

**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  
April 19, 2022  
6:00 p.m.**

1. Pledge of Allegiance
  
2. Call to Order
  
3. Consider Minutes of the Regular City Commission Meeting on April 5, 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. Update on Rec Commission from USD 487
  
8. Update on 8<sup>th</sup> Street Bridge
  
9. Discuss and Action on Street Chip and Seal Project for \$52,478.83  
Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,  
Commissioner Donahue, Mayor Gares
  
10. Discuss and Action on Patch Machine Purchase for \$42,164.00  
Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,  
Commissioner Donahue, Mayor Gares
  
11. Update on Hope Water Service Contract

12. Discuss and Action on Herington Reginal Airport Contract for Construction and Closeout Services for the Rehabilitation of the Parking Apron and Connecting Taxiway not to exceed \$44,500 Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_ Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Commissioner Donahue, Mayor Gares

13. Discuss and Action on Ordinance 1862 Creating the City of Herington's Code of Ethics Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_ Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Commissioner Donahue, Mayor Gares

14. Discuss and Action on Ordinance 1863 Revisions to Article 17 of Zoning and Subdivision Regulations Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_ Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Commissioner Donahue, Mayor Gares

15. Discuss and Action to Appoint Two Commissioners to the Ethics Commission Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_ Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Commissioner Donahue, Mayor Gares

16. Discuss and Action on Resolution 951 – Joint Resolution for the Flint Hills Trail Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_ Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Commissioner Donahue, Mayor Gares

17. Discuss and Action on Adopting the ARPA Final Rule Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_ Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Commissioner Donahue, Mayor Gares

18. Discussion on 2023 Budget

19. City Manager Comments

**To join the City Commission meetings from your computer, tablet, or smartphone, go to <http://www.cityofherington.com/CommissionerComments/UCbvSBw6l4w85XQHsX0S1BXq>** Public Forum Comments can be dropped in the deposit box or emailed to [cityoffice@cityofherington.com](mailto:cityoffice@cityofherington.com)

21. Adjourn Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_ Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Commissioner Donahue, Mayor Gares

**Regular Meeting**  
**April 5, 2022**  
**6:00 p.m.**

The Board of City Commissioners of the City of Herington, Kansas met at City Hall at 6:00 p.m. on the above date – the following being present: Mayor Eric Gares, Commissioner Vance Donahue, Commissioner Debi Urbanek, Commissioner Robbin Bell, and Commissioner Ben Castleberry. Also in attendance were City Manager Branden Dross, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Chief of Police Chad Langley, Officer Brian Schantz, Officer Allen Cottone, Neighborhood Enforcement Officer Crystal Parris, Carl Urbanek, Larry Mann, Janet Wade, Marcus Hawkes, Shelly Idleman, Kennedy Idleman, Jeanne Schantz, Kimberly Schantz, Kathy Chrin, Jerry Chrin and Cynthia Naylor

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 city commission meeting on March 15, 2022, seconded by Commissioner Castleberry. Motion carried 5-0.

Public Forum - Butch Knight – 485 Sand Lane – Lakes.

Additional Agenda Items – Table item 10. Add 12a D&A fiberglass installation at pool \$31,520. Add 26a Isabel Schmedemann resignation from housing board. 23a Discuss rec center.

Approval of Agenda – Commissioner Urbanek made a motion to approve the agenda striking number 10, adding 12a -Discuss and action on fiberglass installation at the pool for \$31,520, and adding 23a – Discuss Rec Center and adding 26a – Isabel Schmedemann’s resignation from the Herington Housing Authority board, seconded by Commissioner Bell. Motion carried 5-0.

Police Update – There were 226 calls for service. 33 traffic stops and 4 arrests (3 misdemeanor and 1 felony). Additional training coming as officers take their new positions. One spot open. New officer to start on 26<sup>th</sup>. May 9<sup>th</sup> academy start date. Burglaries throughout the area. Officer Canby encountered several suspects and has helped close many cases.

Detective Pinning of Allen Cottone.

Sergeant Pinning of Brian Schantz.

Fire Update – Tabled to the next meeting.

Neighborhood Enforcement Update – Big Blue – Mr. Kossman is under the impression that the city stopped his work, but it is more of a state issue. Looking at right of way for porch, if Mr. Kossman gets the survey done Branden will deed the land. Mayor Gares asked Crystal to reach out and see if we can get an update. Follow up is being completed on the vacant building ordinance for property owners who have not responded. Staff is looking for active utilities, business signage with phone numbers or contact information, or for sale/rent signs. Two applications for solar have been received, she is working with David on getting them approved, but work started before the permits were approved. Crystal is still working with the Planning Commission to come up with a solution for RV parking.

Water Treatment Plant Change Order - Project Update – 95% complete. Remaining site paving waiting on specialty parts for ozone. \$50-60 under loan amount. Recycle meter addition \$4897.99, Effluent meter \$17,080.93, Wiring and Conduit \$13,965.00, Turbidity Meter \$16,176.52. Total increase for pay app 7 \$52,120.44. Expected completion in June 2022. Commissioner Bell made a motion to approve change order #7 for \$52,120.44, seconded by Commissioner Urbanek. Motion carried 5-0.

12a. Mid America Pool is coming to do warranty work. It would be approximately \$82k to replace the tile, instead city staff recommends carrying the fiberglass up to the lip of the pool. Will use donation money from the Hospital. This should allow the pool to open this year and will be a fix for the next few years.

Commissioner Bell made a motion to approve the \$31,520 to replace the tile with fiberglass, seconded by Commissioner Urbanek. Motion carried 5-0.

Revisions to Chapter 17 of the Zoning and Subdivision Regulations – Commissioner Urbanek made a motion to approve the recommendations on Revisions to Chapter 17 of the Zoning and Subdivision Regulations, seconded by Commissioner Bell. Motion carried 4-1, with Commissioner Donahue casting the dissenting vote.

Father Padilla and North Park – Marcus and Leo got assistance from Oswald installing new bridge. Lots of compliments. Grants have been turned in for grandstand repairs. Bathrooms are up and running. Fountain is working as of yesterday. Concerns on temporary fence/landscaping at Father Padilla, Janet Wade took volunteers to manage that area, Janet is hoping to have the temporary fence down in about a week. Commissioner Donahue would like to see the fencing down as soon as possible for safety concerns.

Comprehensive Plan Slogan – The Herington Planning Commission presented the following: Herington Awaken the Future, Herington Tomorrow, Awaken Herington 2040. Mayor Gares made a motion to approve Herington Tomorrow, Debi seconded. 5-0.

UPTICC Grant Update – There are 2 pending applications. Wrench Ratz received a grant of \$3400. Luxe Downtown will be receiving their \$5000 grant this week.

Arbor Day Proclamation – Arbor Day will be celebrated on 4/29/2022.

Update on Trapp Street CCLIP Project – The state declined moving forward with 2–3-million-dollar project. The state did encourage the City to apply for a 1-million-dollar grant, funded 100%, or at the most a 10% city contribution.

City Insurance Policy Renewal for \$207,751 - Commissioner Bell made a motion to approve the City of Herington insurance policy renewal with EMC for \$207,751, seconded Commissioner Donahue. Motion carried 5-0.

Code of Ethics – Commissioner Bell made a motion to approve the code of ethics pending staff review for clerical and grammatical errors from March of 2022, seconded by Commissioner Urbanek. Motion carried 4-1, with Commissioner Donahue casting the dissenting vote.

KDOT Grant to Replace HRU Airport Beacon Not to Exceed \$18,000 - Commissioner Urbanek made a motion to approve receipt of grant not to exceed \$18,000 and authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

Abatement of Special Assessments of \$1,613 on 201 S 11<sup>th</sup> Street – Commissioner Urbanek motion to decline abatement until the property is cleaned up seconded by Mayor Gares. 5-0.

**ORDINANCE 1861**  
**AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPEAL AND REPLACE**  
**CHAPTER V, ARTICLE 6, SECTION 5-603 IN ITS ENTIRETY, REGULATING FIREWORKS IN THE**  
**CITY OF HERINGTON, KANSAS.**

Commissioner Bell made a motion to approve 1861, and authorize the mayor to sign, Commissioner Urbanek seconded, 4-1 with Mayor Gares casting the dissenting vote.

23a Rec Center – Commissioner Castleberry asked if the city was interested in taking over the Rec Commission – School superintendent thinks that the city could take over as soon as next month. Commissioner Castleberry asked that Branden attend the next school board meeting.

Carol Riffel's Application for Reappointment to the Library Board Term to Expire 4/30/2026 – Commissioner Bell made a motion to approve Carol Riffel's application for reappointment to the Library Board Term to Expire 4/30/2026, seconded by Commissioner Donahue. Motion carried 5-0.

Debbie Wendt's Application for Reappointment to the Library Board Term to Expire 4/30/2026 – Commissioner Bell made a motion to approve Debbie Wendt's application for reappointment to the Library Board term to expire 4/30/2026, seconded by Commissioner Urbanek. Motion carried 5-0.

Cynthia Naylor's Application for Reappointment to the CVB Board Term to Expire 4/30/2023 – Commissioner Bell made a motion to approve Cynthia Naylor's Application for Reappointment to the CVB Board term to expire 4/30/2023, seconded by Commissioner Urbanek. Motion carried 5-0.

26a Isabel Schmedemann's Resignation from the Herington Housing Board – Commissioner Urbanek made a motion to approve Isabel Schmedemann's resignation from the Herington Housing Board, seconded by Commissioner Bell. Motion carried 5-0.

City Manager Comments - 65 comp plan survey responses have been received. Next Thursday, April 14<sup>th</sup>, 2022, KU students will be here for a work session.

#### Commissioner Comments

Commissioner Bell – Reminded staff to work on Airport leases. There are some discrepancies. Remind employees to check on anyone who is connected to hydrants. Reminded staff to get roads, bathrooms, campsites, electrical ready out at the lake.

Commissioner Castleberry – Nothing.

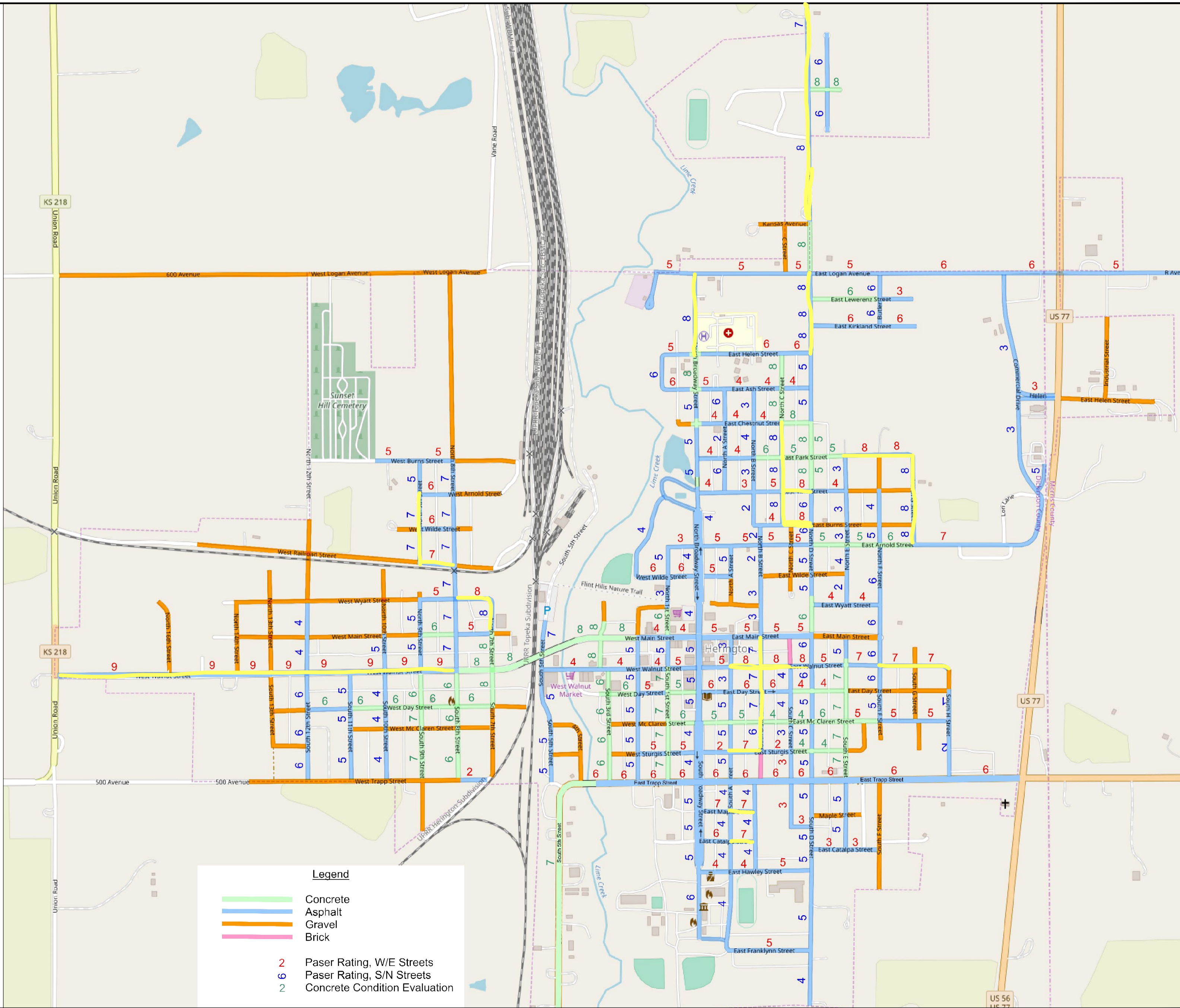
Commissioner Urbanek – Asked about the status of getting records software, Branden has received a few quotes \$7500-\$10,000. Will have it budgeted for next year.

