

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
January 18, 2022
5:30 p.m.

1. Pledge of Allegiance

2. Call to Order

3. Consider Minutes of the Regular Meeting January 4, 2022

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

4. Additional Agenda Items

5. Approval of Agenda

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

6. Public Forum

7. Additional Agenda Items

8. Approval of Agenda

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

9. Neighborhood Enforcement Update

10. A Proclamation Commemorating City of Herington School Choice Week

11. Discuss and Action on Regular City Commission Meeting Time

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

12. Discuss and Action on Ordinance 1852 Authorizing the Execution of an Amendment to the Loan Agreement Between Herington, Kansas, and the State of Kansas for the Water Treatment Plant
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares
13. Discuss and Action on Ordinance 1853 Amending Lake Camping Facilities, Chapter 3, Article 2, Section 3-201 of the Code of the City of Herington, Kansas
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares
14. Discuss and Action on Ordinance 1854 Amending Licenses and Business Regulations, Chapter 3, Article 3, Section 3-301 of the Code of the City of Herington, Kansas
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares
15. Discuss and Action on Ordinance 1855 Amending Licenses and Business Regulations, Chapter 3, Article 3, Section 3-302 of the Code of the City of Herington, Kansas
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares
16. Discuss and Action on Ordinance 1856 Amending Licenses and Business Regulations, Chapter 3, Article 3, Section 3-304 of the Code of the City of Herington, Kansas
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares
17. Discuss and Action on Ordinance 1857 Amending Administrative Departments as Outlined in Chapter 1, Article 3, Sections 1-321 of the Code of the City of Herington, Kansas
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek,
Commissioner Donahue, Mayor Gares
18. Update on Hilltop Advisory Board
19. City Manager Comments
20. Commissioner Comments
21. Adjourn
Motion _____ Seconded _____ Action _____
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,
Commissioner Gares, Commissioner Urbanek

To join the City Commission meetings from your computer, tablet, or smartphone, go to
<https://www.youtube.com/channel/UCbvSBw6l4w85XQHSX0S1BXg> Public Forum Comments can be
dropped in the deposit box or emailed to cityoffice@cityofherington.com.

DRAFT

Regular Meeting
January 4, 2022
5:30 p.m.

The Board of City Commissioners of the City of Herington, Kansas met at City Hall at 5:30 p.m. on the above date – the following being present: Mayor Debi Urbanek, Commissioner Curtis Hartman, Commissioner Robbin Bell, Commissioner Vance Donahue II, and Commissioner Ben Castleberry. Also in attendance were City Manager Branden Dross, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Commissioner-Elect Eric Gares, Chief of Police Chad Langley, Fire Chief Andrew Avantagiato, Larry Mann, Carl Urbanek and Karen Soliz.

The meeting opened with the Pledge of Allegiance.

Mayor Urbanek called the meeting to order. Commissioner Bell made a motion to approve the minutes from the regular meeting December 21, 2021, seconded by Commissioner Donahue. Motion carried 5-0.

Additional Agenda Items – None.

Mayor Urbanek made a motion to approve the agenda as written, seconded by Commissioner Bell. Motion carried 5-0.

City Manager Branden Dross presented a plaque of appreciation to Commissioner Curtis Hartman and thanked him for his service on the commission.

Mayor Urbanek made a motion to adjourn sine die, seconded by Commissioner Hartman. Motion carried 5-0.

The meeting was called to order.

City Clerk Megan Lawrenz performed the oath of office with Commissioner Bell and Commissioner Gares.

Public Forum – None.

Additional Agenda Items – 29a. Ordinance 1851.

Commissioner Urbanek made a motion to approve the agenda with the addition of 29a. Ordinance 1851, seconded by Commissioner Bell. Motion carried 5-0.

Elect Mayor – Commissioner Urbanek made a motion to appoint Commissioner Eric Gares as mayor, seconded by Commissioner Bell. Motion carried 5-0.

Elect Vice-Mayor – Commissioner Castleberry made a motion to appoint Commissioner Vance Donahue as Vice-Mayor, Seconded by Mayor Gares. Motion carried 5-0.

Designating Depositories – Commissioner Donahue made a motion to designate Central National Bank and The First National Bank of Hope official City of Herington depositories for the 2022 year, seconded by Commissioner Bell. Motion carried 5-0.

