

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
December 6, 2022
6:00 p.m.**

1. Pledge of Allegiance

2. Call to Order

3. Public Forum

4. Additional Agenda Items

5. Approval of Agenda

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Mayor Gares

6. Consent Agenda

- a. Regular City Commission Meeting Minutes November 15, 2022
- b. Transit Participation Plan-Notifying the Public Rights of Title VI

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Mayor Gares

7. Discuss and Action on **the** Appointment of a Vice-Mayor to Serve the Remaining Term of 2022

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Mayor Gares

8. Discuss and Action on CDBG Sponsorship for Discovery Child Care Learning Center

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Mayor Gares

9. Police Update

10. Fire Update

11. Neighborhood Services Update

12. Discuss and Action on the Resignation of the City Manager effective December 30, 2022

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Mayor Gares

13. Discussion on Tri-County Free Fair Insurance with TCFF Board

14. Discussion on DKEDC Herington Appointment

15. Update on Contract Management Software

16. Update on Trapp Street CCLIP Project

17. Update on Herington Tomorrow Comprehensive Plan

18. Executive Session – I move that the Herington City Commission recess into Executive Session, pursuant to the: Privilege for Contract Negotiations K.S.A. 75-4319(b)(2) to discuss personnel, to include the following:

- The Governing Body
- City Manager
- City Attorney

With the open meeting to resume in the City Commission Chamber at _____ pm.

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Mayor Gares

19. City Manager Comments

20. City Commission Comments

21. Adjourn

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Mayor Gares

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

<https://www.youtube.com/channel/UBbvSBw614w85XQHSX0S1BXg>

**Public Forum Comments can be dropped in the deposit box or email to
cityoffice@cityofherington.com**

**Regular Meeting
November 15, 2022
6:00 p.m.**

The Herington City Commission met on the above date and time in the city commission chambers at city hall. In attendance were Mayor Eric Gares, Commissioner Vance Donahue, Commissioner Debi Urbanek, Commissioner Robbin Bell, Commissioner Ben Castleberry, City Manager Branden Dross, City Attorney Brad Jantz, Deputy Clerk Chanda Wilson, Larry Mann, Dan McDonald, Christina McDonald, Gabriele Simmons, Carl Urbanek, Marion Schweitzer, Mark Noble, Donalyn Biehler, Morgan Hanschu, Todd Anderson, and Charity Magnet.

The meeting opened with the pledge of allegiance.

Mayor Gares called the meeting to order.

Public Forum – Charity Magnet– 811 N Broadway – Discovery Childcare expansion

Additional Agenda Items – Add revised resolution numbers 964: 211 N E St, 965: 315 S A St, 966: 507 N F St, 967: 122 W Main St., and 968: 117 W. Main St, revisions include changing the hearing date from December 20th to January 3rd to provide ample time for publication plus 60 days to the consent agenda.

Add 7a- Rec Commission bill \$400.00 water abatement.

Switch agenda item numbers 7 and 7a with agenda item number 8.

Approval of Agenda – Commissioner Donahue made a motion to approve the agenda to include adding 211 N E St, 965: 315 S A St, 966: 507 N F St, 967: 122 W Main St., and 968: 117 W. Main St, revisions include changing the hearing date from December 20th to January 3rd to provide ample time for publication plus 60 days to the consent agenda, Adding 7a- Rec Commission bill \$400.00 water abatement and Switching agenda item numbers 7 and 7a with agenda item number 8. The motion was seconded by Commissioner Bell. Motion carried 5-0.

Consent Agenda – Regular City Commission Meeting Minutes November 1, 2022. Commissioner Donahue made a motion to approve the consent agenda, seconded by Commissioner Bell. Motion passed unanimously.

