

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
September 21, 2021
5:30 p.m.**

1. Pledge of Allegiance

2. Consider Minutes of the Regular Meeting September 7, 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. City Clerk Update

7. Discuss and Action Change Order #5 for the Water Treatment Plant for \$15,500

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

8. Discuss and Action on Change Order #2 for the Wastewater Treatment Plant to Change Completion date from 7/6/2021 to 12/15/2021

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

9. Discuss and Action on Conditional Use Permit for 110 N Broadway to be a Residence in the Business District

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

10. Discuss and Action on Special Event Permit to Sell Cereal Malt Beverages at the Airport on 9/25/2021 from 10:00am to 10:00pm

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

11. Discuss and Action on Special Event Permit to Sell Cereal Malt Beverages at the South Ball Fields on 10/2/2021 from 9:00am to 11:59pm

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

12. Discuss and Action on Special Event Permit to Sell Cereal Malt Beverages at the Community Building on 11/12/2021 from 7:30pm to 10:30pm

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

13. Discuss and Action on Removal of Savannah Porter from the CVB Board

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

14. Discuss and Action on Removal of John Matula from the CVB Board

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

15. Discuss and Action on Approval of MacKenzie Langley to the CVB Board Term to Expire 09/30/2023

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

16. Discuss and Action on Resignation of Dennis Albrecht from the Planning Commission

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

17. Discuss and Action on Moving the Regular City Commission Meeting from October 5, 2021, to October 12, 2021

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

18. Discuss and Action on Lease Purchase Agreement for the Brush Truck, Breathing Apparatus', and Thermal Image Cameras

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

19. Discuss and Action on Sewer Rate Increase

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

20. Discuss and Action on Neighborhood Revitalization Plan

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

21. Executive Session -

I move 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) to discuss the City Managers 1 year evaluation, and to include the following persons:

- o Governing Body
- o City Manager
- o _____
- o _____

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

22. City Manager Comments

23. Commissioner Comments

24. Adjourn

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

To join the City Commission meetings from your computer, tablet, or smartphone, go to

<https://www.youtube.com/channel/UCbvSBw6l4w85XQHSX0S1BXg>

Public Forum Comments can be dropped in the deposit box or emailed to cityoffice@cityofherington.com.

Regular Meeting
September 7, 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 and City Clerk Megan Lawrenz. Also, in attendance were Sergeant Detective Chad Langley and Fire Chief Andrew Avantagiato, NEO Crystal Parris, Carl Urbanek, Dan McDonald, Larry Mann, Janet Wade and Eric Gares.

The meeting opened with the Pledge of Allegiance.

Mayor Urbanek opened the public hearing for the 2022 City of Herington Revenue Neutral Rate Hearing with the rate at 85.552. Hearing no public input, Mayor Urbanek motioned to approve the City of Herington's 2022 Revenue Neutral Rate at 85.552, seconded by Commissioner Bell. Motion carried 4-1, with Commissioner Donahue casting the dissenting vote. The Revenue Neutral Rate Hearing was closed at 5:32pm.

Mayor Urbanek opened the public hearing for the 2022 City of Herington Budget Hearing, with the revenue neutral rate set at 85.552. Hearing no public input, and after some discussion between the commissioners, Mayor Urbanek motioned to approve the City of Herington's 2022 budget, seconded by Commissioner Bell. Motion carried 4-1, with Commissioner Donahue casting the dissenting vote. The 2022 City of Herington Budget Hearing was closed at 5:40pm.

Mayor Urbanek called the regularly scheduled commission meeting to order. Commissioner Bell motioned to approve the minutes from the Regular City Commission Meeting August 17, 2021, seconded by Commissioner Donahue. Motion carried 5-0.

Public Forum Items – Janet Wade, 602 E Arnold, spoke on the comp plan and the city park.

Additional Agenda Items – Addition of 29a. Executive Session for non-selected personnel to include the Governing Body, City Manager and City Attorney.