Designating Newspaper – Commissioner Donahue made a motion to designate the Dickinson County News Times as the official City of Herington newspaper for the 2022 year, seconded by Commissioner Castleberry. Motion carried 5-0.

Standard Traffic Ordinance – Commissioner Bell made a motion to approve Ordinance 1849 for the 48th Edition Standard Traffic Ordinance for 2022 and authorize the mayor’s signature, seconded by Commissioner Donahue. Motion carried 5-0.

ORDINANCE NO. 1849

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF HERINGTON, KANSAS; INCORPORATING BY REFERENCE THE “STANDARD TRAFFICE ORDINANCE FOR KANSAS CITIES”, EDITION FOR 2021, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES AND REPEALING ANY AND ALL OTHER FOREGOING ORDINANCE IN CONFLICT HEREWITH.

Uniform Public Offense Code – Commissioner Urbanek made a motion to approve the Uniform Public Offense Code for Kansas Cities, 37th Edition for 2022 and authorize the mayor’s signature, seconded by Commissioner Donahue. Motion carried 5-0.

ORDINANCE NO. 1850

AN ORDINANCE REGULATING PUBLIC OFFESSES WITHIN THE CORPORATE LIMITS OF THE CITY OF HERINGTON, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFESE CODE FOR KANSAS CITIES’, EDITION OF 2021, AND REPEALING ANY AND ALL OTHER FOREGOING ORDINANCE IN CONFLICT HEREWITH.

Police Update – There were 213 calls for service in the month of December. There were three misdemeanor arrests. The total calls for 2021 were 2296, and the total calls for 2020 were 2423. The Police Department and Fire Department have been working together to get the new generator. They are still working on getting an officer to FTO training, Chief is working on getting his pistol handgun certification to be an instructor. Still have one open position for an officer. There was discussion about building integrity and vehicle schedules. New body cams have been ordered, should be able to resell the old ones.

Fire Update – There were 28 calls for service in December; 1 grass fire, 8 medical assists, 4 motor vehicle accidents with injuries, 2 search for lost person, 2 unauthorized burnings, 6 controlled burning, 2 smoke scares, 1 false alarm and 1 malicious, mischievous false call. Chief provided year end stats. Training topic was hazmat awe and blood-borne pathogens. Volunteers are needed, 3 have left the department and

the is room for 16 to join. Airpacks were scheduled to ship today. Still working on building committee, the last meeting was canceled due to the storm.
Neighborhood Enforcement Update – Tabled.

Hope and Woodbine Water Rate Increases – The City Manager provided the Commissioners with some information on the water rates at Hope and Woodbine and said that he would be meeting with their commission over the next couple months.

KMEA Board of Directors – Commissioner Urbanek made a motion to appoint Joshua Boyd as an alternate to the KMEA Board of Directors term to expire 4/30/2024, seconded by Commissioner Donahue. Motion carried 5-0.

Flint Hills Regional Council – Commissioner Bell made a motion to appoint Debi Urbanek to the Flint Hills Regional Council, seconded by Commissioner Donahue. Motion carried 5-0.

APRA Funds – Commissioner Urbanek made a motion to approve APRA funds for the pump house for \$108,995, seconded by Commissioner Bell. Motion carried 5-0.

APRA Funds – Commissioner Urbanek made a motion to approve APRA funds for the water system GIS mapping for \$20,228, seconded by Commissioner Donahue. Motion carried 5-0.

APRA Funds – Commissioner Urbanek made a motion to approve APRA Funds for the sewer system GIS mapping for \$5,163, seconded by Commissioner Bell. Motion carried 5-0.

Lochner Agreement Airport Rehabilitation – Commissioner Urbanek made a motion to approve the Lochner agreement to rehabilitate the aircraft parking apron and connecting taxiway for \$54,800 and authorize the mayor’s signature, seconded by Commissioner Bell. Motion carried 5-0.

Interlocal Agreement – Commissioner Urbanek made a motion to approve Ordinance 1851 setting an interlocal agreement for the neighborhood revitalization plan and authorize the mayor’s signature, seconded by Commissioner Bell. Motion carried 5-0.

