

**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  
November 16, 2021  
5:30 p.m.**

1. Pledge of Allegiance

2. Consider Minutes of the Regular Meeting November 2, 2021

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

3. Public Forum

4. Additional Agenda Items

5. Approval of Agenda

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

6. Discuss and Action to set a date for a Special City Commission Meeting with the Planning Commission

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

7. Discuss and Action on Wastewater Treatment Plant Changer Order #3

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

8. Discuss and Action on Wastewater Treatment Plant Phase 2 Agreement for Professional Engineering Services with SMH Consultants

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

9. Update on Neighborhood Revitalization Plan

10. Discuss and Action on Purchase of Easement for 201 S C Street.

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

11. Discuss and Action on Hogdgon Lease Extension at the Herington Municipal Airport (HRU)

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

12. Executive Session –

I move that the Herington City Commission Recess into Executive Session, Pursuant to the Consultation with an Attorney on matters that would be deemed privileged in the attorney-client relationship exception K.S.A. 75-4319(b)(2) in order to discuss contract negotiations, and to include the following persons:

- Governing Body
- City Manager
- City Attorney
- City Clerk
- \_\_\_\_\_

With the open meeting to resume in the City Commission Chambers at \_\_\_\_\_ pm.

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Castleberry, Commissioner Donahue, Commissioner Bell,  
Commissioner Hartman, Mayor Urbanek

13. Commissioner Comments

14. 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/UCbvSBw6l4w85XQHXS0S1BXg>** Public Forum Comments can be dropped in the deposit box or emailed to [cityoffice@cityofherington.com](mailto:cityoffice@cityofherington.com).

Public Comment is limited to 3 minutes per person. This is intended for citizens to express their views. 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. All Commissioners can add additional agenda items if they choose for discussion. See The Code of Procedure for Kansas Cities section 10 Agenda items. *“Members of the public may not place an item on the agenda but may have a governing body member sponsor such an item.”*

All questions posed during public forum should be answered within the specific agenda item by any Commissioner or followed up as needed by staff in a timely manner during regular business hours following the meeting.

Please also review the protocol from The Code of Procedure for Kansas Cities Section 7 Public Comment. *If public comment is allowed during the meeting, the citizen desiring to comment on matters of a general nature, not specific to an agenda item, shall sign up in advance of the meeting & shall provide his or her name and address for the purpose of putting both in in the minutes of the meeting. Any comment taken on specific agenda items shall require the citizen to state his or her name and address for the minutes. The mayor or meeting chair may limit the time of each citizen based upon the number of people wishing to speak and the amount of time available for the public comment portion of the meeting.* All questions posed during public forum should be answered within the specific agenda item by any Commissioner or followed up as needed by staff in a timely manner during regular business hours following the meeting. Unfortunately, some citizen prolonged dialogue, demeanor & or outburst during the meeting has caused this to be enforced for all.

It is recommended that you request in advance for a specific item to be added to the agenda. This request should be received by the City Manager before Friday at noon preceding the meeting.

See The Code of Procedure for Kansas Cities section 10 Agenda items. Agenda items. *“Members of the public may not place an item on the agenda but may have a governing body member sponsor such an item.”*

I would encourage every citizen to reach out to every Commissioner to have personal discussion of their concerns. By reaching out to select individuals only, may result in dissatisfaction of the outcome. We all have discussions with many citizens, how we base our decision is relative to the individuals that reach out to us specifically.

**Regular Meeting**  
**November 2, 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 Curtis Hartman, Commissioner Robbin Bell, Commissioner Vance Donahue II, Commissioner Ben Castleberry, City Manager Branden Dross, City Attorney Brad Jantz, City Clerk Megan Lawrenz Chief of Police Chad Langley and Fire Chief Andrew Avantagiato. Also, in attendance were C Orander, D.J. Neuberger, Carl Urbanek, Eric Gares, Larry Mann, Dan McDonald, Christina McDonald, Pam Dalton, Karen Soliz, Janet Wade, Angela Dross and Branden Dross Jr.

The meeting opened with the Pledge of Allegiance.

Commissioner Bell motioned to approve the minutes from the regular meeting October 12, 2021, seconded by Mayor Urbanek. Motion carried 5-0. Mayor Urbanek motioned to approve the minutes from the regular meeting October 19, 2021. Motion failed 0-5. Mayor Urbanek motioned to approve the minutes from the regular meeting October 19, 2021, with the changes requested by Janet Wade to her previous comments, seconded by Commissioner Bell. Motion carried 5-0. Commissioner Bell motioned to approve the minutes from the special meeting October 29, 2021, seconded by Commissioner Donahue. Motion carried 5-0.

