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 July 18, 2023 6:00 p.m.

1.	Pledge of Allegiance
2.	Call to Order
3.	Public Forum
4.	Additional Agenda Items:
5.	Approval of Agenda
i	Motion Seconded Action Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek Commissioner Gares, Mayor Bell Consent Agenda i. Minutes of the Regular Meeting June 20, 2023 i. Minutes of the June 22 Budget Workshop ii. Minutes of the June 30 Budget Workshop
	Motion Seconded Action Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek Commissioner Gares, Mayor Bell
7.	Resolution on distressed properties at 901 E. Arnold St. Lots 1, 19 and 23
	Motion Seconded Action Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek Commissioner Gares, Mayor Bell
8.	Update from Comprehensive Plan Sub Committee
9.	Discussion and Action on a Resolution of intent to exceed the Revenue Neutral Rate for 2024, setting the date for the 2023 Proposed Budget Hearing and RNR Hearing for August 22, 2023 at 6:00 PM, and directing the City Manager and City Clerk to Notify the County Clerk of such intent
	Motion Seconded Action Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek Commissioner Gares, Mayor Bell

10. Discussion of Bids for Casey's Utility Project

11.	Discuss and Action on Voting Delegate for the 2023 LKM League Convention							
	Motion SecondedAction Commissioner Castleberry, Commissioner Bell, Commissioner Urbanek, Commissioner Donahue, Mayor Gares							
12.	City Manager Comments							
13.	Commissioner Comments							
14.	Adjourn							
	Motion Commissioner McDonal Gares Mayor Bell		Action, Commissioner Urbanek, Commis	 ssioner				

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



Regular Meeting June 20, 2023 6:00 p.m.

The Herington City Commission met on the above date and time in the Commission Chambers at City Hall. In attendance were Mayor Robbin Bell, Commissioner Eric Gares, Commissioner Debi Urbanek, Commissioner Ben Castleberry, and Commissioner Dan McDonald. Also in attendance were City Manager Thatcher Moddie, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Chief of Police Chad Langley, Fire Chief Andrew Avantagiato and Neighborhood Services Director James Masters. Also in attendance were Christina McDonald, Larry Mann and Carl Urbanek.

The meeting opened with the Pledge of Allegiance.

Mayor Bell called the meeting to order.

Public Forum – None.

Additional Agenda Items: 9a - 117 W Main St Rex Hay Update, 9b - Janet Wade Trail Sign Grant Update, 12a - Thatcher Moddie appointment to KMEA Board of Directors, and strike item 10.

Approval of Agenda – Commissioner Urbanek made a motion to approve the agenda with the additional items listed above, seconded by Commissioner Gares. Motion carried 5-0.

Consent Agenda – Commissioner McDonald made a motion to approve the following consent agenda items: Minutes of the Regular Meeting June 6, 2023, Approval of Records Retention Policy, and CMB Permit for Fair, seconded by Mayor Bell. Motion carried 5-0.

Police Department Update – There were 390 calls for service, with 107 traffic stops, 4 misdemeanor arrests and 1 felony arrest. The newest officer has been at the academy for two days now, and with his hiring the police department is fully staffed.

Fire Department Update – There were 51 calls for service with 1 passenger vehicle fire, 31 medical assists, 6 motor vehicle accidents, 1 shorted electrical equipment, 1 animal rescue, 1 cover assignment, 9 authorized controlled burnings and 1 prescribed fire. Training hours and topics covered were simulated fire with USD 487, worked with the lifeguards during their in-service and trained on new rehab trailer. Staffing update – McKenna is doing great; she is scheduled to attend the Academy in October. Department and Equipment Updates – the department has applied for 3 grants for portable lighting, battery-powered fan, and saws for engine two. They are still working out insurance on Rescue. They received a rehab trailer approximately \$65k in value for no cost to the city, they also received a battery-powered Milwaukee Light Tower \$6k in value. We should be hearing back on the VFA grant soon, the amount applied for was \$5700. They are working with NCRPC on LSSE grant for \$65,000 for new pumps, pluming and hose reels for the 5-tons. The Chief's vehicle has been delivered and is in service.

Executive Session – Mayor Bell made a motion 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 potential litigation to include the following: Governing Body, City Manager, City Attorney, and Neighborhood Services Director with the open meeting to resume at 6:25pm, seconded by Commissioner Gares. Motion carried 5-0. The regular meeting resumed with no action taken.

9a. – 117 W Main Update – Get notes from James on this. Mr. Hay has been speaking with a masonry company, who will not have time to get him in for restoration until next year. Commissioners requested an update at the September 19, 2023, meeting. Mayor Bell made a motion to place an agenda item on the September 19, 2023, meeting for an update on the property, seconded by Commissioner Gares. Motion carried 5-0.