ORDINANCE 1851

AN ORDINANCE OF THE CITY OF HERINGTON, KANSAS, AUTHORIZING THE EXECUTION OF A CERTAIN AGREEMENT FOR INTERLOCAL COOPERATION WITH DICKINSON COUNTY, KANSAS AND UNIFIED SCHOOL DISTRICT 487, HERINGTON, DICKINSON COUNTY, KANSAS, FOR THE PURPOSE OF PROVIDING A PROGRAM FOR NEIGHBORHOOD REVITALIZATION AND REPEALING ANY AND ALL RELATED ORDINANCES INCONSISTENT HEREWITH.

City Manager Comments – ADA ramp by the bowling alley is complete. Work by the Community Building is almost finished. Stairs at the back of City Hall will be started soon. Reminder of the dual meeting January 15th. Still needs to meet with Union Township to discuss fire service contracts.

Commissioner Castleberry – Thanked Curtis and congratulated Robbin and Eric.

Commissioner Donahue – Thanked Curtis and congratulated Robbin and Eric.

Commissioner Urbanek – Asked about the lake leases, City Attorney said he is waiting on some legal descriptions.

Commissioner Bell – Asked about staffs plan to get snow and ice removed from City Hall sidewalks. Thanked Curtis.

Mayor Gares – Thanked Curtis, and congratulated Robbin. Thanked the Commissioners for the vote to be Mayor. Would like to discuss with the Commissioners at some point, how they are doing, and how can they do things better. Also wanted to bring up cost effective utilities, time change for meetings and reviewing board and committee lists of members.

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

Megan Lawrenz, City Clerk

DRAFT



THE CITY OF HERINGTON

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

Telephone: (785) 258-2271 FAX: (785) 258-3552

A Proclamation Commemorating City of Herington School Choice Week

WHEREAS all children in the City of Herington should have access to the highest-quality education possible; and,

WHEREAS the City of Herington recognizes the important role that an effective education plays in preparing all students in Herington to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of the City of Herington; and,

WHEREAS the City of Herington is home to a multitude of excellent education options from which parents can choose for their children; and,

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS, our area has many high quality teaching professionals who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Eric Gares, do hereby recognize January 23-29, 2022, as CITY OF HERINGTON SCHOOL CHOICE WEEK, and I call this observance to the attention of all of our citizens.

Eric Gares, Mayor

Megan Lawrenz, City Clerk

EXHIBIT F

FORM OF MUNICIPALITY ORDINANCE

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
HERINGTON, KANSAS
HELD ON JANUARY 18, 2022**

The Governing Body of the City of Herington met in regular session at the usual meeting place in the City of Herington, at 5:30 PM, the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

(Other Proceedings)

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LOAN AGREEMENT BETWEEN HERINGTON, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT..

Thereupon, Council member _____ moved that said Ordinance be passed. The motion was seconded by Council member _____. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the Governing Body, the vote being as follows:

Yes: _____.

No: _____.

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 1852 and was signed and approved by the Mayor and attested by the Clerk. The Clerk was directed to publish the Ordinance one time in the official newspaper of the City.

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

(SEAL)

DRAFT

_____ Clerk

(Published in the Dickinson County News Times on January 26, 2022)

ORDINANCE NO. 1852

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LOAN AGREEMENT BETWEEN HERINGTON, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

WHEREAS, the Safe Drinking Water Act Amendments of 1996 [PL 104-182] to the Safe Drinking Water Act (the "Federal Act") established the Drinking Water Loan Fund to assist public water supply systems in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

WHEREAS, by passage of the Kansas Public Water Supply Loan Act, K.S.A. 65-163d *et seq.*, as amended (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Public Water Supply Loan Fund (the "Revolving Fund") for purposes of the Federal Act; and

WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and

WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Pledge Agreement (the "Pledge Agreement") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public water supply projects (the "Projects") and to pledge the Loan Repayments (as defined in the Pledge Agreement) received pursuant to such Loan Agreements to the Authority; and

WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act); and

WHEREAS, Herington, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a water system (the "System"); and

WHEREAS, the System is a Public Water Supply System, as said term is defined in the Loan Act; and

WHEREAS, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain a loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following:

Replace Water Treatment Plant

(the "Project"); and

WHEREAS, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-15-50 through 28-15-65 (the "Regulations") applicable thereto necessary to qualify for the loan; and

WHEREAS, KDHE has informed the Municipality that it has been approved for a loan in amount of not to exceed \$5,000,000 (the "Loan") in order to finance the Project; and

