street and Day Street for the Fall Festival on 10/30/2021, seconded by Commissioner Donahue. Motion carried 3-0.

#### RESOLUTION 945

**A RESOLUTION PROVIDING FOR THE TEMPORARY CLOSURE OF PUBLIC RIGHTS OF WAY, THOROUGHFARES, OR PUBLIC ACCESS ROADWAYS, ON BROADWAY AVENUE IN THE CITY OF HERINGTON, KANSAS FROM MAIN STREET TO DAY STREET FOR THE TIMES AND DATES SPECIFIED HEREIN.**

Ordinance to dissolve the Herington Municipal Hospital Board of Trustees – Mayor Urbanek motioned to approve an ordinance in the next sequential order to dissolve the Herington Municipal Hospital Board of Trustees. Motion failed for lack of a second. Item tabled until the 10/19/2021 regular commission meeting.

Fowl Ordinance – Mayor Urbanek motioned to defer the subject to the next regular city commission meeting, seconded by Commissioner Donahue. Motion carried 3-0.

Neighborhood Revitalization Plan – Mayor Urbanek motioned to approve the Neighborhood Revitalization Plan, seconded by Commissioner Castleberry. Motion carried 3-0.

Fire Update – There were 51 calls since 9/7/2021; 3 MVA with injuries, 1 rescue/entrapment MVA, 28 EMS assists, 1 vehicle fire, 10 controlled burns, 1 smoke odor, 1 standby, 3 fire alarms, 1 structure fire, 1 rubbish fire and 1 down power line. Training with JCFD went well. Training on the new thermal imagers. Chief Avantagiato is in fire investigator class in Newton 10/11-10/22. Nelson is still progressing nicely, he is working on getting his leg healthy. Open house on 10/5 with HPD went great. HFD did fire prevention at Discovery Child Center. HFD will do fire prevention at the VFW on 10/16. Received and placed in service the new thermal image cameras, have already used on several calls. Need to fill seats on committee for

new fire Station, 4 firefighters, City Manager, Commissioner and 2-3 Citizens. SCBA's are due in end of November/December. Had 2 older ones fail within the last couple weeks. Average response time 3:05 seconds, only 3 times did a unit not respond in under 8 minutes.

City Manager Comments – The bids received back for the ADA ramps and curb and gutter work exceed budgeted funds. Waiting for the pumphouse bids. Reached out to Schilling for patchwork. Planning commission met but didn't meet a quorum. The pools fiberglass is under warranty. Will be bringing and adjusted lake RFQ to the next meeting. Happy birthday to staff members Jason Alt and Megan Lawrenz.

Commissioner Castleberry – Great job to everyone who worked on Nation Night Out. Congratulations to Chief of Police Chad Langley.

Commissioner Donahue – Nothing.

Mayor Urbanek – Builders group next week. Asked the status of the Ad Hoc committees 501C3 status, Brad Jantz will follow up with Corkie Dunlap.

Adjourn – Commissioner Castleberry made a motion to adjourn, seconded by Mayor Urbanek. Motion carried 3-0.

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Megan Lawrenz, City Clerk

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**Regular Meeting**

**October 19, 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 Robbin Bell, Commissioner Curtis Hartman, Commissioner Vance Donahue, Commissioner Ben Castleberry, City Manager Branden Dross, City Attorney Brad Jantz and Deputy Clerk Kathy Matkins. Also in attendance were Todd Anderson-SMH Consultants, Dan McDonald, Christina McDonald, Larry Mann, Carl Urbanek, Janet Wade, Leslie Mayes, Steve Lewis and Eric Gares.

The meeting opened with the Pledge of Allegiance. Mayor Urbanek Called the meeting to order. City Manager told the Commissioners and the Mayor the minutes from the last meeting were not ready to be approved and will be handed out at the next meeting in November 2021 as City Clerk was on vacation.

There were two signees for Public Forum. Dan McDonald had questions about Phase II of the Water Plant and the Herington Hospital Dissolution as well as the Master Lake Plan and where the money is coming from to pay for this project?

Janet Wade had questions concerning the Ad Hoc Firehouse Evaluation Committee and if this committee was relevant and the Lake Master Plan. Janet said the Comprehensive Plan needs updated prior to spending monies on the Lake Master Plan. Janet also inquired and was concerned about the Creation of a Building Standards Board Ordinance and whether 1 or 2 boards were needed.