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

Police Update – There were 233 calls for service, 1 felony arrest and 2 misdemeanor arrests. Officer Canby is set to be done with FTO training in October.

Fire Update – There were 29 calls for service, 1 MVA with vehicle fire, 1 rescue/entrapment, 10 EMS assists, 1 MVA with injuries, 1 unauthorized burning, 11 control burns, 2 smoke odors and 2 weather standbys. Current training is on the door prop they are practicing on 2x4's and plywood. Next week they will be training with Junction City on water rescue at the lake. Jim Roberts will be returning as the

department safety officer and will help develop the position. Nelson is still progressing nicely. They are still working on the 800-radio system, working on open house October 5th with HPD for National Night Out. They attended the Burdick parade, and they are also programming the new to us radios. The bid review for the brush truck and SCBA are completed. Fire Chief Avantagiato would like permission to form a committee to discuss options for a new fire station to include 4 firefighters, the City Manager, a commissioner and 2-3 citizens.

Neighborhood Enforcement Officer Update – Crystal said she will work with the state regarding Big Blue, the state was not on board with allowing the occupant to build a fence on the corner lot. When the city informed the occupants, they decided they did not want to continue repair on the home. Crystal has been working with the police department to educate citizens about RV and boat parking. Court has been going great, it has pushed citizens to get their properties cleaned up. She condemned one property for lack of utilities. Crystal has still been working on the building and trades board. The sidewalk around the tree is going well, there were questions about the width. It is set up at 4” which is the ADA requirement. City Clean up week is approaching, and she is looking forward to assisting with any citizens needs.

Auxiliary to the Veterans of Foreign Affairs Letter – Mayor Urbanek read a letter written by the Auxiliary of the Veterans of Foreign Affairs, formally inviting the commissioners and community to attend the 9/11 walk at 5pm at Father Padilla Park.

Neighborhood Revitalization – The City manager and the City Attorney are looking at options to bring back the Neighborhood Revitalization plan, to hopefully include more opportunities for commercial property that wasn't included before.

KDHE Wastewater Treatment Plant Fiscal Sustainability Plan - The Fiscal Sustainability Plan is a requirement of KDHE and outlines a maintenance plan. Mayor Urbanek motioned to approve the Wastewater Treatment Plant Fiscal Sustainability Plan and authorized the mayor to sign, seconded by Commissioner Bell. Motion carried 5-0.

Bid proposals for the Fire Department Brush Truck – Commissioner Bell motioned to approve the bid from Feld Fire for \$118,400, seconded by Commissioner Castleberry. Motion carried 5-0.

Bid proposals for the Fire Department Air Packs – Commissioner Castleberry motioned to approve the bid from Feld Fire for \$9,828, seconded by Commissioner Donahue. Motion carried 5-0.

ADA ramp and curb and gutter request for bid – Commissioner Bell motioned to approve staff to go out for bid for an ADA ramp and curb and gutter work, seconded by Mayor Urbanek. Motion carried 5-0.

Water Rate increase – Mayor Urbanek motioned to approve the water rate increase the ordinance to be in the next sequential order, effective January 2022 and to authorize the mayor's signature, seconded by Commissioner Bell. Motion carried 3-2, with Commissioner Donahue and Commissioner Castleberry casting the dissenting votes.

ORDINANCE NO. 1838

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPEAL AND REPLACE CHAPTER VII, ARTICLE 2, SECTION 7-214 ESTABLISHING WATER RATES TO BE CHARGED FOR WATER SOLD FROM THE HERINGTON MUNICIPAL WATER SYSTEM AND REPEALING ANY OTHER CURRENT AND REPEALING ANY OTHER CURRENT ORDINANCES OR PORTIONS THEREOF, INCLUDING BUT NOT LIMITED TO NO. 1823, IN CONFLICT HEREWITH.

Father Padilla Access Closure for the Car Show – Mayor Urbanek motioned to approve the ordinance in the next sequential order to close access to Father Padilla on September 25th for the Car Show, authorize the mayor’s signature and to allow staff to update the date and time in the resolution, seconded by Commissioner Donahue. Motion carried 5-0.