WHEREAS, the governing body of the Municipality hereby finds and determines that it is necessary and desirable to accept the Third Amendment to the Loan and to enter into a Third Amendment to the loan agreement and certain other documents relating thereto, and to take certain actions required in order to implement the Third Amendment to the Loan Agreement.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF [CITY], KANSAS:

Section 1. Authorization of the Third Amendment to the Loan Agreement. The Municipality is hereby authorized to accept the Third Amendment to the Loan and to enter into a certain Third Amendment of the Loan Agreement, with an effective date of December 17, 2021, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the "Third Amendment to the Loan Agreement") to finance the Project Costs (as defined in the Third Amendment to the Loan Agreement). The Mayor and Clerk are hereby authorized to execute the Third Amendment to the Loan Agreement in substantially the form presented to the governing body this date, with such changes or modifications thereto as

may be approved by the Mayor and the Municipality's legal counsel, the Mayor's execution of the Third Amendment to the Loan Agreement being conclusive evidence of such approval.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Loan Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the Loan. In accordance therewith, the Municipality shall impose and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality as will provide System Revenues (as defined in the Loan Agreement) sufficient to (a) pay the cost of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan as and when the same become due, (c) pay all other amounts due at any time under the Loan Agreement, and (d) pay the principal of and interest on Additional Revenue Obligations (as defined in the Loan Agreement) as and when the same become due; provided, however, the pledge of the System Revenues contained herein and in the Loan Agreement (i) shall be subject to reasonable expenses of operation and maintenance of the System, and (ii) shall be junior and subordinate in all respects to the pledge of System Revenues to any Additional Revenue Obligations. In the event that the System's Revenues are insufficient to meet the obligations under the Loan and the Loan Agreement, the Municipality shall levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce the amounts necessary for the prompt payment of the obligations under the Loan and Loan Agreement. In accordance with the Loan Act, the obligations under the Loan and the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the Municipality.

Section 3. Further Authority. The Mayor, Clerk and other City officials and legal counsel are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Governing Law. The Ordinance and the Third Amendment of the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City's newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by the governing body of the City on _____ (Ordinance Date) and signed
and **APPROVED** by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

[APPROVED AS TO FORM ONLY.]

DRAFT



EXHIBIT G

January 12, 2022

Kansas Development Finance Authority
Topeka, Kansas

The Kansas Department of Health and
Environment, acting on behalf of
The State of Kansas
Topeka, Kansas

Re: Third Amendment to the Loan Agreement effective as of November 17, 2021, between the Kansas Department of Health and Environment ("KDHE"), acting on behalf of the State of Kansas (the "State"), and Herington, Kansas the "Municipality"

I have acted as counsel to the Municipality in connection with the authorization, execution and delivery of the above referenced Third Amendment to the Loan Agreement (the "Third Amendment to the Loan Agreement"). In my capacity as counsel to the Municipality, I have examined original or certified copies of minutes, ordinances of the Municipality and other documents relating to the authorization of the Project, the authorization, execution and delivery of the Third Amendment to the Loan Agreement, and the establishment of a Dedicated Source of Revenue (as defined in the Third Amendment to the Loan Agreement) for repayment of the Loan evidenced by the Third Amendment to the Loan Agreement. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned thereto in the Third Amendment to the Loan Agreement.

In this connection, I have examined the following:

- (a) an executed or certified copy of the Third Amendment to the Loan Agreement;
- (b) proceedings adopted or taken by the Municipality to authorize and approve the Project to be constructed with the proceeds of the Loan evidenced by the Third Amendment to the Loan Agreement;
- (c) Ordinance No. ___ of the Municipality (the "Ordinance") adopted on _____ (Ordinance Date), and other proceedings of the Municipality taken and adopted in connection with the authorization, execution and delivery of the Third Amendment to the Loan Agreement, and the establishment of a Dedicated Source of Revenue for repayment of the Third Amendment to the Loan evidenced by the Loan Agreement; and

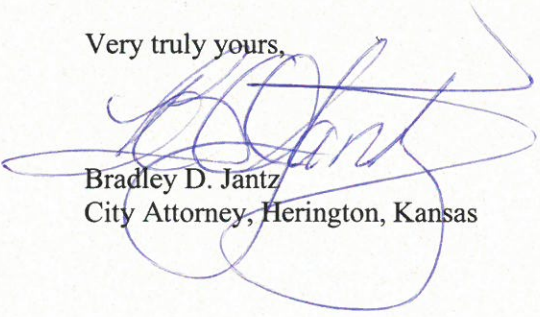
- (d) such other proceedings, documents and instruments as I have deemed necessary or appropriate to the rendering of the opinions expressed herein.

