

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
February 1, 2022
5:30 p.m.**

1. Pledge of Allegiance
2. Call to Order
3. Consider Minutes of the Joint City Commission and Planning Commission Meeting January 15, 2022, and the Minutes of the Regular City Commission Meeting January 18, 2022, and the Minutes of the Special Meeting January 28, 2022

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

4. Public Forum
5. Additional Agenda Items

6. Approval of Agenda

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

7. Police Update
8. Fire Update
9. Neighborhood Enforcement Officer Update

10. City Clerk Update

11. Discuss and Action on Brandy Sensmeier's Resignation from the CVB

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

12. Update on Trapp Street/Business US 56 CCLIP Project

13. Update on Pool Professional Engineering Reports

14. Update on Herington Regional Airport (HRU) and FAA Funding

15. Discuss and Action on Ordinance 1858 AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPEAL AND REPLACE CHAPTER 1, ARTICLE 1, SECTION 1-104 REGULATING THE TIME AND SCHEDULING OF MEETINGS OF THE HERINGTON CITY COMMISSION AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THERE OF IN CONFLICT HEREWITH.

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

16. Discuss and Action on Resolution No. 950 A RESOLUTION REGARDING THE WAIVER OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND TO WAIVE THE REQUIREMENTS OF K.S.SA. 75-1120A (a)

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

17. Discuss and Action on Professional Services Agreement for Wastewater Treatment Plant Grant Administration

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

18. Executive Session – I move that the City of Herington 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 potential litigation. To include the following persons:

- Governing Body
- City Manager
- City Attorney
- City Clerk
- _____

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

19. Executive Session – I move that the City of Herington 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. To include the following persons:

- Governing Body
- City Manager
- City Attorney
- City Clerk
- _____

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

20. Executive Session – I move that the City of Herington Commission recess into Executive Session, Pursuant to the personnel matters of non-elected personnel exception K.S.A. 75-4319(b)(1) in order to discuss personnel updates. To include the following persons:

- Governing Body
- City Manager

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

21. City Manager Comments

22. Commissioner Comments

23. Adjourn

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Gares, Commissioner 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.

Special Joint Meeting
Herington City Commission and Herington Planning Commission
January 15, 2022
9:00 AM

The Board of City Commissioners of the City of Herington, Kansas met at City Hall at 9:00 a.m. on the above date – the following City Commission Members being present: Mayor Gares, Commissioner Donahue via zoom, Commissioner Urbanek and Commissioner Castleberry via zoom. The following Planning Commissioners being present: Vice Chair Janet Wade, Karen Soliz, Cynthia Naylor, Marcus Hawkes, DJ Neuberger, and Vance Donahue. Also in attendance were City Manager Branden Dross, City Clerk Megan Lawrenz, City Attorney Brad Jantz via zoom, City Intern Brynn Sullivan, and Dr. Bonnie Johnson via zoom and Dr. Dulcinea Rakestraw. Absent was Commissioner Bell, Planning Commissioner Gwen Owens-Wilson, Planning Commissioner Richard Idleman, and Planning Commissioner Josh Lawrenz. Planning Commissioner DJ Neuberger left before the meeting was adjourned.

The meeting opened with the Pledge of Allegiance.

Mayor Gares called the City Commission meeting to order.

Vice Chair Janet Wade called the Planning Commission meeting to order.

Information was provided by Dr. Dulcinea Rakestraw from WSU who facilitated the meeting. Discussion was had about the Herington Comprehensive Plan.

Commissioner Urbanek made a motion to adjourn the meeting, seconded by Mayor Gares. Motion carried 4-0.

Planning Commissioner Vance Donahue made a motion to adjourn the meeting, seconded by Cynthia Naylor. Motion carried 5-0.

Megan Lawrenz, City Clerk

Regular Meeting
January 18, 2022
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 Eric Gares, Commissioner Vance Donahue, Commissioner Robbin Bell, Commissioner Debi Urbanek, and Commissioner Ben Castleberry. Also in attendance were City Manager Branden Dross, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Neighborhood Enforcement Officer Crystal Parris, Carl Urbanek, Larry Mann and Janet Wade.

The meeting opened with the Pledge of Allegiance.

Mayor Gares called the meeting to order. Commissioner Bell made a motion to approve the minutes from the regular meeting January 4, 2022, seconded by Commissioner Castleberry. Motion carried 5-0.

