

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
May 4, 2021
5:30 p.m.**

1. Pledge of Allegiance
2. Call to Order
3. Consider Minutes of the Regular Meeting April 20, 2021, Special Meeting April 10, 2021, Second Special Meeting April 10, 2021, and Special Meeting April 15, 2021

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek
4. Public Forum
5. Additional Agenda Items
6. Approval of Agenda

Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Hartman, Mayor Urbanek
7. Police Update
8. Fire Update
9. City Clerk Update
10. Neighborhood Enforcement Officer Update
11. City Attorney Update
12. 205 N 10th St- Property Abatement Update
13. 211 N E St – KDHE Update
14. Pool House Historical Application Update

15. Herington City Lake and Reservoir Master Plan RFQ Update

16. Discuss and Action Ordinance No. 1827-Revision on Proposed Lake Checkout and Checkin time

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

17. Discuss and Action Audit Services Contract for Lindburg Vogel Pierce Faris Chartered

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

18. Discuss and Action KMEA Board of Directors Appointment for David Kahle term to expire April 30, 2023

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

19. Discuss and Action Trapp Street CCLIP-Bids

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

20. Discuss and Action Hilltop Advisory Board – Joan Matten RENEWAL term to expire May 10, 2025.

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

21. City Manager Comments

22. Commissioner Comments

23. Adjourn

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

To join the City Commission meetings from your computer, tablet, or smartphone, go to
<https://www.youtube.com/channel/UCbvSBw6l4w85XQHsX0S1BXg>

Public Forum Comments can be dropped in the deposit box or emailed to cityoffice@cityofherington.com. Must be received before 8:00AM the day of the meeting. Please keep statement to a maximum of 3 minutes.

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LINDBURG VOGEL PIERCE FARIS, CHARTERED
Certified Public Accountants

CITY OF HERINGTON, KANSAS

CONTRACT FOR AUDIT SERVICES

Year Ended December 31, 2020

DRAFT

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

The Mayor and City Commission
City of Herington, Kansas
PO Box 31
Herington, KS 67449-0031

We are pleased to confirm our understanding of the services we are to provide City of Herington, Kansas (the City) for the year ended December 31, 2020. The engagement letter embodies the entire agreement regarding the services to be rendered by Lindburg Vogel Pierce Faris, Chartered to the City. We will audit the summary statement of receipts, expenditures, and unencumbered cash (the financial statement) and disclosures of the City and the related municipal entity, the Herington Public Library, which collectively comprise the basic financial statement, as of December 31, 2020, and for the year then ended. This financial statement shall be presented on the regulatory basis of accounting to meet the financial reporting requirements of the State of Kansas, as described in the *Kansas Municipal Audit and Accounting Guide*, and will require that the governing body approve a resolution waiving the generally accepted accounting principles requirement.

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

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

Audit Objective

The objective of our audit is the expression of an opinion as to whether the financial statement is presented fairly, in all material respects, in conformity with the regulatory basis of accounting financial reporting provisions permitted in the *Kansas Municipal Audit and Accounting Guide*, which is a comprehensive basis of accounting other than U.S. generally accepted accounting principles, and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statement as a whole.

Our audit will be conducted in accordance with generally accepted auditing standards in the United States of America; the *Kansas Municipal Audit and Accounting Guide* approved by the State of Kansas; and will include tests of the accounting records and other procedures we consider necessary to enable us to express such an opinion. We will issue a written report upon completion of our audit of the City's financial statement. Our report will be addressed to the Mayor and City Commission, City of Herington, Kansas. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or add emphasis-of-matter or other-matter paragraphs. If our opinion on the regulatory basis financial statement is other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form an opinion, or have not formed an opinion, we may decline to express an opinion or may withdraw from this engagement.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statement is free of material misstatement, whether from errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations that are attributable to the City or to acts by management or employees acting on behalf of the City.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatement may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statement. Our responsibility as auditors is limited to the period covered by our audit and does not extend to matters that might arise during any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting transactions in the accounts, and will also include confirmations with selected agencies, individuals, creditors, and financial institutions. We may also request written representation from your attorney as part of the engagement. At the conclusion of the audit, we will request certain written representations from you about your responsibilities for the financial statement; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures – Internal Control

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statement and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures – Compliance

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

Other Services

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

Management Responsibilities

Management is responsible for designing, implementing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles, and for the preparation and fair presentation in the financial statement, in conformity with the regulatory basis of accounting financial reporting provisions permitted in *Kansas Municipal Audit and Accounting Guide*, including all informative disclosures that are appropriate for the regulatory basis of accounting.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information, including identification of federal awards expended. You are also responsible for providing us with access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statement, including identification of all related parties and related-party relationships and transactions; additional information that we may request for the purpose of the audit, and unrestricted access to persons within the government from whom we determine it is necessary to obtain audit evidence.