Discussion and action on CDBG Grant for sponsorship of Child Care Expansion with Discovery Childcare and Learning Center- Mayor Gares started by addressing whether he can vote on the motion. He disclosed his wife is an employee of Discovery Childcare. Due to some ambiguity regarding the rules/law Mayor Gares made a motion to recess & direct the city attorney to go over the statutes, seconded by Commissioner Donahue. Motion failed 3-2. Voting Nay were Commissioner Castleberry, Commissioner Bell and Commissioner Urbanek. Commissioner Donahue made a motion to approve the sponsorship of the childcare center for the CDBG Grant, seconded by Commissioner Castleberry. Discussion continued; The director of the Discovery Childcare and learning center, Gabriele Simmons stated they currently have 26 slots, all of which are filled with 15 on the waiting list. The expansion will add 38 more. The school superintendent Mrs. Biehler stated the school district currently has a childcare that is licensed and is open to the public. There are 9 slots, 6 of which are filled by families outside of school employ. The motion failed 2-2. Commissioners Castleberry and Donahue voted in favor with Commissioners Bell and Urbanek against. Mayor Gares abstained from the vote.

Commissioner Donahue made a motion to resume discussion on the CDBG support for the expansion of Discovery Childcare and Learning Center and make it the first topic at the next meeting. Seconded by Commissioner Bell. The motion carried 5-0.

Discussion and action on Rec Commission bill \$400.00 water abatement-There was a leak at the South Park Ball Field which resulted in a bill \$400.00 more than average bills for similar months. Commissioner Castleberry made a motion to forgive the \$400.00, seconded by Commissioner Urbanek, motion passed 5-0.

Discussion and action on waiving permit fee for childcare expansion for USD 487: Consensus is that waiving the fee is within the purview of the City Manager. No action was taken.

Discussion and action on wastewater treatment plant phase 2 engineering services with SMH Consultants for \$176,000: Todd Anderson from SMH Consultants presented on phase 2 and discussed using CDBG and KDHE to recoup some of the funding for the project. Commissioner Bell made a motion to approve the contract with the city manager authorized to sign, seconded by Commissioner Urbanek and the motion passed 5-0.

City Manager Branden Dross presented on the Blue Cross Blue Shield health care renewal. The staff were expecting a 16-17% increase, however, the increase was only 10%. Commissioners asked questions regarding coverage and costs. Commissioner Bell made a motion to approve the plan, seconded by Mayor Gares. The motion passed 5-0.

Discussion and action on contract for water treatment plant ozone maintenance program for one year at 14,322.00 with Pureflow: The one-year contract includes a training package & cleaning and filter changes quarterly. The hope is that we can glean the information needed to proceed in future years able to complete the work ourselves. There was discussion on the matter and Commissioner Bell made a motion to approve the contract with the city manager authorized to sign. The motion was seconded by Commissioner Urbanek and passed unanimously.

Discussion and action on Cooperation and Fisheries Contract with KDWP for five years to end December 31, 2028, with an annual payment of \$11,200 to the city of Herington: The commissioners asked questions about how this would affect our master plan going forward. Branden said that as long as people can fish, it shouldn't affect the plan. Mayor Gares raised the issue that according to his calculation, the proposed annual payment to the city is less than the lease calculation criteria on the provided form. Branden said he can ask further regarding these questions. After discussion Commissioner Castleberry made a motion to table the discussion pending further research by the city manager, seconded by Commissioner Donahue and passed unanimously.

Executive Session – Mayor Gares made a motion 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) to discuss airport contract to include the following:

- Governing Body
- City Manager
- City Attorney

With the open meeting to resume in the City Commission Chamber at 7:10PM, seconded by Commissioner Donahue. Motion carried 5-0. Regular meeting resumed with no action taken.

City Manager Comments – We are talking with KMEA regarding community solar & using vacant lots, joining with other smaller cities to be considered a “solar farm”. EV Chargers are on the way we are looking at Feb/March.

City Commission Comments:

Commissioner Castleberry – none

Commissioner Bell – Reminder that Branden's review is coming up and is completed in two parts.

Commissioner Urbanek – Received reports about blighted trees and limbs etc. Branden stated that the city is currently working on the tree issues. If these need to be reported, it can be done online or by calling the office

Commissioner Donahue – Submitted his resignation as of the end of this meeting. Commissioner Bell motioned to accept Commissioner Donahue's resignation, seconded by Commissioner Urbanek. Motion carried 4-0 with one abstention by Commissioner Donahue.

Mayor Gares - None

Adjourn – Commissioner Urbanek made a motion to adjourn, seconded by Commissioner Castleberry. Motion carried 4-0.