ORDINANCE NO. 1839

AN ORDINANCE PROVIDING FOR THE TEMPORARY CLOSURE OF PUBLIC RIGHTS OF WAY, THOROUGHFARES, OR PUBLIC ACCESS ROADWAYS, IN FATHER PADILLA PARK IN THE CITY OF HERINGTON, KANSAS BETWEEN FOR THE TIMES AND DATES SPECIFIED HEREIN.

Temporary Exemption for Consumption of Cereal Malt Beverages on September 25th – Mayor Urbanek motioned to approve temporary exemption for consuming Cereal Malt Beverages at Father Padilla Park for the Car Show September 25, 2021, from 7am to 2pm in the next sequential order and to authorize the mayor’s signature, seconded by Commissioner Donahue. Motion Carried 5-0.

RESOLUTION NO. 941

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 5, ARTICLE 1, SECTION 5-110 PROHIBITING CONSUMPTION OF ANY ALCOHOLIC LIQUOR OR ENHANCED CERAEL MALT BEVERAGE ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANAS.

Delegate a Representative from the City of Herington to Discuss Appraised Property Values with Dickinson County – No motion

Catherine Stinnett’s Resignation from the Planning Commission – Mayor Urbanek motioned to approve Catherine Stinnett’s resignation from the planning commission, seconded by Commissioner Castleberry. Motion carried 5-0.

Approve Karen Soliz to the Planning Commission – Mayor Urbanek motioned to approve Karen Soliz to the Planning Commission term to expire 12/31/2024, seconded by Commissioner Bell. Motion carried 5-0.

Approve Becca Eggleston as the Chamber's Representative on the CVB Board – Mayor Urbanek motioned to approve Becca Eggleston as the Chamber's representative on the CVB board, seconded by Commissioner Bell. Motion carried 3-2 with Commissioner Donahue and Commissioner Castleberry casting the dissenting vote.

Executive Session – Mayor Urbanek motioned 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 potential litigation, and to include the Governing Body, City Manager, City Attorney and City Clerk. With the open meeting to resume at 7:15pm. No action taken.

Executive Session – Mayor Urbanek motioned that the Herington City Commissioners recess into Executive Session, pursuant to the personnel matters of non-elected personnel exception K.S.A. 75-4319(b)(1) to include the Governing Body, City Manager and City Attorney. With the open meeting to resume at 7:26pm. No action taken.

City Manager Comments – Reminded the Commissioners that his one-year evaluation would be at the next meeting. Sunday liquor sales before noon are in effect. Would like to have some Comp Plan discussion. And hopes to have a very short meeting October 5th, so staff and commissioners can attend National Night Out.

Commissioner Castleberry – Thanked City Staff for the cleanup between 7th and 9th streets, hopes maybe E street can be next.

Commissioner Donahue – Mentioned moving the next commission meeting to October 12th, instead of having it before National Night Out.

Commissioner Bell – Asked the City Manager and City Attorney if they had any questions on the leases. The City Attorney advised that a template was emailed to the City Manager.

Commissioner Hartman – Reminded the community about the car show at Father Padilla on September 25th and the drag races at the airport after. Thanked the community for all the pride around town.

Mayor Urbanek – Mentioned that some church groups were cleaning the restrooms down at Father Padilla Park.

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

TECHNICAL MEMORANDUM



DRIGGS DESIGN GROUP, PA

Surveying Engineering Planning

MANHATTAN OFFICE

1115 Westport Drive
Manhattan, Kansas 66502

P: (785) 313-1346

E: bdriggs@driggsdesign.com

TO: Branden Dross -City Manager

CC: Jeff Shaw – APAC Kansas, Inc.