In this connection, I have reviewed such documents, and have made such investigations of law, as deemed relevant and necessary as the basis for the opinions hereinafter expressed.

Based upon the foregoing, it is my opinion, as of the date hereof, that:

1. The Municipality cooperation duly created, organized and existing under the laws of the State.
2. The Municipality operates a Public Water Supply System, as said term is defined in the Loan Act.
3. The Project has been duly authorized by the Municipality.
4. The Municipality has all requisite legal power and authority to, and has been duly authorized under the terms and provisions of the Ordinance to, execute and deliver, and perform its obligations under, the Third Amendment to the Loan Agreement.
5. The Third Amendment to the Loan Agreement has been duly authorized, executed and delivered by the Municipality and constitutes a valid and binding agreement of the Municipality enforceable in accordance with its terms, subject as to enforcement of remedies to any applicable bankruptcy, reorganization, insolvency, moratorium or other similar laws affecting creditors' rights heretofore or hereafter enacted, and subject further to the exercise of judicial discretion in accordance with general principles of equity. In rendering this opinion I have assumed due authorization, execution and delivery of the Third Amendment to the Loan Agreement by the State, acting by and through KDHE.
6. By adopting the Ordinance, the Municipality has duly authorized the Dedicated Source of Revenue for repayment of the Loan to be made pursuant to the Third Amendment to the Loan Agreement.
7. To the best of my knowledge, the execution and delivery of the Third Amendment to the Loan Agreement by the Municipality will not conflict with or result in a breach of any of the terms of, or constitute a default under, any ordinance, indenture, mortgage, deed of trust, lease or other agreement or instrument to which the Municipality is a party or by which it or any of its property is bound or any of the rules or regulations applicable to the Municipality or its property or of any court or other governmental body.

Very truly yours,



Bradley D. Jantz
City Attorney, Herington, Kansas

Published in the official newspaper on the _____ day of _____, 2022.

ORDINANCE NO. 1853

AN ORDINANCE AMENDING LAKE CAMPING FACILITIES CHAPTER 3, ARTICLE 2, SECTION 3-201, OF THE CODE OF THE CITY OF HERINGTON, KANSAS RELATING TO REGULATION AND ADMINISTRATION ALCOHOL LIQUOR RETAILERS IN THE CITY OF HERINGTON, KANSAS AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

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

SECTION 1. That Chapter 3, Article 2, Section 3-201, be amended, in its entirety, to read as follows:

Sec. 3-201. - Definitions.

Alcoholic liquor means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, wine, spirits or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

Caterer means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit selling alcoholic liquor in accordance with the terms of such permit.

Cereal malt beverage means any fermented but un-distilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but does not include any such liquor, which is more, than six percent (6.0%) alcohol by weight.

Class A club means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members), and their families and guest accompanying them.

Class B club means a premises operated for profit by a corporation partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

Club means a Class A or Class B club.

Drinking establishment means premises, which may be open to the general public, where alcoholic liquor by the individual drink is sold.

Temporary permit means a permit, issued in accordance with the laws of the State of Kansas, which allows the permit holder to offer the sale, sell and serve alcoholic liquor for consumption on unlicensed premises, open to the public.

SECTION 2. Existing Article 2 of Chapter 3, Sections 3-201 are hereby repealed. All other sections of Chapter 3, Article 2, shall remain in full force and effect.

SECTION 3. This ordinance shall become effective and in full force from and after its passage, adoption and publication one time in the official city newspaper.

PASSED AND ADOPTED this ____ day of January, 2022.

ERIC GARES, MAYOR

ATTEST:

MEGAN LAWRENZ
CITY CLERK

SEAL:

Published in the official newspaper on the _____ day of _____, 2022.

ORDINANCE NO. 1854

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

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

SECTION 1. That Chapter 3, Article 3, Section 3-301, be amended, in its entirety, to read as follows:

Sec. 3-301. - License.