Commissioner Donahue – Asked when the fence would be down at the park, Vance wants the fence to be taken down as soon as possible. Pond and bridge look great.

Mayor Gares – He will be attending the governing body institute in Manhattan on 4/29 and 4/30, and mayor's conference. Encouraged commissioners to take advantage of league training. Asked for clarification on UPOC 705A2 – The City Attorney said it is unenforceable (it is currently in our code) anything that may come through would be dismissed. In about 3 months it should be purged so we may not need to do anything, because we will be adopting the new versions soon.

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





**Legend**

- Concrete
- Asphalt
- Gravel
- Brick

- 2 Paser Rating, W/E Streets
- 6 Paser Rating, S/N Streets
- 2 Concrete Condition Evaluation

**Cost for oil, rock, labor, and surcharge for 2022 street chip sealing.**

**Rock**

42,035 sq.yd. X 16 lbs./sq.yd. = 672560 lbs.

672,560 lbs. ÷2,00 lbs. = 336 Tons

336 Tons X \$25.00/Ton = **\$8,400.00**

**Oil**

42,035 sq.yd. X .35/sq.yd. = 14,712.25 gallons

14,712.25 gallons X \$2.68/gallon = **\$39,428.83**

**Dickinson County Labor**

\$750.00/day X 3 days                      **\$2,250.00**

**Surcharge for oil truck**

\$800.00/day X 3 days                      **\$2,400.00**

**Total      \$52,478.83**

	Street	Starting	End	Length	Width	SY
						<b>Approx.</b>
	Wyatt	7th	8th	370'	22'	904
	7th	Main	Wyatt	300'	22'	733
	Walnut	12 th	8 th	1556'	33'	6144
	Walnut	City Limits	12 th	2700'	24'	7393
	9 th	Railroad	Arnold	640'	26'	1848
	Railroad	9 th	8 th	300'	16'	533
						<b>17555</b>
	D st	Kansas	City Limits	1100'	23'	2811
	C st	Burns	Chestnut	1190'	22'	2917
	Vine	C st	D st	350'	20'	778
	Broadway	Logan	Helen	360'	26'	1040
	D st	Helen	Logan	1460'	27	4380
	Park	E st	F st	350'	20'	777
	Park	F st	G st	300'	20'	667
	Burns	C st	D st	350'	20'	560
	G st	Park	Arnold	900'	18'	1800
						<b>15730</b>
	Walnut	E st	H st	1050'	18'	2100
	B st	Day	McClaren	290'	20'	640
	B st	McClaren	Sturgis	330'	18'	663
	Catalpa	Ast	Bst	200'	20'	444
	B st	Main	Day	665'	20'	1514
	Walnut	A st	D st	875'	22'	2172
	Sturgis	A st	B st	250'	20'	773
	Maple	Ast	Bst	200'	20'	444
						<b>8750</b>
					<b>Total</b>	<b>42,035</b>



**DERIVATION OF CONSULTANT PROJECT COSTS (CONSTRUCTION)**  
**REHABILITATE AIRCRAFT PARKING APRON AND CONNECTING TAXIWAY**

**21 CALENDAR DAY CONSTRUCTION**

**HERINGTON REGIONAL AIRPORT (HRU)**  
**HERINGTON, KANSAS**

**CONSTRUCTION SERVICES**  
**March 30, 2022**

**1. DIRECT SALARY COSTS:**

<u>TITLE</u>	<u>HOURS</u>	<u>RATE/HOUR</u>	<u>COST (\$)</u>
Project Manager	31	\$60.00	\$ 1,860.00
Construction Observer II	189	\$38.00	\$ 7,182.00
Design Engineer I	33	\$38.00	\$ 1,254.00
Technician	28	\$30.00	\$ 840.00
Administrative Asst.	12	\$25.00	<u>\$ 300.00</u>
Total Direct Salary Costs			= \$ <b>11,436.00</b>

**2. LABOR AND GENERAL ADMINISTRATIVE OVERHEAD:**

Percentage of Direct Salary Costs @	152.85%	= \$ <b>17,479.93</b>
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**3. SUBTOTAL:**

Items 1 and 2	= \$ <b>28,915.93</b>
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**4. PROFIT:**

15% of Item 3 Subtotal	= \$ <b>4,337.39</b>
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Subtotal of Items 3 and 4    \$    **33,253.32**

**5. OUT-OF-POCKET EXPENSES:**

a. Mileage	2,309 miles @ \$0.585/mile =	\$ 1,350.77
b. Meals	24 days @ \$59.00/day =	\$ 1,416.00
c. Motel	15 days @ \$96.00/day =	\$ 1,440.00
d. Materials & Supplies		= \$ 539.92
e. Troxler Testing	0 days @ \$60.00/day =	\$ -

Total Out-of-Pocket Expenses    = \$    **4,746.69**

**6. SUBCONTRACT COST:**

a. None

Total Subcontract Costs    = \$    -

**7. MAXIMUM TOTAL FEE:**

Items 3, 4, 5 and 6    \$    **38,000.00**

(\*) Construction Observation time based on 50 hours per week during construction activities

PROJECT ADMINISTRATION and OBSERVATION

<b>C. CONSTRUCTION SERVICES</b>								
<b>2. PROJECT ADMINISTRATION and OBSERVATION:</b>	Principal	Project Manager	Construction Observer II	Construction Observer I	Airport Planner	Design Engineer I	Engineering Technician	Admin/ Clerical
<b>PRELIMINARY</b>								
- Prepare Supplemental Agreement and Negotiations		2				4		
- Prepare Contracts for Sponsor and Contractor Execution							4	2
- Prepare copies of Plans and Specs. for Contractor.							2	2
- Prepare AutoCAD surface files for Contractor's Use						4	4	
- Develop Construction Management Program		2						
- Attend and Conduct a Pre-Construction Conference as well as Compile and Distribute Minutes to Attendees.		8	8				8	2
<b>ADMINISTRATION</b>								
Review and distribute construction reports as required by the FAA including weekly progress reports, DBE participation forms, certified payroll records, and material test results. Estimate 1 hrs. per week for Project Manager at 4 weeks = 4 hrs.		4						
- Review shop drawings, mix designs, and material certification submittals from the Contractor.		4				8	8	
Site visits to monitor project progression. Anticipated Visits include: - 1 Visit During Sealing						8		
- Attend and Conduct a Pre-Pave Meeting as well as Compile and Distribute Minutes to Attendees.								2
- Prepare contractor's progress estimates and sponsor's request for reimbursement of funds. Expect 1 each per month		1				2	2	
- Prepare change orders and supplements as necessary for construction of the Project.		2				3		4
- Attend and Conduct a Final Review of the Project with Sponsor and FAA		8				4		
- Estimate 8 Hours of Principal Involvement to Ensure Construction Meets Contractual Obligations and Current FAA Design Standards								

HERINGTON REGIONAL AIRPORT (HRU)  
 HERINGTON, KANSAS  
 Prepared by JPT  
 REHABILITATE AIRCRAFT PARKING APRON AND CONNECTING TAXIWAY

3/30/2022

PROJECT ADMINISTRATION and OBSERVATION

<u>C. CONSTRUCTION SERVICES</u> 2. PROJECT ADMINISTRATION and OBSERVATION:	Principal	Project Manager	Construction Observer II	Construction Observer I	Airport Planner	Design Engineer I	Engineering Technician	Admin/ Clerical
<b>OBSERVATION</b>								
- Attend a Pre-Construction Conference			8					
- Provide Regular full-time construction observation, including preparation of daily reports, weekly reports, material test results and other reports as required by the FAA to document the prosecution and progress of the Project.			120					
- Provide Overtime full-time construction observation, including preparation of daily reports, weekly reports, material test results and other reports as required by the FAA to document the prosecution and progress of the Project.			45					
- Provide part-time construction observation assistance during stages of the project when multiple construction operations are occurring to document the prosecution and progress of the Project. (33% of the total project duration, 5 days per week x 10 hours per day estimated)								
- Attend a final review of the Project with Sponsor and Contractor			8					
-								

TOTAL HOURS =	0	31	189	0	0	33	28	12
HOURLY RATES =	\$65.00	\$60.00	\$38.00	\$30.00	\$45.00	\$38.00	\$30.00	\$25.00
SUBTOTAL =	\$0.00	\$1,860.00	\$7,182.00	\$0.00	\$0.00	\$1,254.00	\$840.00	\$300.00

TOTAL HOURS = 293  
 TOTAL DIRECT LABOR = \$11,436.00

DIRECT LABOR	\$11,436.00
GENERAL ADMINISTRATIVE OVERHEAD @ -----> 152.85%	\$ 17,479.93
<b>SUBTOTAL</b>	<b>\$28,915.93</b>
PROFIT @ 15.00%	\$4,337.39
OUT-OF-POCKET EXPENSES	\$4,746.69
SUBCONTRACT COSTS	\$0.00
<b>TOTAL FEE</b>	<b>\$38,000.00</b>

OUT-OF POCKET EXPENSES			
	Rate	Unit	
Mileage	\$ 0.585	2,309	\$ 1,350.77
Meals	\$ 59.000	24	\$ 1,416.00
Motel	\$ 96.000	15	\$ 1,440.00
Materials & Supplies			\$ 539.92
Troxler Testin	\$ 60.000		\$ -
<b>TOTAL =</b>			<b>\$ 4,746.69</b>

HERINGTON REGIONAL AIRPORT (HRU)  
 HERINGTON, KANSAS  
 Prepared by JPT  
 REHABILITATE AIRCRAFT PARKING APRON AND CONNECTING TAXIWAY