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

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

You are also responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with the regulatory basis of accounting. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statement with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that you are responsible for presentation of the supplementary information in accordance with the regulatory basis reporting provisions permitted in the *Kansas Municipal Audit and Accounting Guide*; you believe the supplementary information, including its form and content, is fairly presented in accordance with the regulatory basis reporting provisions; the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You agree to assume all management responsibilities for financial statement preparation services and any other nonattest services we provide; oversee those services by designating an individual, preferably within senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statement, disclosures, and supplementary information; and that you have reviewed and approved the financial statement, disclosures, and supplementary information prior to their issuance and have accepted responsibility for them.

Engagement Administration, Fees, and Other

Randall R. Hofmeier is the engagement shareholder and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. We expect to begin our audit in June following year-end, and to issue our report before August 31, 2021.

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

Our fees for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree our fee for the year ended December 31, 2020 will not exceed \$15,300. Our standard hourly rates vary according to the degree of responsibility involved, and the experience level of personnel assigned to your audit. The above fee is based upon anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our invoices for progress payments may be presented from time to time during the engagement and a final invoice will be presented upon filing our report. Invoices will be payable the first of the following month.

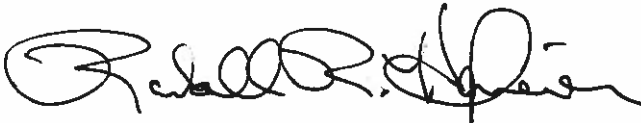
Additional services requested, but not addressed in this engagement letter will be based on the actual hours required at our standard rates. We may also issue a separate engagement letter covering the additional services. Any other work not covered by this agreement, including but not limited to assistance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

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

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

Respectfully submitted,

LINDBURG VOGEL PIERCE FARIS, CHARTERED
Certified Public Accountants



Randall R. Hofmeier, CPA

RESOLUTION OF ACCEPTANCE:

BE IT RESOLVED that the above proposal submitted to the governing body of the City of Herington, Kansas, on the _____ day of _____, 20____, be, and is hereby accepted.

Mayor

ATTEST: _____
City Clerk

DESIGNATION OF INDIVIDUAL RESPONSIBLE TO OVERSEE NONATTEST SERVICES:

We designate _____ as the individual responsible to oversee nonattest services.



KAW VALLEY ENGINEERING, INC.

Office: 785.823.3400
Fax: 785.823.3411
Web: www.kveng.com
Address: 742 Duvall Avenue
Salina, KS 67401

April 12, 2021
E21P2864

LEO Schlesener
City of Herrington
P.O. Box 31
17 North Broadway
Herrington, KS 67449

**RE: Trapp Street 2022 KDOT CCLIP – Engineering Bid
Herrington, Kansas**

Kaw Valley Engineering, Inc. (KVE) appreciates the opportunity to assist you with this project. Below you will find the anticipated engineering fees to provide professional services on the above referenced project.

Basic Scope of Services. Upon execution of an Engineering Agreement, the following services can be provided.

1. Construction Plans	\$9,100.00
2. Project Manual	\$1,200.00
3. Bidding Services	\$1,000.00
4. Execution of Contract Documents	\$400.00
<i>Total Estimated Fees</i>	<i>\$11,700.00</i>

Project Understanding and Assumptions: Project plans to be developed using aerial imaging as the base. Topographic survey will not be required. The project will not require any permits such as an NOI. Preliminary Engineering Services to be completed upon execution of contract documents. Additional fees may be requested if the event that additional scope items are added.

Additional Services. In addition to the above-defined Basic Scope of Services, at the clients request the following services can be provided.

- 1. Topographic Survey**
- 2. Construction Engineering**
- 3. Material testing and inspection**

Should you have any questions or require additional information, please feel free to contact me.

Sincerely,

Justin M. Owens, P.E.
Office Director/Project Manager

RECEIVED

APR 21 2021

CITY OF HERINGTON
City of Herington

"Renewal"

OFFICE USE:

Term Length 3 years

Appointed Date _____

Expiration Date 5/10/2024

Advisory Board Application

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

Advisory Board of interest to you: Hilltop

Name: Joan Mattan Address: _____

Phone Number: _____ Email Address: _____

➤ Why do you want to become a member of an Advisory Board? It is an important building in the community, and provides important parts to city including Meals on Wheels. Before Covid, a meeting places for people of all ages, but especially older persons.

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➤ If you were to suggest goals to accomplish in the coming year for the current Advisory Board for which you are interested, what would they be? Encourage more activities to include more people and interests.

➤ Describe any past experiences you might have that would enhance the performance of this board. Other than interest, I don't know.

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



CERTIFICATE – DIRECTOR-1

KANSAS MUNICIPAL ENERGY AGENCY BOARD OF DIRECTORS

This certificate duly documents the appointment of a **Director-1** to serve on the Board of Directors of the Kansas Municipal Energy Agency (KMEA) as provided for in Article V, Section 5.1 of KMEA's Bylaws.

I, the undersigned City Clerk of the City of Herington, Kansas, a member of KMEA, do hereby certify that at a meeting of the City Governing Body duly held on the 4th day of May, 2021; and

Name:	<u>David Kahle</u>	Title:	<u>Electric Superintendent</u>
Address:	<u>17 N Broadway P.O. Box 31</u>		
City:	<u>Herington</u>	State:	<u>Kansas</u> Zip Code: <u>67449</u>
Office Phone:	<u>785-258-2271</u>	Cell Phone:	<u>785-258-4221</u> Fax: <u>785-258-3552</u>
Email Address:	<u>electricdept@cityofherington.com</u>		

who (a) resides within the territory served by the City’s electric utility; or (b) is an employee of the City, was appointed to serve on the KMEA Board of Directors for a two-year term beginning May 1, 2021.