No person, firm or corporation shall conduct or pursue in this city the business of manufacturing alcoholic liquors, distributing of alcoholic liquors, package or retailing of alcoholic liquors including beer containing more than six percent (6.0%) alcohol by weight for consumption off premises without first procuring from the City Clerk a license therefor.

SECTION 2. Existing Article 3 of Chapter 3, Sections 3-301 is hereby repealed. All other sections of Chapter 3, Article 3, shall remain in full force and effect.

SECTION 3. This ordinance shall become effective and in full force from and after its passage, adoption and publication one time in the official city newspaper.

PASSED AND ADOPTED this ____ day of January, 2022.

ERIC GARES, MAYOR

ATTEST:

MEGAN LAWRENZ
CITY CLERK

SEAL:

DRAFT

Published in the official newspaper on the _____ day of _____, 2022.

ORDINANCE NO. 1855

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

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

SECTION 1. That Chapter 3, Article 3, Sections 3-302, be amended to read as follows:

Sec. 3-302. - Fee.

The license fee shall be in the following amounts:

(1)

For the distribution of alcoholic liquors, including beer containing more than six percent (6.0%) alcohol by weight\$100.00

(2)

For retailers of alcoholic liquors, including beer containing more than six percent (6.0%) of alcohol by weight\$200.00

SECTION 2. Existing Article 3 of Chapter 3, Section 3-302 is hereby repealed. All other sections of Chapter 3, Article 3, shall remain in full force and effect.

SECTION 3. This ordinance shall become effective and in full force from and after its passage, adoption and publication one time in the official city newspaper.

PASSED AND ADOPTED this ____ day of January, 2022.

ERIC GARES, MAYOR

ATTEST:

MEGAN LAWRENZ
CITY CLERK

SEAL:

DRAFT

Published in the official newspaper on the _____ day of _____, 2022.

ORDINANCE NO. 1856

AN ORDINANCE AMENDING LICENSES AND BUSINESS REGULATIONS, CHAPTER 3, ARTICLE 3, SECTION 3-304, OF THE CODE OF THE CITY OF HERINGTON, KANSAS RELATING TO CERTAIN LIMITATIONS IN THE REGULATION AND ADMINISTRATION OF AND ON ALCOHOL LIQUOR RETAILERS IN THE CITY OF HERINGTON, KANSAS AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.

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

SECTION 1. That Chapter 3, Article 3, Section 3-304, be amended, in its entirety, to read as follows:

Sec. 3-304. - Limitations.

None of the provisions of this article shall authorize any person, firm or corporation to engage in the manufacture, distribution or retailing of alcoholic liquors including beer containing more than six percent (6.0%) of alcohol by weight, in the city without having first procured from the State of Kansas a license to engage in the business which license must be presented to the City Clerk of the city at the time the license fee herein provided for is paid: Provided, that the license shall be paid before business is begun under an original state license and within ten days after any renewal of state license.

SECTION 2. Existing Article 3 of Chapter 3, Sections 3-304 is hereby repealed. All other sections of Chapter 3, Article 3, shall remain in full force and effect.

SECTION 3. This ordinance shall become effective and in full force from and after its passage, adoption and publication one time in the official city newspaper.

PASSED AND ADOPTED this ____ day of January, 2022.

ERIC GARES, MAYOR

ATTEST:

MEGAN LAWRENZ
CITY CLERK

SEAL:

DRAFT

Published in the official newspaper on the ____ day of _____, 2021.

ORDINANCE NO. 1857

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

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

SECTION 1. That Chapter 1, Article 3, Sections 1-321, be , in its entirety, to read as follows:

Sec. 1-321. - Inspection Department.

The Inspection Department shall be charged with administration of the city ordinances relating to zoning, the construction of buildings, the installation of plumbing, electrical wiring and gas piping on private premises and shall issue permits and make inspections in connection therewith as required by ordinances or the City Manager. The Department shall be under the direct supervision of the City Manager for the City of Herington, Kansas.

SECTION 2. Existing Article 3 of Chapter 1, Section 1-321 is hereby repealed. All other sections of Chapter 1, Article 3, shall remain in full force and effect.

SECTION 3. This ordinance shall become effective and in full force from and after its passage, adoption and publication one time in the official city newspaper.

PASSED AND ADOPTED this ____ day of January 2022.

ERIC GARES, MAYOR

ATTEST:

MEGAN LAWRENZ
CITY CLERK

SEAL:

DRAFT