Chanda Wilson, Deputy City Clerk

Notifying the Public of Rights Under Title VI
**City of Herington & Hilltop
Community Center**

- The City of Herington and Hilltop Community Center operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Herington.
- For more information on the City of Herington & HHCC's civil rights program, and the procedures to file a complaint, contact 785-258-2271 or 785-258-2956, email Lori.Hilltop@yahoo.com or visit our administrative office at 17 N. Broadway, Herington, KS 67449. For more information, visit www.cityofherington.com
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590

This notice is posted in the City of Herington Office at 17 North Broadway
Herington, KS 67449.

It is posted on the agency website at
www.cityofherington.com

Mister

Public Transport. Title VI of the Civil Rights Act

The City of Herington Hilltop Community Center operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Herington.

- [Public Transportation Participation Plan Outline](#)
- [Complaint Procedures](#)
- [Complaint Form](#)



City of Herington and Hilltop Community Center

City of Herington/Hilltop Community Center

Transit Public Participation Plan Outline

1. Brief description of provider's activities and services

City of Herington and Hilltop Community Center has been providing transportation to the General Public for over 10 years. We provide Medical, Employment, Educational and Personal rides all within Herington city limits.

2. Brief description of activities that would warrant public participation (i.e. fare changes, changes to service hours, route adjustments, service area changes).

City of Herington and Hilltop Community Center would notify the public for any fare changes, service hour changes, demand response changes and policy or procedure changes.

3. Brief description of the proactive public participation strategies would be used.

All public notifications would be planned as follows:

- Public hearings/meetings/workshops to be held at convenient times and accessible locations
- Various advertising platforms would be utilized(Herington Times, Local T.V. Channel 4, website, and announcements posted in area business'.
- A contact list on the website that includes: Interested members of the public, elected officials, local government staff, KDOT Public transit staff and local media
- When possible, an email would be sent to various list services, including local doctors, schools, business'.

City of Herington and Hilltop Community Center

- Direct mailings to the donor mailing list
4. Brief description of outreach methods to engage minority and Limited English Proficiency (LEP) individuals (i.e. translation of public meeting materials, providing translation services if requested, targeted media messages in low income neighborhoods of service area, Work with existing neighborhood and advocacy organizations).

The City of Herington and Hilltop Community Center would meet the needs if notified in advance and by following the Limited English Proficiency Plan.

5. Brief description of the desired outcomes of the agency's public participation efforts.
- The agency desires to have actively engaged transit riders, stakeholders and members of the general public in the decision making process.
 - The agency strives to have given adequate public notice of public participation activities and allowed proper time for public review and comment at key decision points.
 - The agency desires to provide timely information about transportation issues and processes to transit riders, stakeholders and members of the general public
 - The agency will provide responses to all public input as appropriate.

City of Herington and Hilltop Community Center

- The agency will have facilitated effective communication among a diverse group of stakeholders.
- The agency will have established a timetable for review of the Public Participation Process to ensure it provides full and open access to all.

6. Brief summary of recent outreach efforts over the past three years.

The City of Herington and Hilltop Community Center continues to encourage all transit riders and residents to give feedback to the City of Herington and/or Hilltop Community Center in writing or by attending a city Council meeting.

City of Herington and Hilltop Community Center

Limited English Proficiency (LEP) Preview

The purpose of developing an LEP plan, as a recipient of federal funds, is to identify the extent of LEP individuals and identify ways that the transit agency can reduce and/or eliminate the barriers to LEP individuals.

Four Factor Analysis

(1) Identify number of or proportion of LEP individuals that can utilize the service provided by (City of Herington and Hilltop Community Center): *Using the 2007 - 2011 American Community Survey data, we find that there are no language groups that fit the criteria of more than 5% of total population and more than 50 persons who "speak English less than very well. We do serve some individuals who would be categorized as this. In that case, we rely on an interpreter to assist us with communication and scheduling rides for those individuals.*

(2) Identify the frequency in which LEP individuals come in contact with the service:

Although there are no language group that currently qualify as a LEP group, we serve a few language group on a regular basis.

(3) Identify the importance of the service to the LEP community:

We provide general public transportation for medical, educational, employment and personal reasons to the general public in our community of the city limits of Herington. We go through an interpreter to communicate and schedule rides for those individuals who speak English less than very well.

(4) Identify the resources available and the respective costs of these resources:

Currently, the interpreters are volunteers or family members of the individuals who speak English less than very well, so there is no cost associated with this service.