Public Forum – D.J. Neuberger – 9 S 2<sup>nd</sup> Herington, KS 67449 – Building Permits. Pam Dalton 609 S B St Herington, KS 67449 – FRE Food Drive/Pie in the City Managers face. Janet Wade – 602 E Arnold Herington, KS 67449 – October 19 minutes if not addressed (the minutes were discussed, and Janet made no comment during Public Forum). Joe Kossmann – 801 N Broadway Herington, KS 67449 – Big Blue.

Additional Agenda Items – City Manager Branden Dross clarified that the applications listed for Lake Board are for the Lake Master Plan Citizen Advisory Committee, and that there will be no term limits. Add 16a. Discussion on Ordinance 1841.

A motion was made by Commissioner Bell, seconded by Commissioner Donahue to approve the agenda with the addition of 16a. Motion carried 5-0.

Police Update – There were 197 calls for service last month and 4 misdemeanor arrests. Chief of Police Chad Langley was in Hutchinson for reciprocity classes and passed. Looking to hire one more officer. Officer Canby will attend teen crisis training on the 18<sup>th</sup>. Chief Langley is looking to move the responsibility of evidence logging to another officer after they complete training. HPD has been patrolling the lake multiple times per day checking for the proper registrations from campers.

Fire Update – There were 34 calls for service. 1 structure fire, 22 medical assists, 6 controlled burns, 1 smoke scare, 1 fire alarm, 1 MVA, 1 cancel and 1 trash/rubbish fire. Training topics were overview of the new air packs, and Chief Avantagiato completed fire investigator CFI1. Air packs will be shipping out 11/12/2021, the neighborhood enforcement officer's car has had several repairs, cost unknown. The

Tahoe is constantly showing Check Engine Codes, going into 4x4 low on start up. The building committee is complete and will hold a meeting within the new couple weeks. Response time is great, under 2 minutes for structure fire, average response for :32 to 2:07, average on scene time 3:63 to 8:12. Chief Avantagiato also spoke about the Recreational Fire Guidelines that the city follows and there was discussion about adding a recreational fire ordinance.

Neighborhood Enforcement Update – The NEO informed the commission that she will be at a conference for the next three days, and that she has 3 upcoming court dates. There was one condemnation, the family called the police twice with concerns of their civil rights being violated. The police department was able to provide the family with the code that corresponds with the process. Letters have been sent for parking on vegetation, some have put gravel down to meet code. The NEO rode around with David Kahle to check electric services, upgrades are needed, and the NEO, City Attorney and City Manager will work together to find solutions to the upgrades needed. The NEO has been working with Council Grove and Junction City on permitting. The NEO also plans to be certified in IPMC before the first of the year. There are currently 17 open cases. The NEO also provided a draft version of a flyer noting whether a permit is needed for specific types of construction.

Comprehensive Plan Regulation Update – City Attorney Brad Jantz said that statutory the City is not absolutely required to replace or reform the Comprehensive plan every so many years, however the standard is that at 5 years the plan is updated or at least reviewed, typically by the planning commission, the city commissioners do have the authority to direct the planning commission to do so. The City Attorney said that while no one would come in and cite the city for a dated comprehensive plan, it could make applying for grants difficult.

Tim Bettles' application for the Lake Master Plan Citizen Advisory Committee – Mayor Urbanek motioned to approve Tim Bettles application for the Lake Master Plan Citizen Advisory Committee, seconded by Commissioner Donahue. Motion carried 5-0.

Becca Eggleston's application for the Lake Master Plan Citizen Advisory Committee – Mayor Urbanek motioned to approve Becca Eggleston's application for the Lake Master Plan Citizen Advisory Committee, seconded by Commissioner Donahue. Motion carried 5-0.

Jean Kremeier's application for the Lake Master Plan Citizen Advisory Committee – Mayor Urbanek motioned to approve Jean Kremeier's application for the Lake Master Plan Citizen Advisory Committee, seconded by Commissioner Donahue. Motion carried 5-0.

Lawrenz Masonry's Contract for Curb and Guttering and ADA Ramp Construction – Mayor Urbanek motioned to approve Lawrenz Masonry's Contracts for Phase 1 and Phase two of the curb and guttering and ADA ramp construction with one payment in 2021 and the second payment in 2022, seconded by Commissioner Castleberry. Motion carried 5-0.

Audit Services for 2021 – Mayor Urbanek motioned to approve the contract from Lindburg Vogel Pierce Faris, chartered for audit services for the year ending 12/31/2021 and to authorize the mayor's signature, seconded by Commissioner Donahue. Motion carried 5-0.

Joint City Commission and Planning Commission Meeting – Commissioner Castleberry motioned to table this to the next meeting so that the newly elected commissioners could have a chance to look at their schedules, seconded by Mayor Urbanek. Motion carried 5-0.