**Additional Agenda Items: None**

A motion was made by Mayor Urbanek, seconded by Commissioner Bell to approve the agenda. Motion carried all voting "Aye."

A motion was made by Commissioner Bell, seconded by Mayor Urbanek to approve moving forward with the Phase 2 WWTP Improvements with Todd Anderson of SMH Consultants gathering additional information on grants, loans, and any agreements and options necessary for the WWTP Project. Motion carried all voting "Aye."

A motion was made by Mayor Urbanek, seconded by Commissioner Bell to approve the appointment of a City Commissioner to the Ad-Hoc Firehouse Evaluation Committee and authorize the City Manager to select a City Commissioner to this Board. Motion carried all voting "Aye."

A motion was made by Mayor Urbanek, seconded by Commissioner Donahue to approve the 2022 Employee Benefits Package with Blue Cross Blue Shield Kansas. Motion carried all voting "Aye."

A motion was made by Mayor Urbanek, seconded by Commissioner Bell to approve the Herington Municipal Hospital Board Dissolution Ordinance and authorize the mayor to sign. Motion carried all voting "Aye."



A motion was made by Mayor Urbanek, seconded by Commissioner Bell to approve the Contract with Confluence for the Herington City Lake and Reservoir Master Plan Services and authorize the City Manager to sign. Motion carried with 3 voting "Aye" and Commissioner Castleberry and Commissioner Donahue voting "Nay."

A motion was made by Mayor Urbanek, seconded by Commissioner Castleberry to approve the revised Fowl Ordinance to include not allowing roosters in the city limits. Anyone with roosters will have to be abated. Motion carried with all voting "Aye."

A motion was made by Mayor Urbanek, seconded by Commissioner Bell to approve the creation of a Building Standards Board Ordinance with the minutes being forwarded to the City Commissioners and Mayor and authorize the mayor to sign. Motion carried with 4 "Ayes" and Commissioner Donahue voting "Nay."

Update on the Herington Revitalization Committee- City Manager said the Bylaws are drafted and signed off. Articles of Incorporation filed with the IRS and Secretary of State paperwork. In 65 to 75 days, tax deduction status should be complete due to nonprofit status eligibility.

**City Manager and City Commissioners' Comments:**

City Manager Comments-Will be following up on Safe Routes to School and getting approval for funds to be paid by infrastructure. Cemetery Software is on board and city staff are being trained on the software now. Publicly read a letter to everyone asking for continued support and apologizing for behavior and actions that were inappropriate and moving forward with passion, commitment, and dedication to the City and Community Residents.

Commissioner Donahue expressed concerns over moving forward with the Lake Master Plan and the Phase 2 WWTP Project when he felt there were other areas of priority to spend money on other important projects. He wants to do what's right for the community.

Commissioner Bell thanked City Manager for his good work and being open and honest with everyone.

Commissioner Hartman appreciated City Manager Branden Dross sharing with the public information he prepared in a letter he read and presented to all.

Commissioner Castleberry expressed concern in spending approximately 60,000 on the Master Lake Project at this time as other projects that were started did not get completed such as the 2018 Safewalk Project.

Mayor Debi Urbanek reminded everyone that the Public Candidate Forum is tomorrow night at 6 pm at City Hall. Mayor showed and expressed her appreciation for City Manager Branden's Dross hard work he has accomplished in the last 13 months in his position and for being a man of honesty and integrity.

A motion was made by Commissioner Hartman, seconded by Commissioner Castleberry to adjourn. Motion carried with all voting "Aye".

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Megan Lawrenz, City Clerk

**Special Meeting  
October 29, 2021  
9:00 AM**

The Board of the City Commission for the City of Herington, Kansas met at City Hall at 9:00am. on the above date – The following being present: Mayor Urbanek, Commissioner Bell, Commissioner Castleberry, City Manager Branden Dross and City Clerk Megan Lawrenz. Absent were Commissioner Hartman and Commissioner Donahue.

The meeting opened with the Pledge of Allegiance. Mayor Urbanek called the meeting to order.