3/30/2022

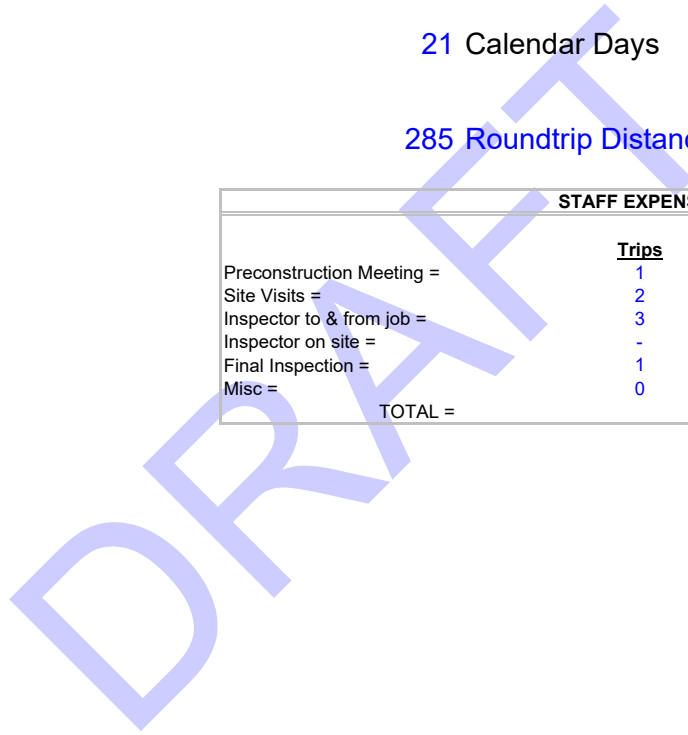
**PROJECT ADMINISTRATION and OBSERVATION**

<b>C. CONSTRUCTION SERVICES</b>									
<b>2. PROJECT ADMINISTRATION and OBSERVATION:</b>	Principal	Project Manager	Construction Observer II	Construction Observer I	Airport Planner	Design Engineer I	Engineering Technician	Admin/ Clerical	

21 Calendar Days

285 Roundtrip Distance from Lochner Office to HRU

STAFF EXPENSES				
	<u>Trips</u>	<u>Mileage</u>	<u>Meals</u>	<u>Motel</u>
Preconstruction Meeting =	1	285	1	0
Site Visits =	2	570	7	0
Inspector to & from job =	3	855	0	0
Inspector on site =	-	300	15	15
Final Inspection =	1	285	1	0
Misc =	0	14	0	0
TOTAL =		2,309	24	15



**DERIVATION OF CONSULTANT PROJECT COSTS (CONSTRUCTION)**

**REHABILITATE AIRCRAFT PARKING APRON AND CONNECTING TAXIWAY**

**21 CALENDAR DAY CONSTRUCTION**

**HERINGTON REGIONAL AIRPORT (HRU)  
HERINGTON, KANSAS**

**CLOSEOUT PHASE SERVICES  
March 30, 2022**

**1. DIRECT SALARY COSTS:**

<u>TITLE</u>	<u>HOURS</u>	<u>RATE/HOUR</u>	<u>COST (\$)</u>
Project Manager	10	\$60.00	\$ 600.00
Construction Observer II	2	\$38.00	\$ 76.00
Design Engineer I	20	\$38.00	\$ 760.00
Technician	14	\$30.00	\$ 420.00
Administrative Asst.	9	\$25.00	\$ 225.00
Total Direct Salary Costs			= \$ 2,081.00

**2. LABOR AND GENERAL ADMINISTRATIVE OVERHEAD:**

Percentage of Direct Salary Costs @ 152.85% = \$ 3,180.81

**3. SUBTOTAL:**

Items 1 and 2 = \$ 5,261.81

**4. PROFIT:**

15% of Item 3 Subtotal = \$ 789.28

Subtotal of Items 3 and 4 \$ 6,051.09

**5. OUT-OF-POCKET EXPENSES:**

a. Mileage 300 miles @\$0.585/mile = \$ 175.50  
b. Meals 1 days @ \$59.00/day = \$ 59.00  
c. Motel 1 days @ \$96.00/day = \$ 96.00  
d. Materials & Supplies = \$ 118.42  
e. Troxler Testing 0 days @ \$60.00/day = \$ -

Total Out-of-Pocket Expenses = \$ 448.92

**6. SUBCONTRACT COST:**

a. None \$ -

Total Subcontract Costs = \$ -

**7. MAXIMUM TOTAL FEE:**

Items 3, 4, 5 and 6 \$ 6,500.00

PROJECT CLOSEOUT

<b>C. CONSTRUCTION SERVICES</b> <b>3. PROJECT CLOSEOUT:</b>	Principal	Project Manager	Construction Observer II	Construction Observer I	Airport Planner	Design Engineer I	Engineering Technician	Admin/ Clerical
* Prepare and submit Final Construction Report.		6				8	8	2
* Prepare and submit Record Drawings.		2	2			4	2	
* Prepare and submit Closeout Certifications.						4		2
* Prepare necessary documents relating to engineering design and construction services for project closeout as required by the FAA		2				4	4	1
* Coordinate and Attend FAA Flight Check of PAPIs								
* Compile Sponsor Copy of Contractor's Certified Payroll Records								4
* As-Built AGIS Safety Critical Survey Coordination								
* Update Airport Layout Plan with geometric improvements								

TOTAL HOURS =  
 HOURLY RATES =  
 SUBTOTAL =

0	10	2	0	0	20	14	9
\$65.00	\$60.00	\$38.00	\$30.00	\$45.00	\$38.00	\$30.00	\$25.00
\$0.00	\$600.00	\$76.00	\$0.00	\$0.00	\$760.00	\$420.00	\$225.00

TOTAL HOURS = 55  
 TOTAL DIRECT LABOR = \$2,081.00

<b>DIRECT LABOR</b>	\$2,081.00
GENERAL ADMINISTRATIVE OVERHEAD @ -----> 152.85%	\$ 3,180.81
<b>SUBTOTAL</b>	\$5,261.81
<b>PROFIT @ 15.00%</b>	\$789.27
<b>OUT-OF-POCKET EXPENSES</b>	\$448.92
<b>TOTAL FEE</b>	\$6,500.00

<b>OUT-OF-POCKET EXPENSES</b>			
		Unit	
Mileage	\$ 0.585	300	\$ 175.50
Meals	\$ 59.00	1	\$ 59.00
Motel	\$ 96.00	1	\$ 96.00
Materials & Supplies			\$ 118.42
<b>TOTAL =</b>			<b>\$ 448.92</b>



## **DBE Program Policy Statement**

### **Section 26.1, 26.23 Objectives/Policy Statement**

The City of Herington, KS/Herington Regional Airport has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U. S. Department of Transportation (DOT), 49 CFR Part 26. The City of Herington, KS/Herington Regional Airport has received federal financial assistance from the Department of Transportation and as a condition of receiving this assistance the City of Herington, KS/Herington Regional Airport has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

It is the policy of the City of Herington, KS/Herington Regional Airport to ensure that DBEs as defined in Part 26 have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy to engage in the following actions on a continuing basis:

1. To ensure nondiscrimination in the award of and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the market place outside the DBE program; and
8. To make appropriate use of the flexibility afforded to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

The City of Herington, City Manager\* has been designated as the DBE Liaison Officer (DBELO). In that capacity, the DBELO\* is responsible for implementing all aspects of the DBE program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the City of Herington, KS/Herington Regional Airport in its financial assistance agreements with the Department of Transportation.

The City of Herington, KS/Herington Regional Airport has disseminated this policy statement to the governing board including the Mayor, City Commission, and all components of the organization. The airport has distributed this statement to DBE and non-DBE business communities that may perform work for us on DOT-assisted contracts. This distribution is made through our DBE office (for DBE purposes – located at the DBELO's office) and through plans and specifications for each project.

---

Signature of Eric Gares, City of Herington - Mayor\*

Date

---

\* Refer to the Organizational Chart for the name(s) and contact information

**JOINT RESOLUTION OF THE FOLLOWING COMMUNITIES**

**RESOLUTION 988 OF THE CITY OF OSAWATOMIE, KANSAS  
RESOLUTION \_\_\_\_ OF THE CITY OF OTTAWA, KANSAS  
RESOLUTION 951 OF THE CITY OF HERINGTON, KANSAS  
RESOLUTION \_\_\_\_ OF THE CITY OF COUNCIL GROVE, KANSAS**

**A JOINT RESOLUTION ESTABLISHING A WORKING GROUP TO CONSIDER THE ESTABLISHMENT OF THE KANSAS ASSOCIATION OF TRAIL TOWNS (KATT), WHOSE INITIAL PURPOSE WILL BE THE DEVELOPMENT OF ECONOMIC OPPORTUNITIES ALONG THE FLINT HILLS TRAIL.**

WHEREAS, through the efforts of the KANZA Rail-Trails Conservancy (KRTC) the 117-mile Flint Hills Trail, between Osawatomie and Herington, KS was established; and

WHEREAS, recognizing the economic, tourism, and outdoor recreation potential of the trail, the Kansas Department of Wildlife Parks and Tourism (KDWPT), in 2014, partnered with the KRTC to assist with the development and completion of the trail; and

WHEREAS, in partnership with Kansas Department of Transportation (KDOT), KDWPT has utilized federal Transportation Enhancements (TE) and federal Transportation Alternatives (TA) grant funding to continue the development, repairs, and construction of the trail infrastructure at a faster pace; and

WHEREAS, in 2018 the Kansas Legislature named the Flint Hills Trail a state park, bringing it under the management of KDWPT and recognizing it as the " Crown Jewel" of the Kansas trail system; and

WHEREAS, upon completion the Flint Hills Trail it will be the longest rail-trail in Kansas at 117 miles and the seventh longest rail-trail in the United States; and

WHEREAS, in order to leverage the State of Kansas investment in the Flint Hills Trail communities along it should work jointly to both promote and market its use which directly impacts at least 18 Kansas communities.

NOW THEREFORE, We the undersigned communities of this Joint Resolution hereby agree to,

1. Designate two officials from each jurisdiction to serve on the KATT Working Group, with planned meetings to be held during the second week of June, August, and September.
2. That the working group explore next steps in the formation of KATT and submit a proposed 1-, 2- and 3- year work plan for the Flint Hills Trail going forward.
3. That the Working Group also explore interconnections to other regional trails including but not limited to the KATY Trail(MO), Prairie Spirit Trail and Landon Trail, recognizing that a broader association of Kansas Trail Towns could create an even greater economic impact.

4. That in October, 2022 a formal presentation will be made by the working group to each of the founding cities in this Joint Resolution.

ADOPTED BY the Governing Body of the City of Osawatomie, Kansas this 29 day of March, 2022



Nick Hampson  
Mayor



ATTEST:



Tammy Seamands  
City Clerk

ADOPTED BY the Governing Body of the City of Ottawa, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Eric Crowley  
Mayor

ATTEST:

\_\_\_\_\_  
Melissa Reed  
City Clerk

ADOPTED BY the Governing Body of the City of Herington, Kansas this 19th day of April, 2022

\_\_\_\_\_  
Eric Gares  
Mayor

ATTEST:

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

ADOPTED BY the Governing Body of the Council Grove, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Debi Schwerdtfeger  
Mayor

ATTEST:

\_\_\_\_\_  
Nick Jones  
City Clerk

*Ordinance Summary published in the Dickinson County News Times on \_\_\_\_\_  
and the full text of the Ordinance made available at [www.HERINGTON.ks.org](http://www.HERINGTON.ks.org) for a minimum of  
1 week from the date of publication*

### **ORDINANCE NO. 1863 SUMMARY**

**ON April 19th, 2022, THE CITY OF HERINGTON , KANSAS, ADOPTED ORDINANCE NO. 1863, AMENDING THE HERINGTON KANSAS ZONING AND SUBDIVISION REGULATIONS (INCORPORATED AS CHAPTER 8 ZONING IN THE HERINGTON CITY CODE VIA ARTICLE III OF CHAPTER 8) TO AMEND AND SUPPLEMENT REGULATIONS UNDER ARTICLE 17, SUPPLEMENTAL DISTRICT REGULATIONS AND REPEALING ANY AND ALL OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.**

**A COMPLETE COPY OF THIS ORDINANCE MAY BE OBTAINED OR VIEWED FREE OF CHARGE AT THE OFFICE OF THE CITY CLERK AT CITY HALL, 17 N. BROADWAY, HERINGTON , KANSAS OR AT [WWW.CITYOFHERINGTON.COM](http://WWW.CITYOFHERINGTON.COM). THIS SUMMARY IS CERTIFIED BY BRADLEY D. JANTZ, HERINGTON CITY ATTORNEY PURSUANT TO K.S.A. 12-3001, ET SEQ.**

### **ORDINANCE NO. 1863**

**AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO REVISE THE HERINGTON KANSAS ZONING AND SUBDIVISION REGULATIONS (INCORPORATED AS CHAPTER 8 ZONING IN THE HERINGTON CITY CODE VIA ARTICLE III OF CHAPTER 8) TO AMEND AND SUPPLEMENT REGULATIONS UNDER ARTICLE 17, SUPPLEMENTAL DISTRICT REGULATIONS AND REPEALING ANY AND ALL OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.**

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HERINGTON , KANSAS, A MUNICIPAL CORPORATION, AS FOLLOWS:**

**Section 1:** That Section VIII of Chapter 8 of the Code of the City of Herington, Kansas pertaining to Herington, Kansas Zoning And Subdivision Regulations, as originally adopted in Herington City Ordinance No. 1490 and 1491 shall be amended and supplemented to include the following Revisions to Article 17 of such Regulations, specifically amending Sections:

## **Article 17- Supplemental District Regulations**

- a) 17-602 (4)
- b) 17-603 (13)
- c) 17-801 (2), (3), (4), (5), (6), (7), (8), (9)
- d) 17-1001 (4), (6)

**Section 2:** That Article 17 - Supplemental District Regulations of the Herington, Kansas Zoning and Subdivision Regulations shall be replaced in its entirety to read as enumerated in Exhibit A attached hereto and incorporated herein by reference as if set out in full.