9b. - Janet Wade - Trail Sign Grant Update - Move to next meeting.

Unsealing and awarding of bids for authorization of demolition for condemned properties – Two bids were received, and two other companies that staff had been in communication with did not submit bids. Edwards Construction – 315 South 1st St - \$25,000, 211 N E St \$8,500, 507 N F St \$4,500 – For a total of \$38,000 for all three companies. Lawrenz Masonry - 507 N F St – \$6,000, 211 N E St \$14,000, 315 South 1st St \$35,000 – for a total of \$55,000. Commissioner Gares made a motion to approve Edwards Construction bid not to exceed \$38,000 to be paid out of the special projects fund, seconded by Commissioner Urbanek. Motion carried 4-1 with Commissioner Castleberry casting the dissenting vote.

12a – Appoint Thatcher to the KMEA board of directors – Commissioner Urbanek made a motion to approve Thatcher to the KMEA board of Directors in the Director 2 position, term to expire 4/30/2025, seconded by Commissioner Castleberry. Motion carried 5-0.

Authorize Transmission Study fee for Southwest Power Pool in the amount of \$14,655.00 – Commissioner Gares made a motion to approve the Transmission Study Fee for the Southwest Power Pool contingent on staff review, seconded by Commissioner Urbanek. Motion carried Debi. 5-0.

Authorize Interlocal Agreement walking trail lights with USD 487 – Staff proposed the agreement to the USD 487 superintendent Donalyn Biehler, Thatcher requested commissioner input on the agreement. Commissioner Urbanek made a motion to approve the agreement, seconded by Mayor Bell. Motion failed 0-5. Commissioner Urbanek made a motion to approve a resolution for the agreement in the next sequential order, seconded by Mayor Bell. Motion carried 5-0.

Lake Disc Golf Course Discussion & Update – Discs Unlimited is requesting help from the city on clearing out the areas and getting it ready for the baskets to be installed. The baskets will be donated. There was commissioner consensus to move forward to draft an agreement.

Executive Session – Mayor Bell made a motion that the Herington City Commission recess into Executive Session, Pursuant to the Personnel matters of non-elected personnel exception, K.S.A. 75-4319(b)(1) in order to discuss personnel matters to include the following: Governing Body, City Attorney, and City Manager when needed, with the open meeting to resume at 7:25pm, seconded by Commissioner Gares. Motion carried 5-0. The regular meeting resumed with no action taken.

Discussion on July 4, 2023, Commission Meeting and Holiday Hours – July 4th is a Tuesday, staff is asking for input on how they would like to handle the situation. Consensus to cancel the July 4th meeting, if something comes up, we can schedule a special meeting. City will be closed on the 4th of July, asking the commission to approve adding Monday as an extra day off for staff. Eric, Debi. 5-0.

City Manager Comments – Road patching is underway, and staff is testing out a new solution to address the overlay breaking off main street. Please advise Thatcher of potholes, or community can call in a work order. Still working to identify street projects. The electric department has been without the digger truck for a while, but it is operational now. Working on SRO agreement with USD 487. There are three city properties that people have requested to buy, would like to get some guidance from the commissioners on what his part is in the process. The tax option is up next month. Staff will be working to get everything ready for the fair and reminded the commission about the budget meeting on Thursday.

Commissioner Comments -

Commissioner McDonald – Thanked everyone who was at Liggett Park yesterday.

Commissioner Castleberry – Asked the status of the pool drain, there was an injury to the pinky toe. The kiddle pool is up and running and it is not leaking now. Asked Vinny for an update on the sales tax increase for .25%, county has passed, and it will be on the ballot in November.

Commissioner Urbanek – Request from citizen for a shade covering for the kiddie pool. July 15th the Wichita Porsche club will be having lunch in Herington.

Commissioner Gares – They asked last meeting about request for proposals for grass mowing. Staff has reached out to individuals who the city could utilize.

Mayor Bell - Caseys bid opening July 11th.

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

Megan Lawrenz, City Clerk



Budget Workshop June 22, 2023 1:00 p.m.

The Herington City Commissioners met in the Commission Chambers of City Hall on the above date and time. In attendance were Commissioner Dan McDonald, Commissioner Ben Castleberry, Commission Debi Urbanek and Commissioner Eric Gares. Also in attendance were City Manager Thatcher Moddie, City Clerk Megan Lawrenz, Fire Chief Andrew Avantagiato, Chief of Police Chad Langley, Lori Dornbusch Hilltop/Homestead Director, Electric Superintendent David Kahle, Water Plant Supervisor Leo Schlesener and Street Superintendent Marcus Hawkes.