City of Herington and Hilltop Community Center

Limited English Proficiency Plan

Utilizing the information collected develop a plan to provide necessary assistance to LEP persons.

Identified LEP individuals

There are no specific population groups that meet the criteria of more than 5% and more than 50 individuals.

Language Assistance Measures

As we do now, we would utilize an interpreter to help us with communication and scheduling of rides for those who have a language barrier. We would use online translation tools, Braille services, sign language interpreters as well as contacting the Herington School District to assist with any language barriers we would encounter.

Training Staff

The dispatcher will communicate with the interpreter to schedule the rides. The drivers will communicate as best as possible with the riders during the route.

Providing Notice

The LEP Plan will be posted on the City of Herington website, www.cityofherington.com

LEP plan will be provided to any person or agency requesting a copy. The person of contact in regards to the LEP Plan is Lori Dornbusch and can be reached via phone at (785)258-2956.

Monitoring and Updating LEP Plan

The City of Herington/Hilltop Community Center will update the plan according to the Title VI update schedule, which is every three years. The plan will also be updated any time changes in the demographics of the agencies service area are deemed significant in regards to LEP persons.

City of Herington and Hilltop Community Center

Title VI Complaint Procedures

The following pertains only to Title VI complaints regarding the services of
City of Herington and Hilltop Community Center

Title VI, 42 U.S.C. §2000d et seq., was enacted as part of the Civil Rights Act of 1964.
At the heart of the regulation is the statement that:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The City of Herington and Hilltop Community Center has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter III of the Federal Transit Administration Circular 4702.1B, dated October 1, 2012. If you believe that the **City of Herington and Hilltop Community Center** federally funded programs have discriminated your civil rights on the basis of race, color, or national origin you may file a written complaint by following the procedure outlined below:

1. Submission of Complaint.

Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination caused by The City of Herington and Hilltop Community Center may file a written complaint with The City of Herington's Office. A sample complaint form is available in hard copy at the offices of *City of Herington and or Hilltop Community Center* upon request, The City of Herington and/or Hilltop Community Center will mail the complaint form. **Such complaints must be filed within 180 calendar days after the date the discrimination occurred.**

Notes: Assistance in the preparation of any complaints will be provided to a person or persons upon request and as appropriate. If information is needed in another language, then contact Hilltop Community Center Manager Lori Dornbusch, (785)258-2956.

City of Herington and Hilltop Community Center

Complaints should be mailed to or submitted by hand to:

*City of Herington
17 North Broadway
Herington, Ks. 67449
Attn: City Manager*

2. Referral to Review Officer

Upon receipt of the complaint, the City Manager of Herington shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint. If necessary, the Complainant shall meet with the staff review officer(s) to further explain his or her complaint. The staff review officer(s) shall complete their review no later than 45 calendar days after the date the agency received the complaint. If more time is required, the City Manager of Herington shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the City of Herington and Hilltop Community Center processes relative to Title VI, as appropriate. The staff review officer(s) shall forward their recommendations to the, City Manager of Herington for concurrence. If the City Manager of Herington concurs, he or she shall issue the City of Herington and Hilltop Community Center written response to the Complainant. This final report should include a summary of the investigation, all findings with recommendations, corrective measures where appropriate.

Note: Upon receipt of a complaint, The City of Herington and Hilltop Community Center shall forward a copy of this complaint and the resulting written response to the appropriate KDOT and FTA Region 7 contacts.

3. Request for Reconsideration

If the Complainant disagrees with the City Managers response, he or she may request reconsideration by submitting the request, in writing, to the City Of Herington within 10 calendar days after receipt of the City of Herington or Hilltop Community Center response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the City Manager. The City of Herington or Hilltop Community Center will notify the Complainant of his or her decision in writing either to accept or reject the request for reconsideration within 10 calendar days. In cases where the agency City of Herington or Hilltop Community Center agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2 above.