Larry Mann’s Resignation from the Planning Commission – Commissioner Bell motioned to approve Larry Mann’s resignation from the planning commission, seconded by Mayor Urbanek. Motion carried 3-2, with Commissioner Donahue and Commissioner Castleberry casting the dissenting votes.

Mayor Urbanek motioned to approve Ordinance 1842 – AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO ADD CHAPTER VI, ACTICLE 6, 4-608 ESTABLISHING A LICENSURE REQUIREMENT FOR ANYONE PERFORMING SERVIES UNDER THE MECHANICAL CODE NI THE CODE FOR THE CITY OF HERINGTON, KANSAS CHAPTER VI, ARTICLE 6 AND REPEALING ANY OTHER CURRENT ORDINANCES, OR PORTIONS THEREOF, IN CLONFLICT HEREWITH, and authorizing the mayor’s signature seconded by Commissioner Bell. Motion carried 3-2 with Commissioner Donahue and Commissioner Castleberry casting the dissenting votes.

#### **ORDINANCE NO. 1842**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO ADD CHAPTER VI, ACTICLE 6, 4-608 ESTABLISHING A LICENSURE REQUIREMENT FOR ANYONE PERFORMING SERVIES UNDER THE MECHANICAL CODE NI THE CODE FOR THE CITY OF HERINGTON, KANSAS CHAPTER VI, ARTICLE 6 AND REPEALING ANY OTHER CURRENT ORDINANCES, OR PORTIONS THEREOF, IN CLONFLICT HEREWITH.**

16a. Discussion on Ordinance 1841 - Discussion was had on the difference of section one and section two. Section one board of advisors are professionals in the construction trade. Section two would be city staff. The roles can be combined. Consensus was to combine the roles and reconsider the ordinance at the next meeting to reapprove.

Executive Session – Mayor Urbanek motioned to that the Herington City Commission recess into executive session, pursuant to the consultation with an Attorney on matters that would be deemed privileged in the attorney-client relationship exception K.S.A. 75-4319 (b)(2) to discuss matters of litigation to include the Governing Body, City Manager, City Attorney and City Clerk with the open meeting to resume at 6:55pm, seconded by Commissioner Bell. Motion carried 5-0. No action taken.

Executive Session – Mayor Urbanek motioned to that the Herington City Commission recess into executive session, pursuant to the consultation with an Attorney on matters that would be deemed privileged in the attorney-client relationship exception K.S.A. 75-4319 (b)(2) to discuss contract negotiation to include the Governing Body, City Manager, City Attorney and City Clerk with the open meeting to resume at 7:05pm, seconded by Commissioner Castleberry. Motion carried 5-0. No action taken.

City Manager Comments – Initial lake master plan meeting is tomorrow. Shillings came to fill the cracks. He is working on getting an intern, or someone from the school to help with the comp plan and don’t forget to vote.

Commissioner Castleberry – Go vote! Thinks commissioners should have headshots put on the website with the commissioner’s contact information.

Commissioner Donahue – Thanked Larry Mann for his work on the Planning Commission. Wished the candidates running good luck and wants to make changes to the permit list.

Commissioner Bell – Asked about doing a crack seal on the streets that were redone several years ago, said we should look at it again in the next budget year and asked if the Airport still had crack seal equipment that the city could rent.

Commissioner Hartman – None.

Mayor Urbanek – Asked if the hay/grazing leases are done (they are) and said to send them on city letterhead. Asked about the Airport Master Plan, it is on a current cycle.

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

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Megan Lawrenz, City Clerk

DRAFT

**CHANGE ORDER**  
**City of Herington, Kansas**

**Change Order No.: 3 (Final)**

Project No.: KWPCRF C20 2040 01  
 Project Title: Sludge Press Addition  
 Improvement: Sludge Press Addition to WWTP

District No. \_\_\_\_\_  
 Benefit District: \_\_\_\_\_  
 City at Large: \_\_\_\_\_

Contractor: Smoky Hill LLC  
645 E. Crawford  
Suite E8  
Salina, KS 67401

Telephone: 785-825-1224

Nature of Change: Addition of a cleanout and the addition of flush water capabilities.