The meeting opened with the pledge of allegiance.

Vice-Mayor Gares called the meeting to order.

Discussion was had on the 2024 Budget between the City Commissioners and City Staff.

Vice-Mayor Gares adjourned the meeting.

Megan Lawrenz, City Clerk



Budget Workshop June 30, 2023 1:00 p.m.

The Herington City Commissioners met in the Commission Chambers of City Hall on the above date and time. In attendance were Commissioner Dan McDonald, Commission Debi Urbanek, Commissioner Eric Gares and Mayor Bell. Also in attendance were City Manager Thatcher Moddie, City Clerk Megan Lawrenz, Library Director Shelly Wirtz, Airport Director Merlin Oswald, Water Distribution Supervisor Cody Oswald.

The meeting opened with the pledge of allegiance.

Mayor Bell called the meeting to order.

Discussion was had on the 2024 Budget between the City Commissioners and City Staff.

Mayor Bell adjourned the meeting.

Megan Lawrenz, City Clerk



Resolution published twice weekly in the Dickinson County News Times on July 19, 2023 and July 26, 2023.

RES	SOL	JTION	NO.
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A RESOLUTION OF THE CITY OF HERINGTON, KANSAS FIXING A TIME AND PLACE FOR SHOW CAUSE HEARING PURSUANT TO THE HERINGTON CITY CODE CHAPTER II, ARTICLE 3, SECTION 2-306 ET. SEQ. ADOPTED BY THE CITY OF HERINGTON, KANSAS.

WHEREAS, the City of Herington, Kansas is authorized to cause the repair or removal of certain structures located within the City which may have become unsafe or dangerous.

WHEREAS, an updated inspection report has been received by the duly authorized building inspector for the City of Herington, Kansas and filed with the City of Herington on June 20, 2023, referencing possible unsafe or dangerous conditions of structure(s) including a residence, on property which is located within the City of Herington, Kansas described as follows:

Legally described as follows:

BEG 132' E NW COR BLK 65 MCCLAVES ADD, TH S 250', E 655', NLY 99', NWLY 186', NLY 27', W 521' TO POB, LESS R/W MCCLAVES ADDITION, HERINGTON, DICKINSON COUNTY KANSAS

Commonly known by Street Address as:

901 E. Arnold, Lot #1, Herington, Kansas

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF HERINGTON, KANSAS:

That the Governing Body has, pursuant to Herington City Code Chapter II, Article 3, Section 2-306 et.seq., as duly adopted by the City of Herington, Kansas, hereby authorized the fixing of a time and place for hearing at which the owner, her agent, any lienholders of record, and any occupant of such structure(s) may appear and show cause why such structure should not be condemned and ordered repaired or demolished. The time and place of hearing is hereby established as August 22, 2023, at 6 p.m., or as soon thereafter as is practicable, at the Herington City Hall, 17 N. Broadway, Herington, Kansas 67449.

BE IT FURTHER RESOLVED:

That a copy of this resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. A copy of this resolution shall be mailed by certified mail within three (3) days after its publication to each owner, agent, lienholder and occupant at his, her, or its last known address and that any owner who is a Kansas resident shall be personally served with three (3) days after publication in lieu of mailing the same.

ADOPTED AND APPROVED by the Governing Body of The City of Herington, Dickinson County, Kansas this day of July 2023.

s/Robbin Bell Robbin Bell, Mayor

ATTEST: DRAFT

s/ Megan Lawrenz Megan Lawrenz, City Clerk Resolution published twice weekly in the Dickinson County News Times on July 19, 2023 and July 26, 2023.

RESOLU	TION NO	0.
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Legally described as follows:

BEG 132' E NW COR BLK 65 MCCLAVES ADD, TH S 250', E 655', NLY 99', NWLY 186', NLY 27', W 521' TO POB, LESS R/W MCCLAVES ADDITION, HERINGTON, DICKINSON COUNTY KANSAS

Commonly known by Street Address as:

901 E. Arnold, Lot #19, Herington, Kansas

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF HERINGTON, KANSAS:

That the Governing Body has, pursuant to Herington City Code Chapter II, Article 3, Section 2-306 et.seq., as duly adopted by the City of Herington, Kansas, hereby authorized the fixing of a time and place for hearing at which the owner, her agent, any lienholders of record, and any occupant of such structure(s) may appear and show cause why such structure should not be condemned and ordered repaired or demolished. The time and place of hearing is hereby established as August 22, 2023, at 6 p.m., or as soon thereafter as is practicable, at the Herington City Hall, 17 N. Broadway, Herington, Kansas 67449.