FROM: Buck Driggs, PE

DATE: September 1, 2021

RE: Herington Water Treatment Plant Improvements – Pump Shaft Replacement

The existing transfer pumps were to be reused and relocated to the new facility. Upon inspection of these pumps, it was determined that the pump shafts are in poor condition. A price has been obtained by APAC to repair the existing pumps, while they are being removed with the Herington Water Treatment Plant Improvement Project. Additional information has been provided with this technical memorandum.

The City Commission has requested this be paid for as part of the Herington Water Treatment Plant Improvement Project through the loan provided by the Kansas Department of Health & Environment.

The total cost of this work is \$15,500.00

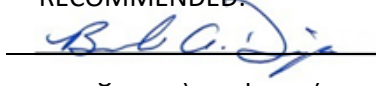
Date of Issuance: - Effective Date: 9/9/2021
 Owner: City of Herington KS Owner's Contract No.: N/A
 Contractor: - APAC - Kansas Inc Contractor's Project No.: N/A
 Engineer: Driggs Design Group, PA Engineer's Project No.: N/A
 Project: Herington Water Treatment Plant Improvements Contract Name: Water Treatment Plant Improvements

The Contract is modified as follows upon execution of this Change Order:

(SEE ATTACHED INFORMATION)

Attachments: *Driggs Design Group, PA - Technical Memorandum*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: <u>\$ 3,384,539.00</u>	Original Contract Times: Substantial Completion: <u>August 1, 2021</u> Ready for Final Payment: <u>October 15, 2021</u> days or dates
Increase from previously approved Change Orders No. <u>0</u> to No. <u>4</u> : <u>\$ 109,535.72</u>	No Increase from previously approved Change Orders No. to No. : <u>0</u> <u>0</u> Substantial Completion: <u>August 1, 2021</u> Ready for Final Payment: <u>October 15, 2021</u> days
Contract Price prior to this Change Order: <u>\$ 3,494,074.72</u>	Contract Times prior to this Change Order: Substantial Completion: <u>August 1, 2021</u> Ready for Final Payment: <u>October 15, 2021</u> days or dates
Increase of this Change Order: <u>\$ 15,500.00</u>	No Increase of this Change Order: Substantial Completion: <u>August 1, 2021</u> Ready for Final Payment: <u>October 15, 2021</u> days or dates
Contract Price incorporating this Change Order: <u>\$ 3,509,574.72</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>August 1, 2021</u> Ready for Final Payment: <u>October 15, 2021</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u></u>	By: _____	By: _____
Title: <u>Project Manager</u>	Title: <u>Owner (Authorized Signature)</u>	Title: <u>Contractor (Authorized Signature)</u>
Date: <u>9/9/2021</u>	Date: _____	Date: _____

Approved by Funding Agency (if applicable)

By: _____ Date: _____
 Title: _____

APAC-Kansas, Shears Division
 CONTRACT CHANGE BREAKDOWN

DATE: 7/14/2021

PROJECT NAME: Herington Water Treatment Plant
 OWNER PROJECT NO.
 APAC PROJECT NO. 690725
 DESCRIPTION: Replace Pump Shaft and install mechanical seal on Transfer Pumps

DESCRIPTION	QTY	UNIT	LABOR	MAT.	EQUIP.	SUB.	TOTAL
LABOR FOR WORK	0	MH	\$0.00				\$0.00

SubContract \$24,500.00

DRAFT

EQUIPMENT

Excavator	0	HRS			\$	-	
Skid Steer	0	HRS			\$	-	
Mini Excavator	0	HRS			\$	-	
PICK-UP	0	HRS			\$	-	
Loader	0	HRS			\$	-	
Dump Truck	0	HRS			\$	-	
Rental Compactor	0	HRS			\$	-	
TRENCH BOX	0	HRS			\$	-	
TOOL TRAILER	0	HRS			\$	-	
CONCRETE SAW	0	HRS			\$	-	
AIRCOMPRESSOR	0	HRS			\$	-	\$0.00

TOTALS \$24,500.00

SMALL TOOLS \$0.00

SALES TAX ON MATERIALS

LABOR BURDEN/PAYROLL TAXES \$0.00

SUB TOTAL DIRECT COST \$24,500.00

OVERHEAD AND PROFIT

SUB TOTAL \$24,500.00

\$0.00

BONDS AND INSURANCE

TOTAL CHANGE \$24,500.00

Deduct Original Scope -\$9,000.00

Total Change \$15,500.00



546528-C 30

ROTATION

DRAFT



Clarke Well and Equipment, Inc.