ITEM NO.	DESCRIPTION	PLAN QUANTITY	UNIT	ACTUAL QUANTITY	QUANTITY CHANGE	UNIT PRICE	NET PRICE CHANGE
1.	Addition of cleanout and flush water capabilities				1	Lump Sum	\$5,068.00

**DRAFT**

Project No.: SMH File No.: 1901MN3000

**CONTRACT PRICE**

Original Contract Price:	\$ <u>354,557.35</u>
Net Increase - Previous Change Orders	\$ <u>34,186.88</u>
Net Increase - This Change Order	\$ <u>5,068.00</u>
Current Price Including This Change Order	\$ <u>393,812.23</u>
Percentage Change From Original Contract Price	<u>11 %</u>



CONTRACT TIME

Original Contract Time:	<u>Completion by 7/6/2021</u>
Net Increase/Decrease - Previous Change Orders:	<u>162 days to 12/15/2021</u>
Net Increase/Decrease - This Change Order:	<u>0</u>
Current Contract Time Including This Change Order	<u>Completion by 12/15/2021</u>

THE ABOVE CHANGES ARE RECOMMENDED TO THE OWNER FOR APPROVAL

10-28-2021

DATE

Jodd Anderson for SMH

ENGINEER

THE ABOVE CHANGES ARE ACCEPTED:

DATE

CONTRACTOR

DRAFT

TO:

Smoky Hill LLC

YOU ARE DIRECTED TO MAKE THE CHANGES NOTED HEREIN FOR THE SUBJECT CONTRACT

DATE

Authorized Representative of Municipality

## AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

This Agreement is hereby entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between the City of Herington, Kansas, a municipal corporation (hereinafter “City”), and SMH Consultants, a Professional Corporation, (hereinafter “Consultant”).

WHEREAS, the City desires to obtain professional engineering services, in connection with the development of a Preliminary Engineering Report (PER) for the City’s Wastewater Treatment Plant (hereinafter “Project”) and assistance with a grant application; and,

WHEREAS, Consultant is a professional corporation, with local offices located at 2017 Vanesta Place, Suite 110, Manhattan, Kansas, 66503, licensed to provide professional engineering services in the state of Kansas; and,

WHEREAS, Consultant is qualified, capable and prepared to perform the necessary professional engineering services in connection with the Project as described in this Agreement; and,

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Preparation of a Preliminary Engineering Report (PER) on the Wastewater Treatment Plant and assistance with a Kansas Department of Commerce - Community Development Block Grant (CDBG) application:
  - A. The term “Services” when used in this Agreement shall mean any and all professional engineering services provided by Consultant in accordance with this Agreement. The Consultant may employ subconsultants as Consultant deems necessary to assist in the performance or furnishing of professional engineering and related services hereunder. The Consultant shall not be required to employ any subconsultants which are unacceptable to the Consultant. The Consultant will perform or furnish the necessary professional services to prepare a PER suitable for application to, and following the required guidelines of, the Kansas Department of Commerce in pursuit of a Community Development Block Grant (CDBG) and assist the City in a CDBG grant application.
  - B. City agrees to retain Consultant and Consultant agrees to perform and complete the

following Services for the Project:

1. Evaluate available City records, maintenance history, and historical data documenting the wastewater treatment facility, its age and physical condition, any additions and alterations, and other pertinent data.
  2. Review and update the estimated construction costs identified in the “Wastewater Treatment Plant Evaluation” conducted in October 2018.
  3. Following the Kansas Department of Commerce requirements, prepare a PER for submission to the Kansas Department of Commerce and other funding agencies.
  4. Deliver the required number of copies of the PER to the funding agencies and City.
  5. Attend a City Commission Meeting to present, discuss, and review the PER.
  6. Assist the City with scheduling and conducting the CDBG Public Meeting and Hearing. Attend the Public Meeting and Public Hearing.
  7. Schedule the Kansas Interagency Advisory Committee (KIAC) meeting.
  8. Along with City representatives, attend a KIAC meeting to present the proposed project.
  9. Assist the City with the search and procurement of a grant writer for purposes of pursuing a CDBG application.
  10. Assist the grant writer with the CDBG application.
2. Consultant shall provide Services under this Agreement only upon written request of the City, and only to the extent defined and required by the City. Consultant shall not provide any services or materials not described by this Agreement unless Consultant obtains prior written consent from the City. If the City gives prior written consent for Supplemental Services, the City shall compensate Consultant with a fee mutually agreed upon by the parties prior to performance of the Supplemental Services. Any Supplemental services or materials provided by Consultant without the City’s prior written consent shall be at Consultant’s own risk, cost, and expense, and Consultant shall not make a claim for compensation from the City for such work.