4. Appeal

If the request for reconsideration is denied, the Complainant may appeal the City Manager's response by submitting a written appeal to *Dickinson County Department of Aging* no later than 10 calendar days after receipt of the City Managers written decision rejecting reconsideration. *The Dickinson County Department of Aging will then make a determination to either request re-evaluation by the staff review officer(s) or forward the complaint to KDOT for further investigation.*

5. Submission of Complaint to the State of Kansas Department of Transportation.

If the Complainant is dissatisfied with the City of Herington or Hilltop Community Center's resolution of the complaint, he or she may also submit a written complaint within 180 days after the alleged date of discrimination to the State of Kansas Department of Transportation for further investigation.

KDOT Office of Contract Compliance
Eisenhower State Office Building
700 Southwest Harrison
3rd Floor West
Topeka, KS 66603

SAMPLE List of Title VI Investigations, Lawsuits and Complaints

	Date Submitted/Filed (Month, Day Year)	Summary of allegation (include basis of complaint: race, color or national origin)	Status	Resolution/Action Taken
Investigations				
1				
2				
Lawsuits				
1				
2				
Complaints				
1				
2				

SAMPLE Table Depicting Membership of Committees, Councils, Broken Down by Race

Body	Caucasian	Latino	African American	Asian American	Native American	Other
Population within service area	93.35%	5.74%	0.44%	0.51%	0.91%	1.70%
Agency Board of Directors	100%	0%	0%	0%	0%	0%
Citizens Advisory Council	100%	0%	0%	0%	0%	0%
Agency Staff	92%	4%	2%	2%	0%	0%

City of Herington and Hilltop Community Center Title VI Complaint Form

The purpose of this form is to assist you in filing a complaint with the *City of Herington and Hilltop Community Center*. You are not required to use this form; a letter containing the same information will be sufficient.

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print		Audio Tape
	TDD		Other
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
Section III:			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin			
Date of Alleged Discrimination (Month, Day, Year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please attach additional pages.			

Section IV		
Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency: _____		
<input type="checkbox"/> Federal Court _____ <input type="checkbox"/> State Agency _____		
<input type="checkbox"/> State Court _____ <input type="checkbox"/> Local Agency _____		
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		
Section VI		
Name of agency complaint is against:		
Contact person:		
Title:		
Telephone number:		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below:

Signature _____ Date _____

Please submit this form in person at the address below, or mail this form to:

City of Herington and Hilltop Community Center
17 North Broadway
Herington, KS 67449

Table: ACSDT5Y2020.C16001

American Community Survey CY 2020 Data		Dickinson County, Kansas	
Label	Margin of Error	Estimate	Margin of Error
Total:	±13	17,589	±42
Speak only English	±54	17,128	±142
Spanish:	±57	211	±137
Speak English "very well"	±34	183	±110
Speak English less than "very well"	±42	28	±32
French, Haitian, or Cajun:	±11	5	±7
Speak English "very well"	±11	5	±7
Speak English less than "very well"	±11	0	±17
German or other West Germanic languages:	±16	103	±43
Speak English "very well"	±16	92	±39
Speak English less than "very well"	±11	11	±16
Russian, Polish, or other Slavic languages:	±11	6	±10
Speak English "very well"	±11	6	±10
Speak English less than "very well"	±11	0	±17
Other Indo-European languages:	±13	21	±21
Speak English "very well"	±7	12	±16
Speak English less than "very well"	±7	9	±13
Korean:	±11	0	±17
Speak English "very well"	±11	0	±17
Speak English less than "very well"	±11	0	±17
Chinese (incl. Mandarin, Cantonese):	±11	0	±17
Speak English "very well"	±11	0	±17
Speak English less than "very well"	±11	0	±17
Vietnamese:	±11	31	±46
Speak English "very well"	±11	0	±17
Speak English less than "very well"	±11	31	±46
Tagalog (incl. Filipino):	±11	65	±37
Speak English "very well"	±11	37	±35

Table: ACSDT5Y2020.C16001

American Community Survey CY 2020 Data	Dickinson County, Kansas		Doniphan County, Kansas	
	Estimate	Margin of Error	Estimate	Margin of Error
Total:	17,589	±42	7,223	±24
Speak only English	17,128	±142	7,025	±71
Spanish:	211	±137	102	±48
Speak English "very well"	183	±110	76	±40
Speak English less than "very well"	28	±32	26	±18
French, Haitian, or Cajun:	5	±7	5	±7
Speak English "very well"	5	±7	5	±7
Speak English less than "very well"	0	±17	0	±15
German or other West Germanic languages:	103	±43	42	±47
Speak English "very well"	92	±39	42	±47
Speak English less than "very well"	11	±16	0	±15
Russian, Polish, or other Slavic languages:	6	±10	11	±19
Speak English "very well"	6	±10	0	±15
Speak English less than "very well"	0	±17	11	±19
Other Indo-European languages:	21	±21	0	±15
Speak English "very well"	12	±16	0	±15
Speak English less than "very well"	9	±13	0	±15
Korean:	0	±17	5	±9
Speak English "very well"	0	±17	5	±9



Authority: Resolution No.