**Section 3:** That any and all other ordinances or parts thereof in conflict herewith are hereby repealed.

**Section 4:** This Ordinance shall take effect on its passage and upon its publication as required by law. All other ordinances or parts of ordinances in conflict are hereby repealed.

**PASSED AND ADOPTED by the Governing Body of the City of HERINGTON ,  
KANSAS this 19<sup>th</sup> day of April, 2022.**

---

Eric Gares, Mayor

---

Megan Lawrenz, City Clerk

***(Approved as to Form):***

---

Bradley D. Jantz, City Attorney

Herington, Kansas, this 19<sup>th</sup> day of April, 2022.



## EXHIBIT A

### **ARTICLE 17 SUPPLEMENTAL DISTRICT REGULATIONS**

Sections:

- 17-1. Floodplain Regulations**
- 17-2. Height Regulations**
- 17-3. Lots with Double Frontage**
- 17-4. Accessory Structures/Storage Containers**
- 17-5. Temporary Uses Permitted**
- 17-6. Home Occupations**
- 17-7. Antennas and Satellite Dish Antennas**
- 17-8. Fences**
- 17-9. Planned Unit Development**
- 17-10 Swimming Pools**

#### **Section 17-1. Floodplain Regulations**

**17-101** There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations to protect individuals and property from flood hazards or flooding, the City of Herington Floodplain Zoning Regulations, such regulations being made a part of these zoning regulations as if they had been set out in full herein. No fewer than three copies of the City of Herington Floodplain Zoning Regulations shall be marked or stamped "Official Copy as Incorporated by the Zoning Regulations of City of Herington," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

#### **Section 17-2. Height Regulations**

**17-201** Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the District Regulations.

#### **Section 17-3. Lots, Setback Exceptions**

**17-301** Where lots have a double frontage, the required front yard shall be provided on both streets.

**17-302** Where the majority of the developed lots of a single block face have principal structures not meeting minimum front-yard setbacks, any new construction of or addition to a principal structure may have a front yard setback of not less than the average setback of all other principal structures upon that block face.

#### **Section 17-4. Accessory Structures/Storage Containers**

**17-401**

**17-402**

No accessory structure shall be erected in any required front yard, and no detached accessory structure shall be erected closer than five feet to any other structure or property line. Accessory structures may be located in the rear yard, but shall not be closer than five feet to the rear lot line and shall not be closer to the side lot line than the required side yard setback of the district, except that if the structure has a vehicular alley entrance, the sum of the width of the alley and the setback of the structure shall not be less than 25 feet. No accessory structure shall have a total square footage that exceeds 50% of the square footage of the ground floor of the principal building.

Metal shipping containers used for storage will be permitted in business and industrial districts. For purposes of these zoning regulations, metal shipping containers will be defined as storage containers and will be

regulated as follows:

- (a) No storage container shall be installed in any required front or side yard, and no storage container shall be installed closer than five feet to any other structure or property line. Accessory structures may be located in the rear yard, but shall not be closer than five feet to the rear lot line and shall not be closer to the side lot line than the required side yard setback of the district, except that if the structure has a vehicular alley entrance, the sum of the width of the alley and the setback of the structure shall not be less than 25 feet. No accessory structure shall have a total square footage that exceeds 50% of the square footage of the ground floor of the principal building
- (b) A concrete or rock pad must be provided for placement of the storage container.
- (c) No stacking of storage containers will be allowed, any such container shall not exceed a maximum height of ten (10) feet.
- (d) If the storage container is visible from a residential district, privacy fencing of a solid nature, no less than 8 feet in height must be installed.
- (e) Storage of hazardous materials is expressly prohibited.
- (f) Storage containers are prohibited from use in all residential areas.

## **Section 17-5. Temporary Uses Permitted**

### **17-501**

### **17-502**

**Christmas Tree Sales:** Christmas tree sales in any business or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations provided that no trees shall be displayed within 30 feet of the intersection of the curb line of any two streets.

**Contractors Office:** Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and continuing only during the duration of such project or for 12 consecutive months, whichever is the shorter period of time.

**17-503 Real Estate Offices:** Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.

**17-504 Seasonal Sales:** Seasonal sale of farm produce grown on the premises, in a (A) District. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.

**17-505 Carnivals and Circuses:** A carnival or circus, but only in an A, B-3, B-4, 1-1, 1-2 District, and then only for a period that does not exceed two weeks. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements of the sight triangle as defined by these regulations.

**17-506 Other temporary uses** are permitted in accordance with the Temporary Uses Permitted (Section 17-5), which the Zoning Administrator determines to be the closest comparable permitted temporary use. In the event that, in the opinion of the Zoning Administrator, there is not a comparable temporary use, the temporary use shall be treated as a conditional use.

## **Section 17-6. Home Occupations**

### **17-601 Home Occupations:**

a. The intent of this section is to allow home occupations, provided that they do not detract from the residential character of a neighborhood and will not cause excessive traffic, noise, nuisance or hazards to safety. It is also the intent of this section to allow only those home occupations as specifically provided for in section 187-602 below.

### **17-602 Restrictions and Limitations:**

1. No commodities shall be displayed or sold on the premises except that which is produced on the premises.
2. No outdoor storage of materials or equipment used in the home occupation shall be permitted.

3. No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a residence.
4. No sign shall be permitted unless required by state law and, if so required, shall not exceed two six square feet in area, shall not be illuminated and shall be placed flat against the main wall of the structure, or free standing with upward illumination. Illumination is only allowed on the dimensions of the sign..
5. No person shall be engaged or employed in a home occupation that is not a resident of the dwelling unit.
6. No home occupation can create a nuisance due to noise, electrical or radio wave interference, or odors, nor can any home occupation utilize materials that are hazardous or explosive.
7. No more than 25 percent of the area of one story of a single-family dwelling, nor more than 20 percent of the area of any other dwelling unit, shall be devoted to the home occupation, provided, however, that rooms let to roomers are not subject to this limitation.

**17-603**

8. The home occupation shall be conducted entirely within the principal residential building or an accessory building on the property.

Particular Home Occupations Permitted: Customary home occupations include, but are not limited to, the following list of occupations, provided, however, that each listed occupation is subject to the requirements of Section 17-602 above:

1. Art, dancing, and music schools provided that instruction is limited to five pupil at one time;
2. Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions;
3. Offices for realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises;
4. Barber and beauty services;
5. Watch, clock, and jewelry repair services;
6. Radio, television, photograph, recorder, and small appliance repair services;
7. Day care homes caring for children unrelated to the resident, provided that the number of unrelated children on the premises shall not exceed the maximum set by law, and further provided that such homes shall have enclosed all yard areas that are *devoted* to such use;
8. Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment shall be used or employed other than that which would customarily be found in the home, including machinery or equipment that would customarily be employed in connection with a hobby or a vocation not conducted for gain or profit;
9. Tailoring, alterations, and seamstresses;
10. Sharpening services;
11. Bed-and-breakfast lodging; and
12. Ministers, rabbis and priests; .
13. Or any other retail sales associated with permitted use.

**Section 17-7. Antenna and Satellite Dish Antenna**

**17-701**

**17-702**

The purpose and intent of the following regulations on antennas is to build, preserve and enhance such community values as the general appearance of neighborhoods, particularly those of residential character. In addition, the regulations are designed to preserve property values, prevent property damage, promote the health, safety and general welfare of all jurisdiction residents and property owners and to protect the legal rights of residents and property owners who reside and own property in areas where antennas are constructed.

Antennas and satellite dish antennas may be constructed as an accessory use in all zoning districts provided the development standards of this section are met. Each lot may have one antenna and one satellite

dish placed within its boundaries as a matter of right. Additional antennas and satellite dish antennas may be allowed as a Conditional Use under these regulations.

17-702 The following development standards shall be applied to the placement and construction of all antennas and satellite ground antennas:

- a. Television and radio receiving antennas shall not exceed 60 feet in height and shall be located at a distance inside the nearest property line of the lot at least equal to one third its height.
- b. Ground satellite antennas shall not exceed 10 feet in diameter nor 13 feet in height from the natural ground level. Ground satellite antennas shall be ground mounted and securely attached to a concrete pad.
- c. Ground satellite antennas shall not be placed in a front or side yard and shall not be located closer to any lot line than the distances provided as yard requirements in the zoning district in which the property is located.
- d. Roof mounted satellite antennas shall not exceed four feet in diameter.
- e. Larger satellite and roof mounted antennas may be permitted in non-residential zoning districts, provided the larger antennas are approved as a Conditional Use under these regulations.

### **Section 17-8. Fences**

17-801 Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences.

1. No fence shall be constructed which will constitute a traffic hazard.
2. No fence shall be constructed of such materials, or in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
3. The building line is considered the point of the entry door
4. No fence shall exceed 50/50 see-through at the beginning of the front yard.
- 2.5. Tapers in the fence shall not exceed eight (8) feet in length.
- 3.6. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view of an intersection or driveway, shutting out the sunlight or hindering ventilation or which fence shall adversely affect the public health, safety and welfare.
- 4.7. The maximum height for fences shall be as follows:  
Fences erected after {the date of adoption of this ordinance) shall not exceed four (4) feet in height in front yard and street yards and not to exceed eight six and a half (6.58) feet in height in the side yard and rear yards. For corner lots, six and a half (6.5) feet  
privacy fences should begin at rear yard on side streets  
For purpose of this ordinance, a fence shall be considered in the front yard at any point in front of the building line of the house.  
Commercial 10 feet  
Industrial 10 feet  
Schools no limit  
Public no limit
- 5.8. No fence shall be constructed without first obtaining a fence permit.
9. The owner and/or the occupant of real property upon which there is a swimming pool
- 6.10. having a depth of two feet or greater shall construct and maintain a security fence of not less than four feet or otherwise properly secure and restrict access to such pool in a manner approved by the Zoning Administrator.

### **Section 17-9 Planned Unit Development 17-901**

#### **Objective**

The objective of Planned Unit Development (PUD) is not simply to allow exceptions to otherwise applicable regulations. It is instead to encourage a higher level of design and amenity than it is possible to achieve under the usual land development requirements. It is accordingly the intent of the City to suspend the application of detailed zoning and subdivision standards as provided herein only

where such special amenity is achieved. In this way the City may grant the creative developer a desirable flexibility and at the same time not only protect, but to enhance the welfare of the residents and other users of a development as well as the rest of the community.