Public Forum – Janet Wade spoke about the planning process.

Additional Agenda Items – Scratch item 7 and 8, they were duplicates.

Commissioner Bell made a motion to approve the agenda, seconded by Commissioner Castleberry. Motion carried 5-0.

Neighborhood Enforcement Officer Update – There is on house and one store front that will be off the condemn list in another week or two. Crystal signed up to take the IPMC certification in March. Spring conference is also in March in Hays. She has updated the permit application to reflect what the county needs. She has two upcoming court dates, and one active warrant for her department. Has received two estimates for the pool house and found out that the pool is in fact grounded. Will move forward on repairs on the pool house. She is also working with the members of the planning commission on the new zoning and subdivision regulations to coincide with the comp plan.

Proclamation Commemorating City of Herington School Choice Week. Mayor Gares made a motion to approve the proclamation commemorating City of Herington School Choice Week and authorized the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

City Commission Meeting Time – Commissioner Bell made a motion to change the regular city commission meeting time from 5:30 pm to 6:00 pm, seconded by Commissioner Castleberry. Motion carried 5-0.

Commissioner Urbanek made a motion to approve Ordinance 1852 and authorize the mayor's signature, seconded by Commissioner Bell. Motion carried 5-0.

ORDINANCE 1852

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LOAN AGREEMENT
BETWEEN HERINTON, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS**

DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

Commissioner Urbanek made a motion to approve Ordinance 1853 and authorize the mayor's signature, seconded by Commissioner Bell. Motion carried 5-0.

ORDINANCE 1853

AN ORDINANCE AMENDING LICENSES AND BUSINESS REGULATIONS, CHAPTER 3, ARTICLE 2, SECTION 3-201, OF THE CODE OF THE CITY OF HERINGTON, KANSAS RELATING TO REGULATIONS AND ADMINISTRATION ALCOHOL LIQUOR RETAILERS IN THE CITY OF HERINGTON, KANSAS AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HERewith.

Commissioner Urbanek made a motion to approve Ordinance 1854 and authorize the mayor's signature, seconded by Commissioner Bell. Motion carried 5-0.

ORDINANCE 1854

AN ORDINANCE AMENDING LICENSES AND BUSINESS REGULATIONS, CHAPTER 3, ARTICLE 3, SECTION 3-301, OF THE CODE OF THE CITY OF HERINGTON, KANSAS RELATING TO LICENSURE IN THE REGULATION AND ADMINISTRATION OF AND ON ALCOHOL LIQUOR RETAILERS IN THE CITY OF HERINGTON, KANSAS AND REPEALING AND OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HERewith.

Commissioner Urbanek made a motion to approve Ordinance 1855 and authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

ORDINANCE 1855

AN ORDINANCE AMENDING LICENSES AND BUSINESS REGULATIONS, CHAPTER 3, ARTICLE 3, SECTION 3-302, OF THE CODE OF THE CITY OF HERINGTON, KANSAS RELATING TO REGULATION AND ADMINISTRATION ALCOHOL LIQUOR RETAILERS IN THE CITY OF HERINGTON, KANSAS AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THERE OF IN CONFLICT HERewith.

Commissioner Urbanek made a motion to approve Ordinance 1856 and authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

ORDINANCE 1856

AN ORDINANCE AMENDING LICENSES AND BUSINESS REGULATIONS, CHAPTER 3, ARTICLE 3, SECTION 3-304 OF THE CODE OF THE CITY OF HERINGTON, KANSAS RELATING TO CERTAIN LIMITATIONS IN THE

REGULATION AND ADMINISTRATION OF AND ON ALCOHOL LIQUOR RETAILERS IN THE CITY OF HERINGTON, KANSAS AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Commissioner Urbanek made a motion to approve Ordinance 1857 and authorize the mayor's signature, seconded by Commissioner Bell. Motion carried 5-0.

ORDINANCE 1857

AN ORDINANCE AMENDING ADMINISTRATIVE DEPARTMENTS AS OUTLINED IN CHAPTER 1, ARTICLE 3, SECTION 1-321, INSPECTION DEPARTMENT, OF THE CODE OF THE CITY OF HERINGTON, KANSAS RELATING TO ADMINISTRATION AND SUPERVISION OF THE INSPECTION DEPARTMENT FOR THE CITY OF HERINGTON, KANSAS AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Hilltop Advisory Board – Working to disband board, it was created for grant opportunities and is not needed.