### 3. Standard of Care

- A. Consultant shall exercise the same degree of care, skill, and diligence in the performance of all Services to the City that is ordinarily possessed and exercised by reasonable, prudent, and experienced professional engineer under similar circumstances. At the City's request, Consultant shall re-perform the Services which fail to satisfy this standard of care. If Consultant fails to possess and exercise such care, skill and diligence in providing all Services, Consultant shall be responsible to the City for any resulting loss or damages.
- B. Consultant represents it has all other necessary licenses, permits, and certifications required to perform the Services described herein.
- C. Consultant shall comply with, and make an effort to cause any sub-consultants to comply with, applicable federal, state and local laws, orders, rules and regulations relating to the performance of the Services.
- D. Neither Consultant nor Consultant's agents or employees shall discriminate against any employee or applicant for employment in the performance of this Agreement with respect to hiring, tenure, terms, conditions, or privileges of employment, because of race, color, religion, sex, or national origin.

### 4. City's Responsibilities

- A. To assist in the completion of the work described above, the City shall:
  - 1. Designate a person to act as the City's representative with respect to the services to be rendered under this Agreement. Such person shall have authority to transmit instructions, receive information, interpret, and define the City's policies and decisions with respect to the Consultant's services.
  - 2. Provide any and all the available information relative to the completion of the Consultant's services.
  - 3. Schedule, properly advertise, and attend all Project meetings, Public Meetings, and Public Hearings.
  - 4. Contract with separate firms, if necessary, to conduct additional investigations or studies to address the Intergovernmental Review comments, if any.
  - 5. Provide any and all the available information relative to the completion of the Consultant's services.

5. Compensation & Audit by City

- A. As consideration for providing the Services as outlined above, the City shall pay Consultant the lump sum fee of Sixteen Thousand, Nine Hundred Eighty Dollars and no cents (\$16,980.00). Payment shall be total compensation for labor, overhead, expenses, and anticipated profit.
- B. Payments shall be requested monthly, based on progress determined by the Consultant. The invoice shall indicate the percentage of the Project completed. City agrees to pay the balance of an approved invoice, or undisputed portions of a disputed invoice, within 30 days of the date of receipt by the City. In the event of a dispute, and prior to the invoice's due date, City shall pay the undisputed portion of the invoice and notify Consultant of the nature of the dispute regarding the balance.
- C. At the City's request, Consultant shall permit the City, or any authorized representative of the City, at all reasonable times, to access and examine all records, books, papers or documents related to Consultant's performance under this Agreement, including, but not limited to, expenses for sub-consultants, agents or assistants, direct and indirect charges, and detailed documentation for all such work performed.

6. Schedule & Delay

- A. Unless otherwise directed by the City, Consultant shall commence performance of the Services upon execution of this Agreement. Based on a timely response from the City for requested information, Consultant shall complete the Services identified above such that the CDBG application shall be submitted to the Kansas Department of Commerce in time to meet the 2022 CDBG application filing deadline. The anticipated filing deadline is in late September 2022.
- B. Neither the City nor the Consultant shall be in default of the Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party, including, but not limited to, unusually severe weather conditions, floods, tornadoes, earthquakes, fires, and epidemics; wars, riots and other civil disturbances; strikes, lockouts, and other labor disturbances; or judicial restraint. Should such a circumstance occur, the non-performing party shall, within a reasonable time, give the other party written notice describing the circumstances and

the anticipated date to resume performance of the Agreement.

- C. If Consultant's performance is delayed due to delays caused by the City, Consultant shall have no claim against the City for damages or payment adjustment other than an extension of time to perform the Services.

7. Services Not Included

- A. Completion of an application for funding through the Kansas Water Pollution Control Revolving Loan Fund (KWPCRF) as administered by the Kansas Department of Health & Environment or a USDA Rural Development Loan. Engineer may provide these services under a separate agreement.
- B. Design services, including the development of construction drawings and specifications, for the recommended improvements.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year above written.

CONSULTANT:

\_\_\_\_\_  
Todd J. Anderson  
SMH Consultants

CITY OF HERINGTON:

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_  
(Title)

\_\_\_\_\_  
\_\_\_\_\_  
(Title)

Published twice weekly in the official newspaper on the 18<sup>th</sup> day of November, and the 25<sup>th</sup> day of November, 2021.

## **NOTICE OF PUBLIC HEARING**

### **TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:**

**NOTICE IS HEREBY GIVEN** that the City Commission will consider the adoption of a Neighborhood Revitalization Plan, pursuant to K.S.A. 12-17,114 *et seq.* at a public hearing at City Hall at 5:30 p.m. on Tuesday, December 7, 2021, 2021, or as soon thereafter as possible, in the City Commission Chambers at City Hall, 17 North Broadway, Herington, Kansas.

Under this program, rebate of property taxes will be available to residential, commercial and industrial property owners who meet the minimum requirements of the City's Neighborhood Revitalization Plan.

The proposed Neighborhood Revitalization Plan and a description of the boundaries of the proposed Neighborhood Revitalization Area are available for inspection during the hours of 7:00 a.m. to 4:00 p.m. in the office of The City of Herington, Herington, Kansas.