I further certify that the foregoing appointment is reflected in the official Minutes of the Governing Body of the City for the meeting on the date indicated above.

This certificate is given this 4th day of May, 2021.

City Clerk

Herington, Kansas

Regular Meeting
April 20, 2021
5:30 p.m.

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

The meeting opened with the Pledge of Allegiance. Mayor Urbanek called the meeting to order. A motion was made by Commissioner Bell, seconded by Mayor Urbanek to approve the Minutes of the Regular Meeting April 6, 2021. Motion carried 5-0.

Public Forum Items – There was not any Public Forum items, however, Mayor Urbanek acknowledged receipt of a letter referencing Economic Development.

Additional Agenda Items – Addition of 8a and 8b. Also, Executive Session was moved to 6a to allow Commissioner Hartman to leave if necessary before the end of the meeting.

A motion was made by Mayor Urbanek, seconded by Commissioner Bell, to approve the Agenda with the addition of 8a, 8b and moving up the Executive Session. Motion carried with all voting “Aye.”

A motion was made by Mayor Urbanek, seconded by Commissioner Castleberry to recess into Executive Session pursuant to the: Consultation with an attorney on matters that would be deemed privileged in the attorney-client relationship exception, contract negotiation K.S.A. 75-4319(b)(2). To include the Governing Body, City Attorney, and City Manager if needed. Motion carried with all voting “Aye.” The Regular Meeting resumed with no action taken. The motion was revised to include that the open meeting would resume at 5:54 pm. Motion carried 5-0.

Discuss and Action on Proposed Contract Negotiations – Commissioner Bell made a motion to approve the Transfer Service Agreement as prepared and to authorize Mayor Urbanek to sign, seconded by Mayor Urbanek. Motion carried 3-2 with Commissioner Donahue and Commissioner Castleberry casting the dissenting votes.

Commissioner Hartman left the meeting.

Proclamation – Miss Madilynn Becker Day

Financials – City Clerk Lawrenz asked the Commissioners if there were any questions or concerns regarding the March Financials. Mayor Urbanek requested that budgeted Revenue be included in the REV/EXP reports.

8a. Resignation of Leroy Gentz from the Hilltop Advisory Board. Commissioner Bell motioned to accept the resignation, seconded by Mayor Urbanek. Motion carried 4-0.

8b. Appointment of Jimmy R. Phillips to the Herington Housing Authority Board term to expire 4/30/2025. Commissioner Bell motioned to approve Jimmy R. Phillips to the Herington Housing Authority Board term to expire 4/30/2025, seconded by Commissioner Donahue. Motion carried 4-0.

Discuss and Action Every Bill- The City of Herington received the Every bill that covered the February extreme weather event. The bill was approximately \$124,000 higher than usual. Staff presented a cost sharing option where the city would use the funds received for WAPA and SPA totaling \$67,000 and asked that the residents pay the remaining to be broken down to \$48 per meter, split over three months at \$16 per month. Commissioner Bell made a motion to approve staff's recommendation, seconded by Commissioner Castleberry. Motion carried 4-0.

Discuss and Action on a Herington City Lake and Reservoir Reservation Timeframe – Mayor Urbanek motioned to direct the City Attorney to work on changing the ordinance to include a check in time of noon, and a check out time of 11am. Seconded by Commissioner Bell. Motion carried 4-0. Ordinance will be brought to the Commissioners for a vote when completed.

Discuss and Action on Acceptance of Submittal of RFQ for Airport Engineers – Mayor Urbanek motioned to accept the submittal for the RFQ for Airport Engineers, seconded by Commissioner Donahue. Motion carried 4-0.

Discuss Merging the Planning and Zoning Committees – Commissioners discussed merging the planning and zoning committees. City Attorney will work on the documents to bring to the Commissioners for Approval within the next 30 days.

Update of Hay Contract Leases – City Manager has signed. City Attorney will bring copies for Commissioners to review.

Update of Herington Lake RFQ – Interviews are set for April 29th. City Manager Dross will provide the Commissioners with an update by the second commission meeting in May.

City Manager Comments – Branden reached out to the County for help improving the lake roads. Spoke about proactive code enforcement and would like to the Commissioners to look over the ordinances regarding boat storage.

Commissioner Castleberry- Asked how many bins had been filled up for the city wide clean up. At this time 4 or 5 have been filled.

Commissioner Donahue – Wants code enforcement to be standard across the board.

Commissioner Bell – Asked about the well ordinance. Questioned if we still need the Hilltop Advisory Board. Mentioned that we need to maintain the lake roads, and questioned if we should get a grader.

Mayor Urbanek – Stated that some minutes were missing from 2021 and also minutes from July 7th, 2020.

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

Megan Lawrenz, City Clerk

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