The provisions of this section are intended for special situations in which:

1. adequate space, light, air, and other objectives of this Ordinance relating to the public health, safety, and welfare can be achieved without the literal application of the detailed zoning and subdivision requirements otherwise applicable, and
2. special amenities and benefits to the community beyond those required by this and other City ordinances can be achieved by allowing more flexible design than is otherwise permitted by such requirements.

These objectives can be achieved where an area of land is planned for development as an integrated unit, and where its design is subject to more detailed review and approval by the City than is normally required.

In recommending approval or conditional approval of a General Site Plan for an SD District Development (including Development Control Regulations associated therewith) or a Preliminary or Final Plan for a Planned Unit Development (PUD), the Plan Commission shall transmit to the City Council Commission written findings of fact that the application meets all of the criteria below or will meet them when the Commission's conditions are complied with. The City Council Commission shall, in granting approval or conditional approval, also find that all of the following criteria are met or will be met when the conditions to which the approval is made subject are complied with:

#### **17-902: Approval Criteria for Planned Unit Developments**

1. Superior Design: The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable zoning district and subdivision regulations, and solely on this basis modifications to the use and design standards established by such regulations are warranted.
2. Meets PUD Requirements: The PUD meets the requirements for Planned Unit Developments set forth in this Ordinance, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.
3. Consistent with City Plan: The PUD is generally consistent with the objectives of the City Comprehensive Plan as viewed in light of any changed conditions since its adoption.
4. Public Welfare: The PUD will not be detrimental to the public health, safety, morals, or general welfare.
5. Compatible with Environs: Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.
6. Natural Features: The design of the PUD is as consistent as practical with the preservation of natural features of the site such as flood plains, wooded areas, steep slopes, natural drainage ways, or other areas of sensitive or valuable environmental character.
7. Circulation: Streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses are provided. They are adequate in location, size, capacity, and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks,

and snow plows as appropriate without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD, or unduly interfering with the safety or capacity of adjacent streets.

8. Open Space and Landscaping: The quality and quantity of public and common open spaces and landscaping provided are consistent with the higher standards of design and amenity required of a PUD. The size, shape, and location of a substantial portion of total public and common open space provided in residential areas render it useable for recreation purposes. Open space between all buildings is adequate to allow for light and air, access by fire fighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open space along the perimeter of the development is sufficient to protect existing and permitted future uses of adjacent property from adverse effects from the development:

9. Covenants: Where individual parcels are to be later sold, adequate provision has been made in the form of deed restrictions, homeowners or condominium associations, or the like for:

- a. the preservation and maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the City or another public body
- b. such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD Plan, such provision to be binding on all future ownership.

10. Public Services: The land uses, intensities, and phasing of the PUD are consistent with the anticipated ability of the City, the school districts, and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.

11. Phasing: Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. The provision and improvement of public or common area improvements, open spaces, and amenities--or the provision of financial sureties guaranteeing their improvement--is phased generally proportionate to the phasing of the number of dwelling units or amount of non-residential floor area.

## **17-10 Swimming Pools**

### **17-1001 Restrictions and Limitations**

1. Swimming pools with a depth of 2 feet or greater shall not be erected nearer to the side and rear lot lines than the standard setback requirements for the zoning district.
2. No swimming pool will be permitted forward of the front line of the house. Corner lots are considered double frontage.
3. No swimming pool, deck/lounge area, or walkway associated with the swimming pool shall be located under power lines.
4. All above ground/grade pools with a depth of two (2) feet or greater having a retractable or removable ladder, shall retract or remove said ladder when pool is not being attended. All gates shall be securely locked with a key, combination or other proof lock sufficient to prevent access to the swimming pool through such gate when the swimming pool is not in use or supervised.
5. Gates installed for access to the property or pool area shall



be equipped with a closing and latching device to protect against uncontrolled access to the property.

6. Failure to maintain fences, failure to have gates

Closed/locked, or failure to

either remove or retract the ladder access to the pool shall constitute a violation of the Zoning Ordinance and

therefore be subject to the penalties contained herein.

7. Any structure erected in connection with a swimming pool or a swimming pool constructed below ground/grade level shall require a building permit and conform to all adopted building code standards.

8. The owner and/or the occupant of real

Property upon property upon which there is a swimming pool having a depth of two feet or greater shall construct and maintain a security fence of not less than four feet or otherwise properly secure and restrict access to such pool in a manner approved by the Zoning Administrator.

Published in the Dickinson County News - Times on \_\_\_\_\_, 2022.

**ORDINANCE NO. 1862**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO SUPPLEMENT SAID CODE OF THE CITY OF HERINGTON, KANSAS AND ADD ARTICLE IX IN CHAPTER 1, ADMINISTRATION, ESTABLISHING AND ADOPTING A CODE OF ETHICS, AND PROVIDING FOR THE ADMINISTRATION THEREOF, 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. Adoption of a Code of Ethics for the City of Herington, Kansas.**

The codification of an of Article IX in Chapter 1 of the Code for the City of Herington, Kansas, is hereby authorized, adopted and ordained as the "Code of Ethics for the City of Herington, Kansas." with said Code attached hereto as Exhibit A and incorporated by reference as if set out in full herein.

**Section 2. Creation of Chapter 1, Article IX.**

There is hereby created Article IX of Chapter 1 of the Code of the City of Herington which shall be titled Code of Ethics.

**Section 3. Repeal of general ordinances.**

All ordinances and parts of ordinances of a general nature related to this topic passed prior to April 19, 2022, are hereby repealed as of the date of publication of this ordinance except as hereinafter provided.

**Section 4. Accrued rights and liabilities.**

The repeal of ordinances as provided in section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefor.

**Section 5. Severability.**

If for any reason any section, subsection, sentence, portion or part of the "Code of Ethics of the City of Herington, Kansas," or the application thereof to any person or

circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this code.

**Section 6. Effective date.**

This ordinance shall be published in the official city newspaper and shall take effect and be in force from and after the publication of this Ordinance one time in the Dickinson County News – Times.

**ADOPTED AND PASSED** by the Governing Body of the City on April 19, 2022 and **APPROVED AND SIGNED** by the Mayor.

---

ERIC GARES, Mayor

ATTEST:

---

MEGAN LAWRENZ, City Clerk

*(Approved as to Form):*

---

**Bradley D. Jantz, City Attorney**

Herington, Kansas, this 19<sup>th</sup> day of April, 2022.

CERTIFICATE OF THE CITY CLERK

State of Kansas     )  
                                  )  
Dickinson County    )

I, Megan Lawrenz, City Clerk of the City of Herington, Dickinson County, Kansas do hereby certify that said city is a city of the third class of the mayor-council form of government under the statutes of Kansas; that this addition to the Code of the City of Herington, Kansas adding Chapter 1, Article IX Code of Ethics and publication thereof in as a complete Article was ordered and authorized by the Governing Body by ordinance and in accordance therewith is entitled the "Code of Ethics of the City of Herington, Kansas," that said codification was adopted within the existing "Code of the City of Herington, Kansas," by the Governing Body by Ordinance No. 1862 passed on April 19, 2022.

I further certify that the "Code of Ethics in Article IX of Chapter 1 of the Code of the City of Herington, Kansas," and the matter therein contained will take effect and be in force from and after \_\_\_\_\_, 2022 (date of publication of the ordinance in the newspaper).

\_\_\_\_\_  
MEGAN LAWRENZ, City Clerk

DATE: April 19, 2022.

EXHIBIT A

# CITY OF HERINGTON



# CODE OF ETHICS

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## CITY OF HERINGTON, KANSAS

### CODE OF ETHICS

#### **Sec. 1-901. Declaration of policy.**

It is the policy of the City of Herington, Kansas that the proper operation of democratic municipal government requires that any and all governmental representatives be independent, impartial, and responsible to the people; that government decisions and policy be made in proper channels of the government structure, that public office not be used for personal or private gain or the gain of another and be above the appearance of conflict or undue influence; and that the public have confidence in the integrity of the municipal government. In recognition of these goals, a code of ethics for all the City of Herington, Kansas government representatives is adopted. (Ord. No. 1862)

#### **Sec. 1-902. Findings and purpose.**

(a) *Findings.*

(1) The Herington City Commission recognizes that the representative form of government is dependent on the trust of the people in their public officials.

(2) The citizens of the municipality are dependent on their government representatives to preserve the safety, health, and welfare through the fair and impartial enforcement of laws, imposition of taxes, and expenditure of public funds.

(3) Each citizen of the City of Herington, Kansas has a right to be assured of impartial and independent judgment from government representatives.

(b) *Purpose.*

In order to guard against the undue influence or the appearance of improper influence or impropriety, and ensure public trust in the municipal government, the Mayor and the Herington City Commission adopt this code and its provisions:

(1) To encourage high ethical standards in official conduct by any government representatives;

(2) To establish guidelines for ethical standards of conduct for all such government representatives by setting forth those acts or actions that are incompatible with the best interests of the municipal government; and

(3) To serve as a basis for disciplining those who refuse to abide by its terms. Ord. No.1862

**Sec. 1-903. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*(a) Administrator* means the ethics administrator or committee as identified as or by the Herington City Commission.

*(b) Ad hoc ethics Commission appointment panel* means the panel consisting of the Herington City Commission. The panel appoints the five member ethics Commission. Membership on the panel shall be voluntary and only for and during their respective terms in office. Any action by the panel shall require a quorum of three members.

*(c) Affected* means, in the case of a person, entity or property, reasonably likely to be subjected to a direct economic effect or consequence, either positive or negative, as a result of the vote or decision in question. For instance, a person or entity owning real property, entering into a contract with the municipal government or seeking a permit or franchise is "affected" by a vote or decision such as zoning of property, approval of a contract or granting of a permit. The term "affected" does not include those persons or entities that are subject to an indirect or secondary effect from official action. Creditors, independent contractors, or guarantors of a person "affected" by a vote or decision are not also deemed to be "affected" by virtue of their relationship with the affected person. The vote or decision need not be the only producing cause of the economic effect or consequence reasonably likely to result. In determining whether a person, entity or property is or was "affected" by a vote or decision, it shall not be necessary to prove the actual existence or occurrence of an economic effect or consequence if such effect or consequence would be reasonably expected to exist or occur. Additionally, a vote or decision to place a matter on a ballot is deemed to affect a person, entity or property to the same extent that the results of the election would affect the person, entity or property.

*(d) Business entity* means any person, corporation, partnership, independent contractor, sole proprietorship or joint venture organized or existing under the laws of



any state, the United States or a foreign country transacting or engaged in commerce, or any type of business operation whether for profit or not for profit.

**(e) Business with the municipal government** means any one or any combination of sales, purchases, leases contracts or grants to, by, from, or with the municipal government, or any agency thereof, involving disbursement of \$5,000.00 or more on a cumulative basis during any 12 month period. As of the awarding or execution of a contract or lease, the total then ascertainable consideration thereby committed to be paid, regardless of the period of time over which such payments are to be made, shall be included.

**(f) Child** means and shall include a child, adopted child, stepchild or foster child, of whatever age.

**(g) Contribution** means any advance, conveyance, deposit, distribution, gift, loan, or payment of money or any other thing of value but does not include services.

**(h) Decision** means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the municipal government City Commission, any municipal government board or Commission or the ethics Commission, as well as the discussion or deliberations thereof that can or may lead to a vote or formal action by that body. A "decision" of a municipal government employee means any action in which the employee exercises discretionary authority, including, but not limited to, the issuance of permits, imposition or collection of fines or fees, authorizations for expenditures, and other non-ministerial acts.

**(i) Elected official** means the mayor and municipal government city Commission.

**(j) Ethics Commission** means the five-member board appointed by majority vote of the Herington City Commission.

**(k) Financial interest** means:

(1) Ownership of any interest as the result of which the owner has received within the past three years, or is presently receiving, or is entitled to receive in the future more than \$1,000.00 per year; or

(2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than five percent of a business entity.