At the conclusion of the hearing, the City Commission will consider the findings necessary for the adoption of the proposed Neighborhood Revitalization Plan and the establishment of the proposed Neighborhood Revitalization Area, all as provided for in K.S.A. 12-17, 114 *et seq.*

**CERTIFIED** this 12<sup>th</sup> of November , 2021.

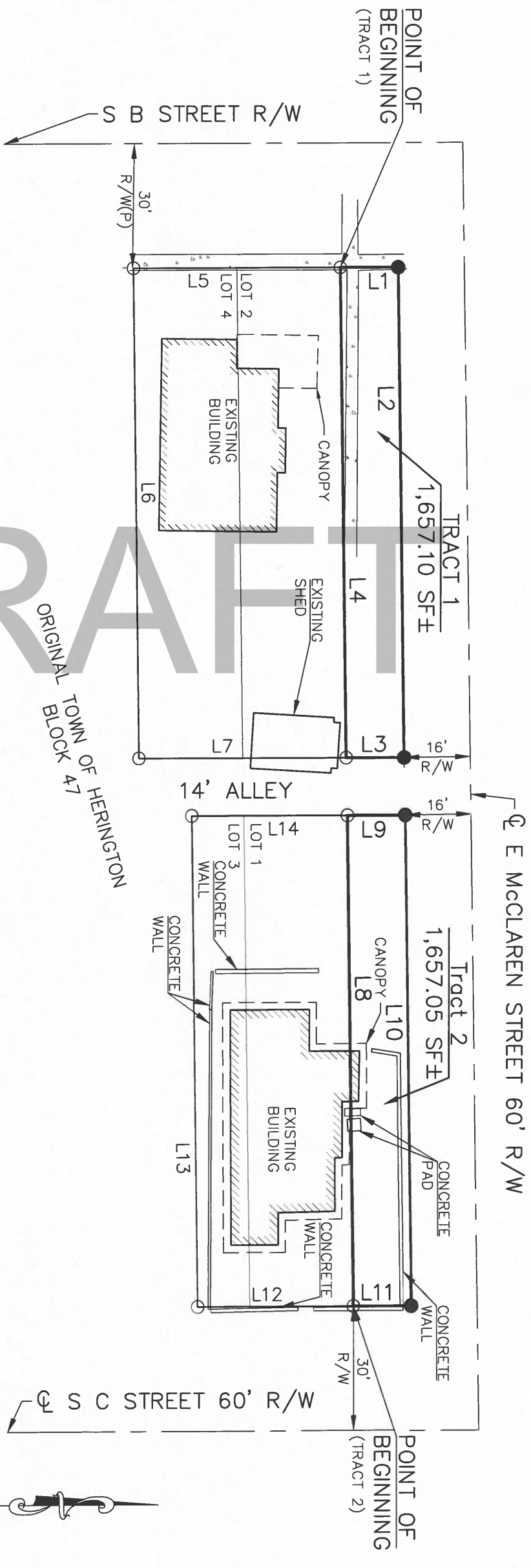
A handwritten signature in black ink, appearing to be 'B. ...', written over a horizontal line.

City Manager  
City of Herington, Kansas

# CERTIFICATE OF SURVEY

A PORTION OF MCCLAREN STREET IN THE ORIGINAL TOWN OF HERRINGTON  
HERRINGTON, DICKINSON COUNTY, KANSAS

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 00°01'17" W(M)	14.00'(M)
L2	N 89°15'37" E(M)	118.38'(M)
L3	S 00°00'34" E(M)	14.00'(M)
L4	S 89°15'37" W(M)	118.37'(M) 118'(P)
L5	S 00°01'17" E(M)	50.03'(M) 50'(P)
L6	N 89°18'41" E(M)	118.36'(M) 118'(P)
L7	N 00°00'34" W(M)	50.14'(M) 50'(P)
L8	S 89°15'37" W(M)	118.37'(M) 118'(P)
L9	N 00°00'34" W(M)	14.00'(M)
L10	N 89°15'37" E(M)	118.37'(M)
L11	S 00°00'00" E(M)	14.00'(M)
L12	S 00°00'00" E(M)	37.61'(M) 37.5'(P)
L13	S 89°15'47" W(M)	118.36'(M) 118'(P)
L14	N 00°00'34" W(M)	37.61'(M) 37.5'(P)