Effective Date:

Purchasing and Procurement Policy

Purpose: To establish purchasing policies that govern the purchase of goods and/or services by the City of Herington.

Policy: The purpose of this policy is to set guidelines that govern the major purchases of goods and/or services by the City of Herington. It shall also serve as an informational document to be given to local vendors so they are informed as to the City's purchasing guidelines.

Section 1. General Guidelines

Whenever possible, a commodity or service is to be obtained at both the lowest cost possible and the highest quality required in order to maintain efficient City departmental operations. Department Heads shall determine the quantities needed for each item based upon such factors as usage, price discounts, shipping time, shelf life, price, and any other factors as determined relevant by City staff.

All purchases made on behalf of the City of Herington are to be made in accordance with the following objectives:

1. Provide for local purchasing when economically feasible;
2. Provide for the effective expenditure of City funds;
3. Provide for best protection for City residents;
4. Provide accurate accounting documentation;
5. Provide equal opportunity, fairness, and competitiveness with vendors;
6. Provide for compliance with all applicable federal, state and local laws and regulations.

The level of expenditures for each department is determined by the annual adoption of the Budget by the Governing Body. The City Manager is responsible for ensuring the purchasing practices are in accordance with this policy. The Governing Body reviews all disbursements by an appropriation ordinance and approves certain competitive bids.

All purchases are to be based on need.

Recognizing local businesses contribute significantly to the operational revenue of the City, preference may be given to local vendors.

Section 2: City Commission

The City Commission determines expenditure levels through the approval of the budget.

If a purchase is over \$10,000, commission approval is required. Emergency purchases shall not require commission authorization, but the city manager shall notify the commission of such purchases.

Section 3: City Manager

The City Manager is responsible for the city's financial affairs and management. The City Manager will approve purchases over \$5,000 and under \$10,000.

Section 4: Department Heads

Department Heads are responsible for the management of their departmental budget. Department heads will approve purchases under \$5,000.

Department heads shall obtain written authorization from the city manager for purchases above \$5000. Purchases of more than \$5,000 per singular item or line item. The City Manager shall approve or disapprove the purchase.

Section 5: Methods of Purchasing

There are five (5) basic purchasing methods that can be used by City personnel. These methods are as follows:

- A. **Daily Purchasing** - There are any number of items which are needed on a daily basis and are purchased on a routine basis. Because of their commonality, it is not normal to formally bid such products; however, attention is made to price and quality. Under emergency conditions, purchasing of major items may be made in this matter. Vehicles and equipment are not included in the Daily Purchasing method.
- B. **Competitive Pricing (written quotes)** - This method is utilized when review by the City Staff and/or Governing Body is warranted due to the cost of a good or service or type of product. This method is generally used for specialty products for which few vendors exist. This method may also be used for the purchase of goods and services costing less than \$25,000.
- C. **Exemption to Competitive Procurement** – This method is used with state and group purchasing organizations (GPOs) contract purchases. This method may also be used for departmental supplies, repairs, or replacement equipment when the department has standardized operations with a particular brand or style of the product only offered by a certain vendor.

D. Competitive Sealed Bids: This method is used for the purchase of major equipment or professional services estimated at \$25,000 or more. This method is also used when such factors as scheduling requirements, beginning time, delivery time, total cost, warranty, and other factors need to be evaluated. The process is initiated by giving the bid advertisement to the City Clerk. A notice will be published at least once in the City's official newspaper. Staff or the design professional hired by the City is responsible to distribute the bid documents. At least two City staff must be present during the bid opening, which must be advertised and open to the public. The Department Head will bring the results of the bid process, along with their recommendation, to a City Commission meeting for Commission action. The Commission reserves the right to accept or reject any and/or all bids. This method is also used when required by State or Federal grant programs.