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ADOPTED AND APPROVED by the Governing Body of The City of Herington, Dickinson County, Kansas this day of July 2023.

s/Robbin Bell Robbin Bell, Mayor

ATTEST: DRAFT

s/ Megan Lawrenz Megan Lawrenz, City Clerk Resolution published twice weekly in the Dickinson County News Times on July 19, 2023 and July 26, 2023.

RESOLU	TION NO	0.
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Commonly known by Street Address as:

901 E. Arnold, Lot #23, Herington, Kansas

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF HERINGTON, KANSAS:

That the Governing Body has, pursuant to Herington City Code Chapter II, Article 3, Section 2-306 et.seq., as duly adopted by the City of Herington, Kansas, hereby authorized the fixing of a time and place for hearing at which the owner, her agent, any lienholders of record, and any occupant of such structure(s) may appear and show cause why such structure should not be condemned and ordered repaired or demolished. The time and place of hearing is hereby established as August 22, 2023, at 6 p.m., or as soon thereafter as is practicable, at the Herington City Hall, 17 N. Broadway, Herington, Kansas 67449.

BE IT FURTHER RESOLVED:

That a copy of this resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. A copy of this resolution shall be mailed by certified mail within three (3) days after its publication to each owner, agent, lienholder and occupant at his, her, or its last known address and that any owner who is a Kansas resident shall be personally served with three (3) days after publication in lieu of mailing the same.

ADOPTED AND APPROVED by the Governing Body of The City of Herington, Dickinson County, Kansas this day of July 2023.

s/Robbin Bell Robbin Bell, Mayor

ATTEST: DRAFT

s/ Megan Lawrenz Megan Lawrenz, City Clerk

A RESOLUTION OF THE CITY OF HERINGTON, KANSAS REGARDING THE GOVERNING BODY'S INTENT TO LEVY A PROPERTY TAX EXCEEDING THE REVENUE NEUTRAL RATE;

WHEREAS, the Revenue Neutral Rate for the City of Herington was calculated as 78.3900 mills by the Dickinson County, County Clerk; and

WHEREAS, the budget proposed by the Governing Body of the City of Herington will require the levy of a property tax rate exceeding the Revenue Neutral Rate; and

WHEREAS, the Governing Body intends to hold a hearing and hear testimony from all interested taxpayers desiring to be heard as required by state law.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY

OF:

Section 1. The City Commission of the City of Herington hereby sets a public hearing regarding its intention to exceed the Revenue Neutral Rate for August 22, 2023, at 6:00 p.m. to be held at City Hall, 17 N Broadway, Herington, KS 67449 and directs that notice of the public hearing be given as required by state law.

Section 2. The Governing Body of the City of Herington expresses its intention to exceed the Revenue Neutral Rate with a maximum mill levy of 90.0000 mills.

Section 3. The Governing Body of the City of Herington directs the City Clerk to provide this resolution to the Dickinson County Clerk as notice of the City's proposed intent to exceed the Revenue Neutral Rate.

This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body.

ADOPTED thisday of	(month and year) and SIGNED by the Mayor.
Mayor Robbin Bell	
Attest: Megan Lawrenz, City Clerk	

Notice of Revenue Neutral Rate Intent

THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS, HEREBY NOTIFIES THE DICKINSON COUNTY CLERK OF INTENT TO EXCEED THE REVENUE NEUTRAL RATE;

Yes, we intend to exceed the Revenue Neutral Rate and our proposed mill levy rate is 90.0000. The date of our hearing is August 22, 2023, at 6:00PM and will be held at City Hall, 17 N Broadway, Herington, KS 67449.

WITNESS my hand and official seal on July 18, 2023.

(Seal)



Attest: City Clerk

BID TABULATION

Project Description:

Casey's Convenience Store Utilities

Bid Date: 7-11-2023, 10:00 AM

City of Herington, Kansas

SMH File: 2208-0318



		Er	ngineer's Es	stimate - SMH Cor	nsultants	Olgoonik Ent	erprises, LLC	Larson Co	nstruction	Middlecree	k Corporation	Nowak Cons	truction Co., Inc.
CASEY'		2017 Vanesta Place, Suite 110		1861A H Street		2616 Eureka Terrace		PO Box 136		200 S Goddard Road			
		Manhattan, KS 66503			Fort Riley,	Fort Riley, KS 66442		Manhattan, KS 66503		Peabody, KS 66866		Goddard, KS 67052	
			785-776-0541			785-784-8444		785-537-0160		620-983-2371		316-794-8898	
			Conta	ct: Todd Anderso	n	Brian Pe	eterson	Bob I	Rogers	Shallom	Vancuren	Josep	h Nowak
		tanderson@smhconsultants.com		bpeterson@olgoonik.com		bob@larcoinc.biz		office@middlecreekcorp.com		greg@nowakconstruction.com			
No.	Item	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Mobilization	1	LS	\$33,500.00	\$33,500.00	\$7,230.00	\$7,230.00	\$9,500.00	\$9,500.00	\$10,000.00	\$10,000.00	\$30,000.00	\$30,000.00
2	Construction Staking	1	LS	\$4,800.00	\$4,800.00	\$4,320.00	\$4,320.00	\$5,500.00	\$5,500.00	\$5,000.00	\$5,000.00	\$4,800.00	\$4,800.00
3	Seeding	1	LS	\$4,500.00	\$4,500.00	\$1,200.00	\$1,200.00	\$8,000.00	\$8,000.00	\$2,000.00	\$2,000.00	\$4,150.00	\$4,150.00
	Water Line Construction												
4	Water Line (4" PVC)	635	LF	\$53.00	\$33,655.00	\$46.20	\$29,337.00	\$40.00	\$25,400.00	\$40.00	\$25,400.00	\$68.00	\$43,180.00
5	Bore and Encase (6" PVC)	140	LF	\$120.00	\$16,800.00	\$48.50	\$6,790.00	\$120.00	\$16,800.00	\$240.00	\$33,600.00	\$168.00	\$23,520.00
6	Bore and Encase Service Line (3" PVC)	260	LF	\$90.00	\$23,400.00	\$18.10	\$4,706.00	\$60.00	\$15,600.00	\$220.00	\$57,200.00	\$88.00	\$22,880.00
7	Service Line (1" HDPE)	450	LF	\$36.00	\$16,200.00	\$24.70	\$11,115.00	\$30.00	\$13,500.00	\$51.00	\$22,950.00	\$42.00	\$18,900.00
8	Gate Valve (4")	1	Each	\$2,900.00	\$2,900.00	\$1,110.00	\$1,110.00	\$1,500.00	\$1,500.00	\$2,100.00	\$2,100.00	\$2,050.00	\$2,050.00
9	Fire Hydrant Assembly	1	Each	\$6,800.00	\$6,800.00	\$4,160.00	\$4,160.00	\$7,000.00	\$7,000.00	\$8,100.00	\$8,100.00	\$6,200.00	\$6,200.00
10	4" x 4" Tee (Ductile Iron)	2	Each	\$1,500.00	\$3,000.00	\$320.00	\$640.00	\$2,000.00	\$4,000.00	\$490.00	\$980.00	\$918.00	\$1,836.00
11	Relocate and Reset Water Meter	1	Each	\$8,000.00	\$8,000.00	\$750.00	\$750.00	\$2,500.00	\$2,500.00	\$700.00	\$700.00	\$7,350.00	\$7,350.00
12	Remove and Replace Asphalt Surfacing	12	SY	\$65.00	\$780.00	\$215.00	\$2,580.00	\$200.00	\$2,400.00	\$180.00	\$2,160.00	\$136.00	\$1,632.00
	Pump Station and Force Main												
13	Pump Station (Complete)	1	LS	\$98,500.00	\$98,500.00	\$98,600.00	\$98,600.00	\$139,000.00	\$139,000.00	\$84,000.00	\$84,000.00	\$146,650.00	\$146,650.00
14	2" PVC Force Main	469.5	LF	\$45.00	\$21,127.50	\$37.60	\$17,653.20	\$30.00	\$14,085.00	\$30.00	\$14,085.00	\$46.00	\$21,597.00
15	Bore and Encase (4"PVC)	230	LF	\$110.00	\$25,300.00	\$28.90	\$6,647.00	\$80.00	\$18,400.00	\$230.00	\$52,900.00	\$146.00	\$33,580.00
16	Connect to Existing Manhole	1	LS	\$2,000.00	\$2,000.00	\$840.00	\$840.00	\$2,500.00	\$2,500.00	\$500.00	\$500.00	\$1,450.00	\$1,450.00
	TOTAL CONSTRUCTION COST ESTIMATE				\$301,262.50		\$197,678.20		\$285,685.00		\$321,675.00		\$369,775.00
	Proposed Starting Date						Oct. 10, 2023		Oct. 1, 2023		Aug. 1, 2023		Sept. 1, 2023
	Propossed Number of Working Days						20		75		60		90

Note: The Nowak Construction bid contained an error in the total. The submitted bid indicated a Total of \$369,875 and this was the amount read at bid opening. The amount shown above reflects the corrected total.