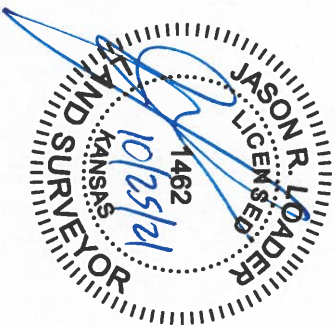


## LEGEND

- 1/2" REBAR FOUND W/YELLOW PLASTIC CAP STAMPED CLS-20
- 1/2" X 24" REBAR SET W/ YELLOW PLASTIC CAP STAMPED CLS-20
- (P) PLATTED PER (ORIGINAL TOWN OF HERRINGTON)
- (M) MEASURED

DRAFT

ORIGINAL TOWN OF HERRINGTON  
BLOCK 47



JASON R. LOADER  
1462  
loaderj@kveneng.com



**KAW VALLEY ENGINEERING**

2319 NORTH JACKSON | P.O. BOX 1304  
JUNCTION CITY, KANSAS 66441  
PH. (785) 762-5040 | FAX (785) 762-7744  
jc@kveneng.com | www.kveneng.com

PROJECT:

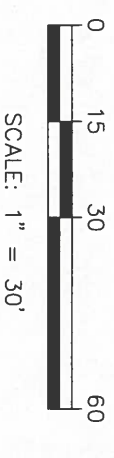
E MCCLAREN STREET  
HERRINGTON, KANSAS 67449

PREPARED FOR:  
KENNETH HARE

201 SOUTH C STREET  
HERRINGTON, KANSAS 67449

KAW VALLEY ENGINEERING, INC., IS AUTHORIZED TO OFFER SURVEYING SERVICES BY  
KANSAS STATE CERTIFICATE OF AUTHORIZATION NO. LS-20. EXPIRES 12/31/22

PROJECT NO.  
A21\_0414-1  
DRAWN BY  
KER  
CHECKED BY  
JRL  
CFN  
0414-1CS  
SHEET  
1 OF 2





# CERTIFICATE OF SURVEY

A PORTION OF MCCLAREN STREET IN THE ORIGINAL TOWN OF HERINGTON  
HERINGTON, DICKINSON COUNTY, KANSAS

**BASIS OF BEARINGS:**  
THE BASIS OF BEARINGS FOR THIS SURVEY IS AN ASSUMED BEARING OF S 00°00'00" E ON THE EAST LINE OF BLOCK 47, ORIGINAL TOWN OF HERINGTON, DICKINSON COUNTY, KANSAS.

- SURVEYOR'S NOTES:**
1. A TITLE COMMITMENT FOR THE SURVEYED PARCEL WAS NOT PROVIDED BY CLIENT.
  2. EXCEPT AS SPECIFICALLY STATED OR SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: UNPLATTED EASEMENTS; UNPLATTED BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
  3. THERE MAY BE STRUCTURES AND IMPROVEMENTS LOCATED ON THE SURVEYED PARCEL WHICH ARE NOT SHOWN HEREON.
  4. THIS CERTIFICATE OF SURVEY DOES NOT REPRESENT AN "ALTA/NSPS LAND TITLE SURVEY."
  5. SEE APPLICABLE CITY CODES FOR CONDITIONS THAT MIGHT AFFECT THE DEVELOPMENT OF THIS SURVEYED PARCEL.
  6. BEARINGS AND DISTANCES SHOWN WERE MEASURED BY INSTRUMENT ON THE GROUND.

**COUNTY SURVEYOR REVIEW CERTIFICATE:**  
THIS SURVEY WAS REVIEWED FOR COMPLIANCE WITH K.S.A. 58-2001 THROUGH 58-2005 ONLY AND IS APPROVED FOR RECORDING ON THIS 26<sup>TH</sup> DAY OF OCTOBER A.D., 2021.

REVIEW SURVEYOR Bar E. Loader LS NUMBER 1462

**SURVEYOR CERTIFICATION:**  
I, JASON R. LOADER, BEING A DULY LICENSED SURVEYOR UNDER THE LAWS OF KANSAS, HEREBY CERTIFY THAT THIS PLAT OR MAP IS A TRUE REPRESENTATION OF A SURVEY PERFORMED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION, IS IN ACCORDANCE WITH THE CURRENT KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AND IS CORRECT TO THE BEST OF MY BELIEF AND ABILITY.