**(l) Gift** means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. The term "gift" does not include the solicitation, acceptance, receipt or disposition of political campaign contributions

regulated in accordance with the provisions of federal, state or local law regulating the conduct of elections or the receipt of political campaign contributions. Complimentary admissions to special events, including dinners, athletic, charitable, cultural or political events, or any other occasion or entertainment, when furnished or available to be furnished to all similarly situated municipal government representatives are excluded from this definition. The term "gift" does not include gifts from a family member or other relative within the fourth degree of consanguinity or affinity.

**(m) Interest** means any legal or equitable pecuniary interest, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly, at any time during each municipal government fiscal year (January 1 through December 31). However, "interest" shall not include an interest held solely in the capacity of a personal representative, agent, custodian, fiduciary or trustee, nor an interest in a time or demand deposit in a financial institution, nor an interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars, either in a lump sum or periodically for life or some other specific period.

**(n) Ministerial act** means an act performed in a prescribed manner and not requiring the exercise of any judgment or discretion.

**(o) Regulate or regulated** means subject to the control or governed by the rules and regulations of a municipal government agency or required to have a license, permit, or other written authorization from a municipal government agency.

**(p) Substantial interest** means an interest in another person or business entity if:

(1) The interest is ownership of five percent or more of the voting stock, shares or market value of the equity of the entity or ownership of \$5,000.00 or more of the equity of the entity;

(2) Funds received from the other person or entity either during the previous 12 months or the previous calendar year equal or exceed \$5,000.00 in salary, bonuses, Commissions, or professional fees or \$20,000.00 in payment for goods, products, or nonprofessional services, or ten percent of the person's gross income during that period, whichever is less;

(3) The person serves as a corporate officer or member of the board of directors or other governing body for the for-profit business entity other than a corporate entity owned or created by the municipal government City Commission, or

(4) The person is a creditor, debtor, or guarantor of the other person or business entity in an amount of \$5,000.00 or more.

**(q) Substantial interest in real property** means an interest in real property that is an equitable or legal ownership with a market value of \$5,000.00 or more.

**(r) Municipal government agency** means all departments, bureaus, boards, and Commissions and persons, including any and all volunteers, reserves, or part-time employees not embraced in a department who exercise authority comparable to that of heads of departments and bureaus.

**(s) Municipal government employee** means any person employed by the municipal government but does not include independent contractors hired by the municipal government.

**(t) Municipal government official** unless otherwise expressly defined, includes the Mayor, municipal government City Commission, clerks, department heads, deputy departments, deputy department heads, municipal court judges, (including substitute judges), city attorney whether such a person is salaried, hired or elected, individuals appointed by the Mayor or members of the municipal government Commissioners and members of all municipal government committees, boards, task forces, or other municipal government bodies unless specifically exempted from this Code by the municipal government City Commission, and all other persons holding positions designated by the municipal government consolidation plan as it may be amended from time to time.

**(u) Municipal government representative** means elected officials, municipal government officials and employees.

(Ord. No. 1862)

**Cross references:** Definitions generally, § \_\_\_\_.

#### **Sec. 1-904. Ethics Commission.**

(a) The purpose of the ethics commission shall be to ensure proper implementation of the code of ethics and to review and report on any and all other violations of the code of ethics.

(b) The ethics commission is responsible for conducting meetings as needed and deliberating on ethical issues, and rendering advisory opinions to the ethics administrator. The ethics Commission shall be composed of five members residing in the city appointed by the ad hoc ethic Commission appointment panel. Two of the commissioners shall be appointed to serve two-year terms and shall be eligible for reappointment to one four-year term. The remaining three members of the ethics commission shall consist of the City Clerk as Human Resources Director, the City Manager, and a city resident at large who shall be appointed to serve a one single nonconsecutive four-year term. All appointments thereafter shall be for a single

nonconsecutive four-year term. The panel shall select one member of the ethics commission to serve as chairperson of the commission for a two-year renewable term. Any action of the ethics commission shall require a quorum of three members.

(c) In selecting candidates for membership on the commission, the panel shall establish procedures relating to selection which at a minimum provide as follows:

(1) Acceptance of letters or applications of interest from anyone.

(2) Eliminates from consideration persons convicted of a felony or crime or moral turpitude; and

(3) Persons appointed to the ethics commission shall be of good moral standing and reputation.

(d) Persons appointed to the ethics commission shall have no conflicts of interest as defined in section 1-908 and shall be broadly representative of the diverse populace of the City of Herington, Kansas.

(e) The ethics commission shall have the powers to recommend ways to improve the ethics code to the municipal government City Commission.

(f) The ethics commission, through the office of the municipal court, may subpoena documents and witnesses before the ethics commission or to assist the ethics administrator in the investigation and resolution of complaints.

(g) Whenever requested by a municipal government representative, or whenever it deems it in the public interest, the ethics commission shall render advisory opinions, in writing, concerning questions of ethics, conflicts of interest, and the applicability of the code of ethics. Copies of the opinion shall be made available to the ethics administrator, and the municipal government City Commission. Such opinion may also be released to the public at the discretion of the ethics commission with such omissions as may be necessary to protect the confidence and privacy of a municipal government representative.

(h) The ethics commission shall have the power to make recommendations to the district attorney who may initiate and investigate matters deemed appropriate.

(i) All persons covered by the jurisdiction of the ethics commission shall receive training to include familiarization with the ethics oath, the ethics handbook, and the code of ethics and the general subject of local governmental ethics to be administered by the ethics administrator under the direction of the ethics commission.

(j) All municipal government representatives, except employees shall, in a public place, take an ethics oath to be administered by a person authorized by law to administer an oath and sign the ethics pledge.

(k) Members of the ethics commission shall be subject to the ethics code. (Ord. No. O-75-09, § 1, 10-1-2009)

**Sec. 1-905. Ethics administrator.**

(a) The ethics administrator shall be the City Manager unless otherwise designated by the Herington City Commission on the basis of an approved agreement with the City of Herington and shall function on as needed basis. The ethics administrator shall serve pursuant to a job description established by the City of Herington City Commission. At the direction of the ethics Commission, the ethics administrator may conduct all investigations of an alleged violation of the ethics code.

(b) Compensation to the ethics administrator shall be determined by the Herington City Commission and such administrator may serve without compensation as the circumstances may dictate or in the form of billable hours not to exceed the amount usually budgeted for this purpose.

(c) The ethics administrator shall have the authority to recommend to the ethics Commission to censure those in violation of the ethics code. Censure proceedings shall include, but not be limited to:

(1) A memorandum of private censure from the ethics Commission to the municipal government representatives which shall be given to the municipal government representative and a copy placed in a personal file of the official maintained in the ethics Commission's records or, in the case of an employee, in the personnel file of the employee with the municipal government;

(2) A memorandum of public censure from the ethics Commission to the municipal government representative which shall be given to the municipal government representative and a copy posted on the municipal government ethics website.

(3) The authority to impose an involuntary leave with or without pay pursuant to personnel policy and procedure;

(4) The authority to recommend demotion or other administrative steps as deemed necessary by the ethics administrator with the approval of the ethics Commission; and

(5) Upon belief that the factual allegations support the reasonable belief that a crime may have been committed, refer the matter to the district attorney of the county for review and further action.

(d) The ethics administrator shall be responsible for ethics training for all municipal government representatives. Training shall be mandatory for all new municipal government employees and newly elected officials within one year of their hiring or taking office.

Additionally, municipal government representatives shall undergo "refresher" ethics training at least once every three years at the direction of the ethics administrator.

(e) Matters assigned to or investigated by the ethics administrator shall be deemed personal matters and not disclosed to any person except the accused, the legislative auditor, the county administrator, the ethics Commission and when appropriate, the district attorney. (Ord. No. O-75-09, § 1, 10-1-2009)

**Sec. 1-906. Advisory opinions.**

(a) Where a member of the public or municipal government representative has a doubt as to the applicability of any provision of this division to a particular situation, or as to the definition of terms used here, he or she may apply in writing to the ethics administrator for an advisory opinion. The requesting party shall have the opportunity to present the facts at issue and the applicability of provisions of the division before such advisory opinion is made. The ethics administrator may seek the advice and assistance of the municipal government attorney where interpretation of the law is required and input, review and approval from the municipal government ethics Commission. The ethics administrator and the municipal government attorney shall each respond within a reasonable period of time.

(b) No person who relies upon an advisory opinion rendered pursuant to this division may be found in violation of this division except where the person relying on failed to produce or omitted material facts in the request for the advisory opinion.

(c) Such opinion, unless amended or revoked by the ethics administrator, shall be binding on the municipal government in any subsequent actions concerning the municipal government representative who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

(d) Any advisory opinion issued at the direction of the ethics administrator shall be in writing and made available to the public upon request. However, the name of the person requesting the opinion, the names of the person or business entities mentioned in the opinion, and any factual information that would tend to identify the person or business entities shall be deemed confidential information and shall not be disclosed by the ethics administrator or ethics Commission.

(Ord. No. 1862)

**Sec. 1-907. Distribution of ordinance/advisory opinions.**

(a) The ethics administrator shall cause a copy of this division to be made available to every municipal government representative, candidate for a municipal government office, and department head of the municipal government. Each department head, at the direction of the ethics administrator, shall provide each employee with information about the provisions contained in this division or provide the employee with directions on obtaining a copy of it from the municipal government ethics website.

(b) Each new municipal government representative shall be furnished a copy of this division and required to read and sign a statement indicating that he has read or has had the opportunity to read the same.

(c) A copy of these signed statements shall be kept by the municipal government clerk for the elected officials, except that human resources shall keep them in the personnel files of each municipal government employee.

(Ord. No. 1862)

**Sec. 1-908. Conflicts of interest; prohibited interests.**

(a) Except as provided in this section, no municipal government representative shall have a substantial interest in or engage in any of the following activities unless such activity is fully disclosed and such representative recuses himself or herself as to matters related to the activity giving rise to the conflict:

(1) Any business entity regulated by or subject to the authority of that municipal government representative regulated by or subject to the authority of the municipal government agency with which the municipal government representative is affiliated;

(2) Any business entity that is negotiating or has entered into a contract to do business with the municipal government;

(3) Any business entity that is receiving public grant money or funds directly from the municipal government or as a pass through from state or federal agencies; or

(4) Solicit any funds or services from any known municipal government vendor or contractor for any business entity in which the municipal government representative has a substantial interest.

(b) The prohibition of subsection (a) of this section shall not apply to or prevent any municipal government representative from:

(1) Having a substantial interest in a business entity that enters into a contract that is awarded as a result of competitive bidding or sealed bids under the ordinances and policies of the municipal government or a contract between the successful bidder and its subcontractors, when the municipal government representative's responsibilities and actions do not include participating on behalf of the municipal government in any manner in the awarding, approval, formulation, or preparation of any such contract; or

(2) Having a substantial interest in a business entity or being associated with or employed by a business entity that represents or is employed by clients or others in transactions or matters before the municipal government where the business entity is composed solely of members of a particular profession, including the municipal government representative, which are regulated by a code of ethics formally adopted by that profession; or

(3) Entering into contracts with the municipal government pertaining to the acquisition of real estate or real estate interests by the municipal government for any public purpose, when the amount of money to be paid by the municipal government for the property involved does not exceed the value of the property as established by not less than two competent real estate appraisers appointed by the municipal government; or

(4) Appearing, without compensation, before any municipal government agency or the municipal government Commission on behalf of constituents or in the performance of any public, official, or civic obligation or duty; or

(5) Accepting or receiving any benefit or facility which is provided for or made available to all citizens or residents or classes of citizens or residents under any housing or other general welfare legislation or in the exercise of the police power; or

(6) Holding stock or investing in or holding any investment in any business entity whose stock is owned or held on a broad basis by the general public, as long as such an interest constitutes less than three percent of the ownership or investment in the entity; or

(7) Having deposits of money in any banking institution made in the ordinary course of business.