Resolution 946 – Mayor Urbanek motioned to approve Resolution 946, 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 for the Fall Festival October 30, 2021, on Broadway near City Hall and authorizes the mayor’s signature, seconded by Commissioner Castleberry. Motion carried 3-0.

**RESOLUTION 946**

**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**

Commissioner Bell made a motion to adjourn, seconded by Commissioner Castleberry. Motion carried 3-0.

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Megan Lawrenz, City Clerk



# Advisory Board Application

OFFICE USE:	
Term Length	3 years
Appointed Date	
Expiration Date	11/30/2024

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 LAKE

Name: Tim Bethes Address: [REDACTED]

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

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

While camping, I have heard ideas from the other Campers about the lake. Only way to try and fix them is to get on this advisory board.

➤ 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?

Improve the Herington City Lake.

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

I was on the Lake advisory board until it was disbanded

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

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Appointed Date	
Expiration Date	11/30/2024

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 Lake Advisory Board

Name: Becca Eggleston Address: [REDACTED]

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

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

To help improve community lakes

DRAFT

➤ 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?

Improvement of our lakes  
 Make the area profitable for Herington.  
 The lakes are a HUGE asset.

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

I've served on many boards. Colorado FIBARK board treasurer. It has been running for 75 years. I'm on the chamber board + CVB.

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	3 years
Appointed Date	
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Advisory Board of interest to you Lake Board

Name: Sean Kremeier Address: [Redacted]

Phone Number: [Redacted] Email Address: [Redacted]

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

Because the Lake is of great Interest to me! I spend a lot of time at the Lake so any Improvements would be greatly appreciated!

DRAFT

➤ 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?

1. To Provide water Have Clean Bathrooms that are Pumped Regularly
2. Sewer would be nice- Shower House
3. Clean up weeds all around the Lake so we can see it better + have better Access!
4. Places to Dock your Boat
5. Maintain Swimming area Better!

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

well- I utilize the Lake a lot so I care what happens out there.

LINDBURG VOGEL PIERCE FARIS, CHARTERED  
Certified Public Accountants

CITY OF HERINGTON, KANSAS

CONTRACT FOR AUDIT SERVICES

Year Ended December 31, 2021

DRAFT



Roger W. Field, CPA  
Gregory D. Daughhete, CPA  
Kenneth D. Hamby, CPA  
Michael R. Meisenheimer, CPA  
Nick L. Mueiting, CPA  
Billy J. Klug, CPA  
Randall R. Hofmeier, CPA  
Brent L. Knoche, CPA  
Brian W. Mapel, CPA  
Jeffrey D. Reece, CPA  
Brady H. Byrnes, CPA  
Alex P. Larson, CPA

**The Mayor and City Commission  
City of Herington, Kansas**

We are pleased to confirm our understanding of the services we are to provide the City of Herington, Kansas (the City) for the year ended December 31, 2021. The engagement letter embodies the entire agreement regarding the services to be rendered by Lindburg Vogel Pierce Faris, Chartered to the City.

**Audit Scope and Objectives**

We will audit the summary statement of receipts, expenditures, and unencumbered cash (the financial statement) of the City, the related municipal entity, the Herington Public Library, and the disclosures, which collectively comprise the basic financial statement as of December 31, 2021, and for the year then ended. This financial statement shall be presented on the regulatory basis of accounting to meet the financial reporting requirements of the State of Kansas, as described in the *Kansas Municipal Audit and Accounting Guide*, and will require that the governing body approve a resolution waiving the generally accepted accounting principles requirement.

We have also been engaged to report on supplementary information that accompanies the City's financial statement. We will subject the following supplementary information to the auditing procedures applied in the audit of the financial statement and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statement or to the financial statement itself, and other additional procedures in accordance with auditing standards generally accepted in the United States of America (GAAS) and will provide an opinion on it in relation to the financial statement as a whole:

- summary of expenditures – actual and budget
- the individual fund schedules of receipts and expenditures - actual and budget
- the schedule of receipts and disbursements – agency funds

The objectives of our audit are to obtain reasonable assurance as to whether the financial statement as a whole is free from material misstatement, whether due to fraud or error; issue an auditor's report that includes our opinion about whether your financial statement is fairly presented, in all material respects, in conformity with the regulatory basis of accounting financial reporting provisions permitted in the *Kansas Municipal Audit and Accounting Guide*, which is a comprehensive basis of accounting other than U.S. generally accepted accounting principles, and report on the fairness of the supplementary information referred to in the third paragraph when considered in relation to the financial statement as a whole.

Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment a reasonable user makes based on the financial statements.

### **Auditor's Responsibilities for the Audit of the Financial Statement**

We will conduct our audit in accordance with GAAS and will include tests of your accounting records and other procedures we consider necessary to enable us to express such opinion. As part of an audit in accordance with GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will also evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statement, including disclosures, and determine whether the financial statement represents the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statement is free of material misstatement, whether from errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations that are attributable to the City or to acts by management or employees acting on behalf of the City.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with GAAS. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statement. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to matters that might arise during any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting transactions in the accounts, and will also include confirmations with selected agencies, individuals, creditors, and financial institutions. We may also request written representation from your attorney as part of the engagement.

### **Audit Procedures – Internal Control**

We will obtain an understanding of the entity and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statement, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.



### **Audit Procedures – Compliance**

As part of obtaining reasonable assurance about whether the financial statement is free of material misstatement, we will perform tests of the City's compliance with the provisions of applicable laws, regulations, contracts and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

### **Other Services**

We will also prepare the regulatory basis financial statement, disclosures, and supplementary information of the City based on information provided by you. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgement, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

### **Responsibilities of Management for the Financial Statement**

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles, and for the preparation and fair presentation in the financial statement, in conformity with the regulatory basis of accounting financial reporting provisions permitted in *Kansas Municipal Audit and Accounting Guide*, including all informative disclosures that are appropriate for the regulatory basis of accounting.

Management is responsible for making drafts of the financial statement, all financial records and related information available to us and for the accuracy and completeness of that information, including identification of federal awards expended and other information from outside of the general and subsidiary ledgers. You are also responsible for providing us with access to all information of which you are aware that is relevant to the fair presentation of the financial statement, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; additional information that we may request for the purpose of the audit; and unrestricted access to persons within the government from whom we determine it is necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statement and related matters.

Your responsibilities include adjusting the financial statement to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statement taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving management, employees who have significant roles in internal control, and others where the fraud could have a material effect on the financial statement. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the City complies with applicable laws, regulations, contracts, agreements, and grants.

You are also responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with the regulatory basis of accounting. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statement with any presentation of the supplementary information that includes our report thereon.

Your responsibilities include acknowledging to us in the representation letter that you are responsible for presentation of the supplementary information in accordance with the regulatory basis reporting provisions of the *Kansas Municipal Audit and Accounting Guide*; you believe the supplementary information, including its form and content, is fairly presented in accordance with the regulatory basis reporting provisions; the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You agree to assume all management responsibilities for the financial statement preparation services and any other nonaudit services we provide; oversee those services by designating an individual, preferably within senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

### **Engagement Administration, Fees, and Other**

Randall R. Hofmeier is the engagement shareholder and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. We expect to begin our audit in June following year-end, and to issue our report before August 31, 2022.

Our fee for services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree our fee will not exceed \$15,975 for the year ended December 31, 2021. Our standard hourly rates vary according to the degree of responsibility involved, and the experience level of personnel assigned to your audit. The above fee is based upon anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our invoices for progress payments may be presented from time to time during the engagement and a final invoice will be presented upon filing our report. Invoices will be payable the first of the following month.

Additional services requested, but not addressed in this engagement letter will be based on the actual hours required at our standard rates. We may also issue a separate engagement letter covering the additional services. Any other work not covered by this agreement, including but not limited to assistance with preparation of the City's budget and consultation with City personnel about accounting procedures and other matters, shall be done at your request on the basis of our regular rates.

The audit documentation for the engagement is the property of Lindburg Vogel Pierce Faris, Chartered and constitutes confidential information. However, we may be requested to make audit documentation available to the State of Kansas or other regulatory agencies pursuant to law or regulation. We will notify you of any such request. If requested, access to such audit documentation will be under supervision of our staff. Further, upon request, we may provide selected audit documentation to the aforementioned parties. These parties may intend, or decide to distribute the copies or information contained therein to others, including governmental agencies.