DATE OF SURVEY: SEPTEMBER 7, 2021

(AN ORIGINAL SEAL WITH SIGNATURE IN BLUE INK SIGNIFIES THE CERTIFICATION OF THE ENTIRE FACE OF THIS DOCUMENT AND ALL OF ITS CONTENT)

**TRACT 1 DESCRIPTION:**  
THAT PORTION OF PLATTED E MCCLAREN STREET RIGHT-OF-WAY OF THE ORIGINAL TOWN OF HERINGTON, LOCATED IN THE CITY OF HERINGTON, COUNTY OF DICKINSON, STATE OF KANSAS BEING DESCRIBED BY JASON R. LOADER, PS1462 ON OCTOBER 12, 2021 AS FOLLOWS:  
THE BASIS OF BEARINGS FOR THIS SURVEY IS AN ASSUMED BEARING OF S 00°00'00" E ON THE EAST LINE OF BLOCK 47, ORIGINAL TOWN OF HERINGTON, DICKINSON COUNTY, KANSAS. COMMENCING AT THE POINT OF BEGINNING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 47 OF ORIGINAL TOWN OF HERINGTON; THENCE ON THE PROLONGATION OF THE WEST LINE OF LOT 2 OF SAID BLOCK 47, N 00°01'17" W 14.00 FEET; THENCE PARALLEL WITH THE NORTH LINE OF SAID LOT 2, N 89°15'37" E 118.38 FEET TO THE PROLONGATION OF THE EAST LINE OF SAID LOT 2; THENCE ON SAID PROLONGATION OF SAID EAST LINE, S 00°00'34" E 14.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE ON THE NORTH LINE OF SAID LOT 2, S 89°15'37" E 118.37 FEET TO THE POINT OF BEGINNING. CONTAINS 1,657.10 SQUARE FEET MORE OR LESS.  
END OF DESCRIPTION

**TRACT 2 DESCRIPTION:**  
THAT PORTION OF PLATTED E MCCLAREN STREET RIGHT-OF-WAY OF THE ORIGINAL TOWN OF HERINGTON, LOCATED IN THE CITY OF HERINGTON, COUNTY OF DICKINSON, STATE OF KANSAS BEING DESCRIBED BY JASON R. LOADER, PS1462 ON OCTOBER 12, 2021 AS FOLLOWS:  
THE BASIS OF BEARINGS FOR THIS SURVEY IS AN ASSUMED BEARING OF S 00°00'00" E ON THE EAST LINE OF BLOCK 47, ORIGINAL TOWN OF HERINGTON, DICKINSON COUNTY, KANSAS. COMMENCING AT THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 47, ORIGINAL TOWN OF HERINGTON; THENCE ON THE NORTH LINE OF SAID LOT 1, S 89°15'37" W 118.37 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE ON THE PROLONGATION OF THE WEST LINE OF SAID LOT 1, N 00°00'34" W 14.00 FEET; THENCE PARALLEL WITH THE NORTH LINE OF SAID LOT 1, N 89°15'37" E 118.37 FEET TO THE PROLONGATION OF THE EAST LINE OF SAID LOT 1; THENCE ON SAID PROLONGATION OF SAID EAST LINE, S 00°00'00 E 14.00 FEET TO THE POINT OF BEGINNING. CONTAINS 1,657.05 SQUARE FEET MORE OR LESS.  
END OF DESCRIPTION



JASON R. LOADER  
1462  
loader.j@kvenq.com



PROJECT NO.	A21_0414-1
DRAWN BY	KER
CHECKED BY	JRL
CFN	0414-1CS
SHEET	2 OF 2

PROJECT:	E McClaren Street Herington, Kansas 67449	PREPARED FOR:	Kenneth Hare 201 South C Street Herington, Kansas 67449
Kaw Valley Engineering, Inc., is authorized to offer surveying services by Kansas State Certificate of Authorization No. LS-20. Expires 12/31/22			

# HODGDON

— POWDER CO —

November 8, 2021

Branden Dross, City Manager  
Herington City Hall  
17 North Broadway  
Herington, KS 67449

Dear Mr. Dross,

This letter is in reference to that certain Declaration of Lease dated May 1, 1978 originally between the City of Herington, Kansas ("City") and Pyrodex Corporation, as assigned by Pyrodex Corporation to Hodgdon Powder Company, Inc. ("Hodgdon"), as amended by that Lease Amendment dated September 7, 2004 between City and Hodgdon (the "Lease Amendment", and together with the Declaration of Lease, the "Lease").

The term of the Lease is set to expire on December 21, 2021. Pursuant to Section 3 of the Lease Amendment, Hodgdon was granted the right to extend the term of the Lease for six (6) additional periods of ten (10) years each. Hodgdon has previously exercised the first of these extension options.

Hodgdon hereby exercises the second of the extension options, extending the term for an additional ten (10) year period commencing on December 22, 2021 and expiring on December 31, 2031

Please acknowledge receipt of this letter by signing and returning a copy to the undersigned. Feel free to contact the undersigned if you have any questions.

Sincerely,



Steve Kehrwald  
President & CEO  
Hodgdon Powder Company, Inc.

ACKNOWLEDGED BY:  
CITY OF HERINGTON, KANSAS

Print Name: Branden Dross

Print Title: City Manager