(Ord. No. 1862)



**Sec. 1-909. Conflicts of interest; disqualification.**

(a) Except as permitted by state law or a municipal government ordinance, the municipal government representative shall be disqualified and shall not participate in any matter before the municipal government agency with which municipal government representative is affiliated, except in the exercise of an administrative duty or ministerial act which does not affect the disposition or decision, if, to the municipal government representative's knowledge, the municipal government representative's spouse, parent, child, brother, or sister may be affected by the result or if any of the following may be affected by the result:

(1) Any business entity in which the municipal government representative has an interest;

(2) Any business entity in which the municipal government representative is an officer, director, trustee, partner or employee or in which the municipal government representative knows any of the relatives listed in this section holds such position;

(3) Any business entity with which the municipal government representative or, to the municipal government representative's knowledge, any of the relatives listed in this section is negotiating or has any arrangement concerning prospective employment;

(4) Any business entity which is party to an existing contract with such a municipal government representative, or which the municipal government representative knows is a party to a contract with any of the relatives listed in this section, if the contract could reasonably be expected to result in a conflict between the private interests of a municipal government representative and his or her official duties;

(5) Any business entity, either engaged in a transaction with the municipal government regulated by or subject to the authority of a municipal government agency with which the municipal government representative is affiliated, or in which a direct financial interest is owned by another business entity in which the municipal government representative has a direct financial interest;

(6) Any business entity which is a creditor or obligee of the municipal government representative, or which the municipal government representative knows is a creditor or obligee of any of the relatives listed in this section, with respect to a thing or economic value and which is in a position to affect directly and substantially the interest of the municipal government representative or any of the relatives listed in this section.

(b) If a disqualification pursuant to subsection (a) of this section leaves anybody with less than a quorum capable of acting, or if the disqualified municipal government representative is required by law to act or is the only person authorized to act, the disqualified person shall publicly disclose the nature and circumstances of the conflict and may participate or act, provided that such action is first approved by the municipal government Commission, a municipal government agency, or ethics administrator as under the circumstances may be appropriate. (Ord. No. O-75-09, § 1, 10-1-2009)

**Sec. 1-910. Employment restrictions.**

(a) A municipal government representative (except a member of the municipal government City Commission or serving as a volunteer or reserve), shall not be employed at the same time as the municipal government representative is employed by the municipal government by:

(1) Any business entity regulated by or subject to the authority of that, municipal government representative or regulated by or subject to the authority of the municipal government agency with which such person was affiliated; or

(2) Any business entity that is negotiating or has entered a contract to do business with a municipal government agency with which the municipal government representative is affiliated.

This prohibition does not apply to an official who is appointed pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to it.

(b) A former municipal government representative, except a former member of the municipal government City Commission, shall not assist or represent a party other than the municipal government in a case, contract, claim, charge, or controversy or other specific matter involving the municipal government if that matter is one in which the municipal government representative personally and significantly participated as a municipal government representative.

(c) A municipal government representative shall not assist or represent a party for contingent compensation in any matter before or involving any municipal government agency other than in a judicial or quasi-judicial proceeding.

(d) A former municipal government representative, unless the former municipal government representative's last annual salary did not exceed \$25,000.00, shall not sell or attempt to sell supplies, services, or construction to the municipal government for one year following the date employment ceased. The term "sell," as used in this subsection, means signing a bid, proposal, or contract, negotiating a contract, contacting any

municipal government representative for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract, settling disputes concerning performance of a contract, or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefore is subsequently negotiated by another person; provided, however, that this section is not intended to preclude a former municipal government representative from accepting employment with private industry solely because the former municipal government representative's new employer is a contractor with the municipal government, nor shall a former municipal government representative be precluded from serving as a consultant to the municipal government. (Ord. No.1862)

**Sec. 1-911. Solicitation or acceptance of gifts.**

(a) A municipal government representative shall not solicit any gift or knowingly accept any gift, directly or indirectly, from any person that the municipal government representative knows or has reason to know:

(1) Is doing business with the municipal government representative, the municipal government City Commission or a member thereof, or as to the municipal government representative, with their agency; or

(2) Has a financial interest that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the municipal government representative's duty.

(b) Unless a gift of any of the following would tend to call into question the impartiality and the independence of judgment of the municipal government representative receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient municipal government representative believes, or has reason to believe, that it is designed to do so, subsection (a) of this section does not apply to:

(1) Meals and beverages;

(2) Ceremonial gifts or awards;

(3) Unsolicited gifts of nominal value or trivial items of informational value the value of which shall not exceed \$25.00 in average cost;

(4) Reasonable expenditures for food, travel, lodging, and scheduled entertainment of the municipal government representative and spouse for a meeting, that are made in return for participation in a panel or speaking engagement at the meeting;

(5) Gifts of tickets or free admission extended to a municipal government representative to attend a professional or intercollegiate sporting event or charitable, cultural, or political event, if the purpose of such gift or admission is a courtesy or ceremony extended to the municipal government representative's office;

(6) A specific gift or class of gifts which the ethics administrator exempts from the operation of this section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the municipal government and that the gift is purely personal and private in nature;

(7) Gifts from a person related by blood, marriage, or a member of the household; or

(8) Honoraria.

(c) The ethics administrator may by advisory opinion define further exemptions from this section as necessary or that are consistent with business practices generally. (Ord. No. 1862)

#### **Sec. 1-912. Gratuities and kickbacks.**

(a) *Gratuities.* In addition to violating any other ordinance or any state or federal criminal statute, it shall be a violation of this division and a breach of ethical standards for any person to offer, give, or agree to give any municipal government representative or former municipal government representative or for any municipal government representative or former municipal government representative to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase requisition, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, proceeding, or application, request for ruling, determination of any claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore.

(b) *Kickbacks.* In addition to violating any other ordinance or any state or federal criminal statutes, it shall be a violation of this division and a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a contractor, a subcontractor under a contract or order to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a contract, subcontract, or order.

(c) *Contract clause.* The prohibition against gratuities and kickbacks contained in this section shall be conspicuously set forth in every contract and solicitation, therefore.

(Ord. No. O-75-09, § 1, 10-1-2009)

**Sec. 1-913. Prohibition against contingent fees.**

(a) *Contingent fees.* In addition to violating any other ordinance or any state or federal criminal statutes, it shall be a violation of this division and a breach of ethical standards for any person to be retained, or to retain a person, to solicit or secure a municipal government contract upon an agreement or understanding for a Commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

(b) *Representation of contractor.* Every person, before being awarded a municipal government contract, shall represent, in writing, that such person has not retained anyone in violation of subsection (a) of this section. Failure to do so constitutes a breach of ethical standards and of this division.

(c) *Contract clause.* The representation prescribed in subsection (b) of this section shall be conspicuously set forth in every contract and solicitation therefore unless waived by the Herington City Commission where not applicable. (Ord. No. O-75-09, § 1, 10-1-2009)

**Sec. 1-914. Confidential information.**

Other than in the discharge of the municipal government representative's official duties, a municipal government representative may not disclose or use for the municipal government representative's own economic benefit or that of another party, information acquired in an executive session lawfully called unless authorized to do so expressly by the Herington City Commission, or confidential information which the municipal government representative has acquired by reason of the municipal government representative's public position, and which is not available to the public.

(Ord. No.1862)

**Sec. 1-915. Prestige of office.**

(a) A municipal government representative shall not intentionally use the prestige of the municipal government representative's office for the municipal government representative's own private gain or that of another except as may be permitted under this division.

(b) The performance of usual and customary constituent services, without additional compensation, does not constitute the use of the prestige of office for a municipal government representative's private gain or that of another.  
(Ord. No. 1862)

**Sec. 1-916. Nepotism.**

No person shall be employed by the municipal government, serve as a paid volunteer, a reserve, or serve on its elected city Commission if a member of that person's household, including spouse, child (including step or foster children), sibling, or parent is an immediate supervisor, the currently serving mayor, a municipal government City Commission member, or an employee in or assigned to work directly under the supervision of the mayor or Herington City Commission, except that no person employed by the municipal government prior to the adoption or substantive amendment of this provision shall be terminated for a violation of this section and, provided further, that no person employed by the municipal government and becoming the spouse of another municipal government employee after employment of both by the municipal government shall be terminated for a violation of this section. Further, for good cause shown, any such relationship noted herein may be reviewed for purpose of a waiver of this policy by the Herington City Commission with advice from the ethics Commission of the City of Herington. (Ord. No. 1862)

**Sec. 1-917. Permitted and prohibited political activities.**

(a) *Application to municipal government representatives.*

(1) The provisions of this section apply to all full-time, part-time, and temporary municipal government representatives in both classified and unclassified positions, except that the provisions of subsections (c)(2), (c)(3), (c)(5) and (c)(7) shall not apply to any person employed pursuant to the authority of the mayor (CEO) as an administrative assistant.

(2) Employees in activities which are funded in whole or in substantial part by federal funds have the additional restrictions of federal law pursuant to 5 USC 1501 et seq. (hereafter referred to as the "Hatch Act") and may be prohibited from taking an active part in the municipal government, county, state or national elections. The municipal government's City Clerk, or other official as designate by the Herington City Commission, shall maintain a listing of positions subject to the Hatch Act.

(b) *Permitted political activities.* Activities listed in this section are permitted for the municipal government representatives on their own time or in

accordance with declared policies of the municipal government. These activities apply to county, state, and national elections and to municipal elections outside the municipal government.

(1) Each municipal government representative, including an official or employee subject to the Hatch Act, may:

- a. Register and vote in any election;
- b. As an individual, privately and publicly express an opinion on political subjects and candidates;
- c. Be a member of a political party and participate in its activities consistent with this division;
- d. Sign a political nomination or recall petition as an individual;
- e. Make a financial contribution to a political party or candidate;
- f. Participate in connection with a question that is not specifically identified with a political party, such as a constitutional amendment, referendum, or issue of similar character; or
- g. Display bumper stickers, posters, banners or pamphlets on private property for the endorsement of candidates or issues.

(2) In addition, except as otherwise provided in this division, municipal government representative who is not subject to the Hatch Act may:

- a. Take an active part in the work and management of any political campaigns;
- b. Solicit, receive, or account for funds for a political purpose;
- c. Solicit votes in support of, or in opposition to, a political party's office;
- d. Initiate or circulate nominating or recall petitions;

- e. Serve as a delegate, alternate, or proxy to a political party convention;
- f. Drive voters to the polls on behalf of a political party or candidate;
- g. Endorse or oppose a candidate for public or political office in a political advertisement, broadcast, campaign literature, or similar material;
- h. Seek election to political office as provided in subsection (d) of this section.

(c) *Prohibited political activities.*

(1)*Compelled or coerced political activity.* No municipal government representative shall be required to participate in or contribute to any political campaign. A municipal government representative shall not be subject to direct or indirect political influence or coercion, and political affiliation or support is not a condition of employment with the municipal government.

(2)*Prohibited voluntary political activity--Employment related practices.* No municipal government representative while utilizing equipment or materials of the municipal government, while in a uniform normally identified with the municipal government or while representing himself or herself as an employee of the municipal government, except insofar as such representation is necessary for a candidate for public office to disclose a past and current employment status with the municipal government shall:

- a. Distribute campaign literature;
- b. Give, solicit or receive contributions or subscriptions;
- c. Promise or perform political services; or
- d. Sign or circulate petitions for or on behalf of or in opposition to any

candidate for public office.