E. Competitive Negotiations. This method is used primarily for professional services. Competitive negotiations are initiated by publishing a Request For Proposals (RFP) or a Request For Qualifications (RFQ). The RFP is used when the price is a factor in selection; the RFQ is used when the price is primarily considered after selection (generally for engineering and architectural services).

1. In both RFP and RFQ, the services to be procured are clearly defined, as are the factors to be used in evaluation and selection.
2. All proposals received are to be reviewed according to the defined selection criteria; the review should be in writing such as a ranking system.
3. For RFQ's, an invitation is made to one or more respondents to negotiate a price or fee.
4. For both RFQ's and RFP's, selection is made on the basis of the most responsible offer or price and other factors considered.
5. Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required.

F. Non-Competitive Negotiations. Non-competitive negotiations can be used only when (1) the use of competitive negotiations is not feasible, (2) there is some public emergency, or (3) the results of the competitive negotiations are inadequate.

It should be noted that while the above methods are considered normal purchasing procedures, situations might dictate a deviation from using one method as opposed to another.

Section 6: Conflict of Interest

It is recognized that in some cases our employees/members may be employed by, own or has immediate family members who have a financial or other interest in a company that provides goods and services of interest to the Company. In many cases, this relationship may provide pricing or other value to the City which is more favorable than that available from other vendors.

To prevent any appearance of favoritism, corruption, fraud, and imposition by the City in the awarding of Purchase Orders, contracts, etc., any such relationships shall be disclosed in advance for approval by the Management Team or Membership. Additionally, Employees/Members disclosing such relationships must recuse themselves from any vote on purchases made from such companies.

For purchases associated with federal grant awards, in order to ensure objective contractor performance and eliminate an unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals will be excluded from competing for such procurements. In addition, no volunteer or member of the City/Fire Department or anyone involved in preparing the application for funding (including grant writers) can participate in, or benefit from the procurement if federal funds are involved.

Section 7: Summary

This purchasing policy is a guideline for all City purchases, including vehicle/equipment and is to be used as an explanation to all vendors when questions arise concerning our purchasing methods. Whenever possible, the City of Herington will attempt to do the majority of business with local vendors provided that the service or commodity being considered is of a competitive price and equal quality.

Kansas Department of Transportation

PROJECT SCHEDULE

Bureau of Local Projects (785) 296-3861

Date Prepared:	December 2, 2022
Prepared for:	City of Herington
KDOT Project Number:	0
Program:	CCLIP
Current Tentative Letting Date:	9/18/2024

NOTICE

The following dates are furnished as a guide to aid in maintaining this project on a schedule which will insure the letting date indicated. The letting date has been tentatively set and the amount of funds and/or the obligation authority available could cause the schedule to be revised. If the letting date is revised or the completion of the items fluctuate significantly from the established dates listed, this schedule will be revised to indicate the new tentative letting date and project schedule.

Plans forwarded to BLP will not be processed without a current detailed estimate.

ITEMS TO BE COMPLETED	Months to Letting	DEADLINE COMPLETION DATE	DATE COMPLETED <small>-For Your Use Only-</small>
Consultant Design Contract to be Executed by	19.0	February 26, 2023	
Pre-Design Field Check	17.0	April 27, 2023	
Field Check Completed	15.0	June 26, 2023	
Office Check Plans & Estimate to BLP	10.0	November 23, 2023	
Office Check Plans Completed	8.0	January 22, 2024	
Final Check Plans & Estimate to BLP	6.0	March 22, 2024	
Begin CE Agreement	6.0	March 22, 2024	
Final Check Complete	5.0	April 21, 2024	
R/W Clearances (1306 Form) to BLP	4.0	May 21, 2024	
Utility Form (1304 Form) to BLP	4.0	May 21, 2024	
Status of Permits (1307 Form) & Required Permits to BLP	4.0	May 21, 2024	
PS&E Plans to BLP	3.5	June 2, 2024	
PS&E Plans Completed	1.5	August 4, 2024	
Final Letting Plans to BLP	1.2	August 11, 2024	
CE Agreement Executed	1.1	August 14, 2024	
Advertise	1.0	August 19, 2024	