### **Reporting**

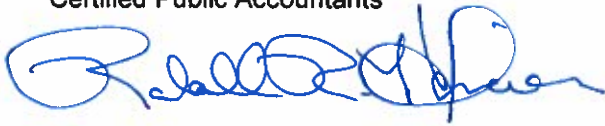
We will issue a written report upon completion of our audit of the City's financial statement. Our report will be addressed to the Mayor and City Commission of the City of Herington, Kansas. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinion or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinion on the regulatory basis financial statement is other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or withdraw from this engagement.

At the conclusion of the audit, bound copies and a pdf copy of our report on your financial statement will be furnished to you for distribution as you desire.

We appreciate the opportunity to be of service to the City of Herington, Kansas and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign both copies of this letter and return one copy to us.

Respectfully submitted,

LINDBURG VOGEL PIERCE FARIS, CHARTERED  
Certified Public Accountants



Randall R. Hofmeier, CPA

**RESPONSE:**

This letter correctly sets forth the understanding of the City of Herington, Kansas.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

**DESIGNATION OF INDIVIDUAL RESPONSIBLE TO OVERSEE NONAUDIT SERVICES:**

We designate \_\_\_\_\_ as the individual responsible to oversee nonaudit services.

# Lawrenz Masonry LLC

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220 West Walnut Ste. 1 Herington, KS 67449

Cell: 785.366.0866 Fax: 785.258.2999

November 29, 2021

**Re: 2021 Street Maintenance Phase 2 – Herington, KS**

To whom it may concern,

We propose to have the 2021 Street Maintenance Phase 2 project complete by December 17<sup>th</sup>, 2021 weather permitting. Invoice 104 will be due by December 31<sup>st</sup>, 2021. Invoice 105 labeled 2022 Street Maintenance Phase 1 will be due by January 31<sup>st</sup>, 2022.

If you should have any questions, please feel free to contact me.

Thanks,



Nathan Lawrenz

DRAFT

Lawrenz Masonry, LLC  
220 W Walnut St  
KS US  
josh@lawrenzmasonry.com



**BILL TO**  
2022 Street Maintenance:  
Phase 1

**INVOICE 105**

**DATE** 01/17/2022 **TERMS** Net 15

**DUE DATE** 01/31/2022

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
01 - Labor	Labor, Materials and Equipment	1	33,500.00	33,500.00

**DRAFT**

**TOTAL DUE**

**\$33,500.00**

Lawrenz Masonry, LLC  
220 W Walnut St  
KS US  
josh@lawrenzmasonry.com



**BILL TO**  
2021 Street Maintenance:  
Phase 2

**INVOICE 104**

**DATE** 12/17/2021 **TERMS** Net 15

**DUE DATE** 12/31/2021

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
01 - Labor	Labor, Materials and Equipment	1	33,500.00	33,500.00

**DRAFT**

**TOTAL DUE**

**\$33,500.00**

Published in the official newspaper on the \_\_\_\_\_ day of \_\_\_\_\_, 2021

**ORDINANCE NO. 1842**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO ADD CHAPTER VI, ARTICLE 6, 4-608 ESTABLISHING A LICENSURE REQUIREMENT FOR ANYONE PERRFORMING SERVICES UNDER THE MECHANICAL CODE IN THE CODE FOR THE CITY OF HERINGTON, KANSAS CHAPTER VI, ARTICLE 6 AND REPEALING ANY OTHER CURRENT ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HEREWITH.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS.**

**SECTION 1.** That Chapter VI, Article 6, Section 4-608 of the Code of the City of Herington, Kansas, is hereby amended to add Section 4-608 to read, in its entirety, to read as follows:

**4-608 Mechanical License Required.** No person shall engage in or work at the business of mechanical installations within the City of Herington, Kansas without obtaining a license therefor in accordance with the provisions of this article, provided that this shall not be construed to prohibit persons employed by a licensed general contractor from performing such work under the supervision or at the direction of the employer responsible for such work.

**SECTION 2.** Other ordinances, or portions thereof in conflict herewith, are hereby repealed.

**SECTION 3.** This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

**PASSED AND ADOPTED** by the Governing Body of the City of Herington, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**Signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

\_\_\_\_\_  
Debi Urbanek, Mayor

ATTEST:

\_\_\_\_\_  
Megan Lawrenz, City Clerk

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DRAFT