(3)*Prohibited voluntary political activity--Elections.* No official or employee of the municipal government shall do any of the following:

- a. Be a candidate for elective office as Mayor or Commission Member on the



City Commission on the municipal government unless that person resigns from employment prior to filing or declaring a candidacy for said elective office with the municipal government or be a member of the ethics Commission upon filing or declaring a candidacy for said elective office. Exempted from the application of this provision is any person appointed as an official to all other municipal government Commissions, committees, boards, task force, or other municipal government bodies or agencies and all persons holding positions designated by the municipal government.

b. Circulate petitions initiating a referendum adopting, altering, or repealing a form of government of the municipal government, providing for municipal government officers, their manner of selection or term of office, electing to be or not to be a particular form of government, or otherwise mandating or advising elected representatives of the municipal government.

c. Contribute more than \$25.00 to the primary campaign or the general campaign of any candidate for elected municipal government office or in support of or opposition to any referendum of the type described in subsection (c)(3)b of this section.

(4) *Use of official authority, solicitation of funds.* No municipal government representative may use his or her official authority to solicit funds or receive contributions from other officials or employees for political purposes.

(5) *Bumper stickers, posters, banners or pamphlets, buttons.* Bumper stickers, posters, banners, pamphlets, and buttons may not be displayed on municipal government vehicles, property, or by an individual on a municipal government work site, or in a uniform normally identified with the municipal government. However, such articles may be displayed on private vehicles parked in employee parking areas.

(6) *Activities prohibited on duty, on municipal government property, and/or in uniform.* Activities permitted in subsection (b)(2) of this section are prohibited when municipal government representative is on duty, including break periods. Such activities are also prohibited on municipal government property and when municipal government representative is in a uniform normally identified with the municipal government.

(7) *Use of official title or designation of employment.* A municipal government representative shall not use an official municipal government title or designate employment with the municipal government in political advertisements, endorsements, or speeches. Nothing in this section shall be construed to limit the Mayor or any other employee acting at the direction of the Commission from making statements on behalf of the municipal government to local, regional, state or federal legislative, executive, or administrative bodies,

media representatives, or other interested persons or groups. Further, nothing herein shall be construed as prohibiting any person from performing a service on behalf of a person holding elective office in connection with the performance of that elected official's public duties.

(d) *Candidate for elective office.*

(1) A municipal government representative may seek election to a political office. During this campaign, the municipal government representative shall not use an official municipal government title in the political campaign, nor shall the person's official authority be used to affect the result of the election. If elected to political office, and such office is clearly inconsistent, incompatible, in conflict with, or inimical to the municipal government representative duties as a municipal government employee, the municipal government representative shall terminate his or her municipal government position prior to assuming the elected position.

(2) A municipal government representative may be a candidate for a board such as, but not limited to, a school board or a library board while retaining active municipal government employment and, if elected, may retain the municipal government position unless such election gives rise to incompatibility of office which shall necessitate resignation from municipal government.

(3) An official or employee who becomes a candidate for Mayor or Commission Member on the City Commission of the municipal government shall be terminated upon the declaration of candidacy or filing of candidacy, whichever occurs first, unless said employee or official resigns prior thereto.

(4) A municipal government representative subject to the Hatch Act may not be a candidate for elective office unless permitted under federal law.

(5) A municipal government representative may be a candidate for precinct committee positions or officer of a political party without taking an unpaid leave. (Ord. No. O-75-09, § 1, 10-1-2009)

**Sec. 1-918. Contractual violations and recovery.**

(a) If any court of competent jurisdiction or the ethics commission determines that any contract with the municipal government involves acts or omissions on the part of any person in violation of any provision of this division, the contract may be terminated upon such terms and conditions as may be approved by the municipal government Commission.

(b) A municipal government representative who is subject to the provisions of this article and who is found by the ethics commission to have violated its provisions is subject to disciplinary action by the ethics commission in accordance with personnel policies, this division, contracts with designated bargaining units, or applicable laws.

(c) Value transferred or received in breach of ethical standards may be recovered as follows:

(1) *Recovery of value transferred or received in breach of ethical standards; general provisions.* The value of anything transferred or received in breach of this division or regulations promulgated hereunder by municipal government representative may be recovered from the municipal government representative.

(2) *Recovery of kickbacks by the municipal government.* Upon showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order hereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the municipal government and will be recoverable hereunder from the recipient. In addition, said value may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.

(Ord. No. 1862)

#### **Sec. 1-919. Municipal government representatives violating code.**

Any municipal government representative found by any court to have violated the provisions of this division may be subject to discipline as determined by the ethics commission in accordance with the provisions of this article. (Ord. No. 1862)

#### **Sec. 1-920. Whistleblowing.**

(a) No municipal government representative shall retaliate against any employee or any other person for making a good faith report of violation of state or federal law, rules, or regulations, or other misconduct by municipal government representatives, including violations of this division.

(b) No municipal government representative shall prohibit municipal government representative from reporting any violation of law or rules or regulations to any person, agency, or organization.

(c) No municipal government representative shall require any municipal government representative to give notice to any other municipal government representative before reporting a violation of law or rules or regulations or misconduct by municipal government representatives, including violations of this division.

(d) This section shall not be construed as:

(1) Permitting a municipal government representative to leave the municipal government representative's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to absences;

(2) Authorizing a municipal government representative to represent the municipal government representative's personal opinions as the opinions of the municipal government; or

(3) Prohibiting disciplinary action of a municipal government representative who discloses information which:

- a. The municipal government representative knows to be false or which the municipal government representative discloses with reckless disregard for its truth or falsity;
- b. The municipal government representative knows to be prohibited from disclosure under state law or in violation of privacy rights; or
- c. Is confidential or privileged under statute or court rule.

(e) Nothing in this division shall be construed to add to, diminish, or otherwise modify rights or remedies available under the law.

(f) Any violation of this section by a municipal government employee shall be addressed as a violation of the human resources guide or other policies governing personnel.

(g) Any employee who alleges that disciplinary action was taken against him in violation of this section shall be entitled to file a grievance under the human resources guide or other policies governing personnel. (Ord. No. 1862)

**Sec. 1-921. Ethics pledge for municipal government representatives of the municipal government of the City of Herington, Kansas.**

**ETHICS PLEDGE FOR ELECTED OFFICIALS, CANDIDATES, AND EMPLOYEES  
OF THE MUNICIPAL GOVERNMENT OF  
HERINGTON, KANSAS**

I hereby pledge to adhere, to the best of my ability, to the following code of ethics.

1. I will perform all of my ethical and legal duties, including those specified in this code of ethics in good faith, interpreting them with integrity, sincerity, and a commitment to advance rather than evade or circumvent their spirit and purposes.
2. I will treat my office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.
3. I will not reveal confidential or sensitive governmental information, either anonymously or with personal attribution, unless I have good faith belief that there is a compelling public interest in revealing the information.
4. I will neither seek nor accept any form of personal benefit for performing my duties promptly, efficiently or fairly, or for the exercise of appropriate but discretionary representational authority.
5. I will take steps to assure that constituents and others who may be affected by public policies have a fair and equal opportunity to express their concerns, grievances and ideas without regard to their willingness or ability to provide me with personal benefits or political support.
6. I will not use public employees on governmental time or government property for private benefit.
7. I will not use, or allow others to use, the authority, title, or prestige of my office for the attainment of private financial, social or political benefits in any manner that is inconsistent with public interests.
8. I will not, during or after the term of my office, engage in any act or transaction which reasonably appears to sell or lend the stature and prestige of my office or

otherwise creates a general perception that I have exploited my public position for private gain, or the gain of another.

9. I will not use or seek to use public facilities or employees, on government time, for political party activities, campaigning, fund raising, or other partisan or personal political activities.

10. I will not accept gratuities or engage in financial relationships that might reasonably be construed to affect my judgment or actions.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

(Ord. No.1862)

**Sec. 1-922. Ethics oath.**

**ETHICS OATH OF THE MUNICIPAL GOVERNMENT OF THE CITY OF  
HERINGTON, KANSAS**

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of \_\_\_\_\_, and to abide by and adhere to the provisions of the Code of Ethics of the City of Herington, Kansas. So help me God.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

(Ord. No.1862)

**Secs. 1-921. Reserved.**

## **ADDITIONAL DEFINITIONS**

***Commission member*** means any member of the City Commission, including the mayor.

***Domestic partner*** is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses. To be a domestic partner within this code of ethics, registration with the city clerk of a domestic partnership is not required.

***Elected official*** means the mayor or any member of the City Commission.

***Financial benefit*** includes any money, service, license, permit, contract, authorization, loan, discount, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.

***Household*** includes anyone whose primary residence is in the official or employee's home.

***Immediate family member*** means a spouse or unemancipated child, or a domestic partner and the domestic partner's unemancipated child.

***Interest*** means a pecuniary, property, or commercial interest, or any other interest the primary significance of which has been, will be, or might be the realization of economic gain or the avoidance of economic loss to an elected official, board member, his or her relative, or his or her designee whether direct or indirect; provided, however, that "interest" shall not include any matter involving the common public good or necessity, or any matter in which a similar benefit is conferred to all persons or property similarly situated; and further, that ownership individually or in a fiduciary capacity of any securities, or of any beneficial interest in securities, of a corporation shall not be deemed to create an "interest" in the corporation unless the aggregate amount of such securities, or interest in such securities, amount to five percent or more of any class of the securities of the corporation then outstanding or constitutes a controlling interest in the corporation.

***Official or employee*** means the mayor and the mayor's assistants; a member of the City Commission and a member's assistants; a member of any city board, commission, authority, task force, committee or other organized group of people called to serve the city; a member of any other board, Commission or other organized group of people appointed to that group to serve as a representative of the city; the city manager and all assistant city managers; department directors, including the city clerk and city auditor, and their deputies; contract employees; and all other employees of the city. Official or employee shall also include all volunteers unless the office or department in which the volunteer service is offered has adopted

a special code of ethics applicable to volunteers. Official or employee shall also include the judges of the municipal court insofar as this code of ethics is not inconsistent with the Code of Judicial Conduct promulgated by the Kansas Supreme Court.

***Personal benefit*** includes benefits other than those that are directly financially advantageous. These include financial benefits to relatives, business associates, and others, as well as non-financial benefits to these people and to oneself, including such things as reputation and the success of one's career.

***Relative*** means any of the following persons related to the employee or the employee's spouse or domestic partner:

- (1) Children, parents;
- (2) Grandchildren, grandparents, brothers and sisters;
- (3) Great-grandchildren, great-grandparents, nephews and nieces, uncles and aunts; or
- (4) Great-great-grandchildren, great-great-grandparents, grand nephews and grand nieces, first cousins, great uncles and great aunts.

***Subordinate*** means another official or employee over whose activities an official or employee has direction, supervision or control.





# THE CITY OF HERINGTON

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

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Telephone: (785) 258-2271

FAX: (785) 258-3552

4/1/2022

Request to purchase a 2005 Dura Patcher P2 Trailer Mounted Patcher. This machine has approximately 400 hours on it. The company will do a full service and replace all wearable parts. They normally do a full repaint job on the machine also, but that is an extra \$9,000.00 that is not needed. Myself and my guys have gone to Chapman and watched Dickinson County Road crew patch with their machine. It is a simple process to patch with. They said that the only issues that have encountered with their machine is the hose and a switch on the end of the hose goes bad. Both parts are easy to change out and are not expensive parts. They said that they have no regrets getting the machine and when it's time to replace they will get another one.

Using the DuraPatcher cost is approximately half of the cost of buying premade patch.

Using the DuraPatcher the area gets sealed with oil first to help seal the cracks and creates a better bond to the road. A thinner patch can be placed and stays better. Dickinson County patched holes in the asphalt area by the old lake almost a year ago and the areas are still in place today. With the premade patch we would have repatched the same areas three times already in this same time frame. Patching with the DuraPatcher you patch less often and at cost of half as you would otherwise.

Cost for the machine and with freight is **\$42,164.00**

Operating cost for 10 ton of patch is

250 gallons of oil at \$2.40/gallon	\$600.00
10 ton of rock \$19.40/ton	\$194.00
<b>Total</b>	<b>\$794.00</b>

Cost of patch material

10 ton at \$148.00/ton	<b>Total</b>	<b>\$1480.00</b>
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Thanks

Leo Schlesener