City Manager Comments – Thanked the commission for their participation Saturday at the joint meeting. He will head to Lawrence next week to meet the class who will work on the comp plan. KMEA will come to a meeting soon to discuss the generator proposal. Met with the Hope City Council they are concerned about the rate increase and how long it will last. The interlocal agreement has been signed by the school board the final will be sent on to the AG. Local government day is next Wednesday.

Commissioner Bell – Asked about the status of the bridge at the park, mentioned speaking with Lawrenz Masonry about the steps.

Commissioner Urbanek – Asked about the status of the leases.

Commissioner Castleberry – Thanked for Saturday's participation.

Commissioner Donahue – Asked how many bids we have received for the pool house and asked if it would be completed by summer. Reminded the community about the whiskey and war stories event on January 29th at the Community Building.

Mayor Gares – Reminded Branded about the pictures of the Commissioners for the website. Asked about the time frame for the comp plan being completed. Said he would be attending local government day and asked that the commissioners have answers to his questions from the January 4th meeting ready at the second meeting in February.

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

Megan Lawrenz, City Clerk

**Special Meeting
January 28, 2022
8:00 AM**

The Board of the City Commission for the City of Herington, Kansas met at City Hall at 8:00am. on the above date – The following being present: Mayor Gares, Commissioner Donahue via phone and Commissioner Castleberry. Also in attendance were City Manager Branden Dross and City Clerk Megan Lawrenz. Absent were Commissioner Urbanek and Commissioner Bell.

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

Resolution 948 – Mayor Gares made a motion to approve Resolution 948 and to authorize the mayor’s signature on all related documents, seconded by Commissioner Castleberry. Motion carried 3-0.

RESOLUTION 948

APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO RELEASE AND ASSIGN THE CITY’S OPIOID CLAIMS TO THE KANSAS ATTORNEY GENERAL AND CERTIFYING COST ATTRIBUTABLE TO SUBSTANCE ABUSE AND ADDICTION MITIGATION IN EXCESS OF \$500.

Resolution 949 – Commissioner Castleberry made a motion to approve Resolution 949 and authorize the mayor’s signature, seconded by Mayor Gares. Motion carried 3-0.

RESOLUTION 949

APPROVING THE SALE OF LIQUOR AT AN EVENT AT 820 SOUTH BROADWAY ON SATURDAY, JANUARY 29th, 2022.

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

Megan Lawrenz, City Clerk

ORDINANCE NO. 1858

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPEAL AND REPLACE CHAPTER I, ARTICLE 1, SECTION 1-104 REGULATING THE TIME AND SCHEDULING OF MEETINGS OF THE HERINGTON CITY COMMISSION 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 I, Article 1, Section 104 of the Code of the City of Herington, Kansas, is hereby repealed and replaced to read as follows:

1-104. MEETINGS. The Commission shall conduct regular meetings on the first and third Tuesday of each month at six o'clock (6:00) p.m. Special meetings may be called by the Mayor, acting Mayor, or as otherwise provided by law. A call signed by a majority of the Commission shall be sufficient warrant for a special meeting. Regular or special meetings shall always be open to the public. The standard code known as the "Code of Procedure for Kansas Cities, Second Edition 2006) prepared by The League of Kansas Municipalities, under the provisions of K.S.A. 12-3009 through 12-3012, and K.S.A. 12-3301 and 12-3302, except such portions as are hereinafter deleted, modified or amended, is hereby incorporated by reference and shall be as much as part of this article as if set out in full herein.

SECTION 2. Other ordinance 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 1st day of February , 2022

Signed by the Mayor this 1st day of February 2022.

Eric Gares, Mayor

ATTEST:

Megan Lawrenz, City Clerk

(SEAL)

RESOLUTION NO. 950

A RESOLUTION REGARDING THE WAIVER OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND TO WAIVE THE REQUIREMENTS OF K.S.A. 751120a (a) IN THE PREPARATION OF FINANCIAL STATEMENTS AND FINANCIAL REPORTS FOR THE CITY OF HERINGTON, KANSAS, FOR FISCAL YEAR 2022.

WHEREAS, the City of Herington, Kansas, a City of the Second Class, is a municipality as defined by K.S.A. 75-117; and,

WHEREAS, as a municipality, the City is required to have its fiscal procedure, accounts and reports examined and audited annually; and,

WHEREAS, the City of Herington, Kansas, has determined that the financial statements and financial reports for the year ended December 31, 2022, to be prepared in conformity with the requirements of K.S.A. 75-1120a (a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Governing Body or the members of the general public of the City of Herington; and,

WHEREAS, there are no revenue bond ordinances or resolutions or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a (a) for the year ended December 31, 2022

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the City of Herington, Kansas, in regular meeting duly assembled this 1st day of February, 2022, that the Governing Body waives the requirements of K.S.A. 75-1120a (a) as they apply to the City of Herington, Kansas, for the year ended December 31, 2022.

BE IT FURTHER RESOLVED that the Governing Body shall cause the financial statements and financial reports of the City of Herington to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

THIS RESOLUTION shall take effect and be in full force from and after its adoption.

PASSED AND ADOPTED by the Governing Body of the City of Herington, Kansas, in a regular meeting, this 1st day of February 2022.

Eric Gares, Mayor

ATTEST:

Megan Lawrenz, City Clerk

[SEAL]

**CITY OF HERINGTON
PROFESSIONAL SERVICE AGREEMENT**

This document is (hereinafter called AGREEMENT) is made as of the 1st day of February in the year 2022, by and between the City of Herington, Kansas (hereinafter called the CITY), and the North Central Regional Planning Commission of Beloit, Kanas (hereinafter call the ADMINISTRATOR). The purpose of the AGREEMENT is to provide the CITY with assistance with the services outlined in Article 1, on its upcoming waste water improvements project (hereinafter called PROJECT).

WITNESSETH that the CITY and the ADMINISTRATOR in consideration of their mutual covenants, herein agree to the performance of the PROJECT to which this AGREEMENT applies. The ADMINISTRATOR will serve as CITY’S representative for the PROJECT only, as set forth hereinafter, and provide the professional services described in exchange for payment as described herein:

Article 1: Services

- 1.1 Application Services: Community Development Block Grant (CDBG);
Kansas Dept. of Health Environment Loan (KDHE);
- 1.2 Environmental Services: Community Development Block Grant (CDBG);
Kansas Dept. of Health Environment Loan (KDHE);
- 1.3 Administrative Services: Community Development Block Grant (CDBG);
Kansas Dept. of Health Environment Loan (KDHE);

(Hereinafter called GRANTOR/LENDER(S))

The ADMINISTRATOR will provide the above listed services and others as required to successfully implement program requirements set forth by the GRANTOR/LENDER(S).

The administration portion of this AGREEMENT is contingent upon the CITY’s ability to fully fund the PROJECT. Both the CITY and the ADMINISTRATOR agree to and understand that the administration portion of this AGREEMENT is null and void if the CITY is not awarded funding for the PROJECT.

Article 2: CITY Responsibilities

The CITY shall:

- 2.1 Provide all criteria and information as to the program requirements for the PROJECT by furnishing copies of all documents it receives related to the project.
- 2.2 Give prompt written notice to the ADMINISTRATOR whenever the CITY observes or becomes aware of any events affecting the scope of work or timing of the ADMINISTRATOR's services.
- 2.3 Withstand all costs incident to performing the requirements of this Article 2.
- 2.4 City is responsible for all application publishing costs.

Article 3: ADMINISTRATOR Responsibilities

One member of the NCRPC staff will be assigned specific responsibility for collaborating with the CITY. It is understood that this staff member has the personal discretion of accessing the assistance and expertise of other NCRPC staff and that any time these individuals spend on the project will count towards services provided. The scope of services provided by the ADMINISTRATOR during the course of the project will consist of the following:

3.1 Application Services

3.1.01 Meet with representatives from the CITY as needed throughout the application process;

3.1.02 Prepare, and explain, as desired, the GRANTOR/LENDER Application(s).

3.2 Environmental Services

3.2.01 Prepare an Environmental of the project according to GRANTOR/LENDER requirements, for public review and comment, further assisting the COUNTY in addressing concerns that might arise during the review process;

3.2.02 Should the proposed project require the completion of a Cultural Resource Survey by the State Historical Society or relevant Tribes, the ADMINISTRATOR will charge an additional \$50/hour up to \$500 to facilitate such an effort.

3.3 Administrative Services

3.3.01 Prepare, and explain, as desired, the GRANTOR/LENDER Agreement(s) between the CITY and GRANTOR/LENDER(s).

3.3.02 Assist in resolving obligation conditions with GRANTOR/LENDER(s) and submittal of said conditional documents to GRANTOR/LENDER(s).

3.3.03 Assist the CITY with the procurement of professional consultants and small purchase Contractors by developing qualification/proposal notices and review methods, contacting prospective firms, and advertising where appropriate.

3.3.04 Prepare an Environmental Review of the project according to Program requirements, for public review and comment, further assisting the CITY in addressing concerns that might arise during the review process. (If not required as part of the Application Process).

3.3.05 Prepare quarterly progress reports, requests for payment and cash disbursement reports for review by the CITY, detailing all events of previous periods in sufficient fashion to inform the CITY and GRANTOR/LENDER of project progress and financial status.

3.3.06 Act as liaison between CITY and GRANTOR/LENDER and all parties under Agreement with the CITY for the purpose of successfully implementing the project, providing each with information pertaining to the program(s).

3.3.07 Act as Labor Standards Officer to monitor and complete PROGRAM labor standards forms in keeping with PROGRAM procedures.

3.3.08 Assist the CITY with the local record keeping according to the program guidelines.

3.3.09 Carry-out Furthering Fair Housing activity and complete Civil Rights compliance forms as required by GRANTOR/LENDER and as agreed to by the CITY;

3.3.10 Prepare and guide the CITY through any and all relocation events, as needed during the project.

3.3.11 Prepare and present the Closeout Documents upon completion of the project construction and monitoring by GRANTOR/LENDER.

3.3.12 As needed by the CITY, assist with auditor procurement and auditor understanding of project activities.

Article 4: Period of Service

The aforementioned services shall be provided to the CITY encompassing a period of time first beginning February 1, 2022 and ending on or about December 31, 2025. Closeout assistance will be provided to the CITY as needed beyond the ending date of this agreement.

Article 5: Compensation and Payment

If funds are awarded, the ADMINISTRATOR shall provide the aforementioned services for an amount not to exceed \$29,500 (TWENTY-NINE THOUSAND FIVE HUNDRED DOLLARS) as detailed below. If funds are not awarded, the CITY will pay the ADMINISTRATOR for services rendered.

5.1 APPLICATION SERVICES	
Community Development Block Grant (CDBG);	\$500
Kansas Dept. of Health & Environment Loan (KDHE);	\$500
	\$
	\$
	\$
APPLICATION SUBTOTAL	\$1,000
5.2 ENVIRONMENTAL SERVICES	
Community Development Block Grant (CDBG);	\$3,000
Kansas Dept. of Health & Environment Loan (KDHE);	\$500
	\$
	\$
	\$
ENVIRONMENTAL SUBTOTAL	\$3,500
5.3 ADMINISTRATIVE SERVICES	
Community Development Block Grant (CDBG);	\$20,000
Kansas Dept. of Health & Environment Loan (KDHE);	\$5,000
	\$
	\$
	\$
ADMINISTRATIVE SUBTOTAL	\$25,000
TOTAL	\$29,500

Billings shall be made by the ADMINISTRATOR to the CITY in accordance with GRANTOR/LENDER policy and program schedules for services rendered. Payment shall be made to the ADMINISTRATOR within thirty (30) calendar days after the date of the billing. The aggregate total of all such billings will not exceed the amount stated earlier in Article 5.

If your CDBG project is awarded, the \$500 application fee will be waived. If the project is *not* awarded and the City decides to reapply the following year, the fee will not be billed until results of the updated application are announced. If your project is *not* awarded and the City decides *not* to reapply the following year, the fee will be billed as soon as that determination is made by the City.

If an environmental is required by multiple agencies, those fees may be reduced at the ADMINISTRATOR's discretion.

Article 6: Change in Services

The Services described in the proposal shall be subject to modification or supplement upon the written agreement of the Agreement parties. Any such modification in the Services shall be incorporated by supplemental agreement. The ADMINISTRATOR may choose to utilize local persons to assist with some aspect of this project.

Article 7: Termination

The CITY reserves the right to terminate the AGREEMENT at any time, upon written notice, in the event the services of the ADMINISTRATOR are unsatisfactory; or upon failure to prosecute the work with due diligence or to complete the work within the time limits specified by the proposal on any project, provided, however, that in any case, the ADMINISTRATOR shall be paid the reasonable value of the services rendered up to the time of termination on the basis of this AGREEMENT.

Article 8: Conflict of Interest

The CITY and the ADMINISTRATOR are not to employ persons sharing familial status as such to create a conflict of interest without having gone through required PROGRAM procurement procedures.

Article 9: Arbitration

Any controversy or claim arising out of or related to this AGREEMENT shall be settled by Arbitration. A single Arbitrator under the current rules of the American Arbitration Association shall conduct the Arbitration. The Arbitrator shall be chosen from a pool of persons capable by training and experience to understand and pass upon problems to be considered. No one shall serve as Arbitrator who has or has had any financial or pecuniary interest with any of the parties. No Arbitrator shall be an advocate for any of the parties. The decision and award of the Arbitrator shall be final and binding, and the award so rendered may be entered in any court thereof.

Article 10: Compliance

The ADMINISTRATOR shall be in compliance with all Federal, State, and local laws and ordinances applicable to the work covered hereunder. Furthermore, during the performance of this AGREEMENT, the ADMINISTRATOR agrees as follows:

- 10.1 The ADMINISTRATOR will not discriminate against any employee or applicant for employment because of race, creed, sex, color or national origin. The ADMINISTRATOR agrees to post at conspicuous places, available to employees and applicants for employment, notices stating the equal opportunity provisions.
- 10.2 The ADMINISTRATOR will, in all solicitation or advertisements for employees placed by or on behalf of the ADMINISTRATOR, state that all qualified applicants will receive consideration for employment without regard to race, creed, sex, religion, religious affiliation or national origin.
- 10.3 The ADMINISTRATOR will cause the foregoing provisions to be inserted in all sub-contracts for any work covered by this AGREEMENT, binding the provisions to any sub-contractor with the exception of small purchases of materials and supplies.
- 10.4 Copyrights, patents and reporting requirements as enacted by Federal and State rules will be followed by the ADMINISTRATOR.
- 10.5 The ADMINISTRATOR will comply with all provisions of Executive Order 11246, as amended by Executive Order 12086. As specified in Executive Order 11246 and the implementing regulations, contractors and subcontractors on federal or federally assisted construction contracts shall take affirmative action to ensure fair treatment in employment, upgrading, demotion or transfer, recruitment or retirement advertising, layoff or termination, rates of pay or other forms of compensation and selection or training and apprenticeship.

- 10.6 The ADMINISTRATOR will also comply with Title VI of the Civil Rights Act of 1964. Furthermore, the ADMINISTRATOR shall comply with Section 109 of the Housing and Community Development Act of 1974.
- 10.7 THE ADMINISTRATOR will comply with the Cranston-Gonzales Affordable Housing Act of 1990.
- 10.8 The ADMINISTRATOR will comply with Section 3 of the Housing and Community Development Act of 1968 and the Age Discrimination Act of 1975.
- 10.9 The ADMINISTRATOR will comply with Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual shall, solely by reasons of his or her handicap, be excluded from participation, denied benefits, or subjected to discrimination under any program or activity receiving federal funds.
- 10.10 The ADMINISTRATOR will abide by Title VII of the Civil Rights Act of 1968 (Fair Housing Act) and Executive Order 11063 which states that no person shall, on the basis of race, color, religion, sex or national origin, be discriminated against in housing such as that provided with federal assistance.
- 10.11 The ADMINISTRATOR shall also comply with the Kansas Act Against Discrimination in order to prevent discrimination.
- 10.12 The ADMINISTRATOR shall comply with the removal of architectural barriers in which new construction of public buildings is involved.
- 10.13 The ADMINISTRATOR agrees to maintain project records for a period of at least three (3) years from project completion.
- 10.14 The ADMINISTRATOR shall comply with KDHE SRF Contract Provisions for Consultant Contracts.

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Article 11: Binding upon Successors

This Agreement shall be binding upon the undersigned parties, their successors, assigns and legal representatives. It is further agreed that this AGREEMENT and all Agreements entered into under the provisions of this AGREEMENT shall be binding upon the parties hereto and their successors and assigns.

IN WITNESS WHEREOF, said parties have caused this Agreement to be signed by their duly authorized officers in two (2) counterparts, each of which shall be deemed an original, on the day and year first agreed to.

**BORROWER / GRANTEE:
CITY OF HERINGTON**

***NORTH CENTRAL REGIONAL PLANNING
COMMISSION***

Eric Gares, Mayor

John Cyr, Executive Director

ATTEST:

ATTEST:

Megan Lawrenz, City Clerk

Pepper Roberg, Office Manager