WATER RELATED PROJECTS – Environmental – Industrial – Municipal – Agricultural

AIRPORT INDUSTRIAL COMPLEX - 8822 3rd STREET - GREAT BEND, KS 67530-9766
Phone 620-793-8493 Fax 620-793-8340 clarkewell@opiwireless.com

July 13, 2021

Jeff Shaw
APAC

Re: Herington – Seal Install

Jeff:

Our quote, after inspection, to install mechanical seals at Herington is detailed below

Description	Price
Install Mechanical Seals	\$24,500.00
- Pump truck and crew to location. Remove transfer pump and bring back to shop.	
- Disassemble pump as needed to replace packing box and pump shaft.	
- Reassemble with mechanical seal.	
- Pump truck and crew back to location to install transfer pump.	
- Repeat above for second pump.	

Notes:

- No sales tax is included. It will need to be added as applicable if no tax exemption is provided.
- Upon pump disassembly, if any problems with the pump are discovered a quote will be provided for approval before proceeding with any other repairs.

Sincerely,



Brent Clarke
file: 16050

Clarke Well and Equipment, Inc.

WATER RELATED PROJECTS – Environmental – Industrial – Municipal – Agricultural

AIRPORT INDUSTRIAL COMPLEX - 8822 3rd STREET - GREAT BEND, KS 67530-9766
Phone 620-793-8493 Fax 620-793-8340 clarkewell@opiwireless.com

Sept 10, 2020

Jeff Shaw
APAC

Re: Herington – Seal Install

Jeff:

Below is our estimate to install mechanical seals at Herington.

Description	Price
Install Mechanical Seals - Technician to location. Remove existing packing glands and packing on both pumps. Install mechanical seals.	\$9,000.00

Note: No sales tax is included. It will need to be added as applicable if no tax exemption is provided.

Sincerely,



Brent Clarke

DRAFT

CHANGE ORDER
City of Herington, Kansas

Change Order No.: 2

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: The addition of 91 days due to the delay in obtaining materials.

ITEM NO.	DESCRIPTION	PLAN QUANTITY	UNIT	ACTUAL QUANTITY	QUANTITY CHANGE	UNIT PRICE	NET PRICE CHANGE
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----- **NOTE: No change in project cost is associated with this Change Order No. 2.**

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>0</u>
Current Price Including This Change Order	\$ <u>388,744.23</u>
Percentage Change From Original Contract Price	<u>9.64 %</u>

CONTRACT TIME

Original Contract Time:	<u>Completion by 7/6/2021</u>
Net Increase/Decrease - Previous Change Orders:	<u>71 days to 9/15/2021</u>
Net Increase/Decrease - This Change Order:	<u>91 days</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

9-16-2021

DATE

Jodd Anderson

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

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

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A CONDITIONAL USE PERMIT ON CERTAIN PROPERTY LOCATED AT 110 N. BROADWAY WITHIN THE CITY OF HERINGTON, DICKINSON COUNTY, STATE OF KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE 1490 ADOPTING ZONING REGULATIONS FOR THE CITY OF HERINGTON, KANSAS; REPEALING EXISTING ORDINANCES; AND INCORPORATING ALL SUCH PROVISIONS BY REFERENCE.

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

SECTION 1: Having previously received a recommendation from the Herington Planning and Zoning Commission, and proper notice having been given and a public hearing held as provided by law, a conditional use permit change for residential use R1 is hereby approved and ratified in the current Central Business District B5 and is changed as follows:

The following area granted a conditional use permit for a residential use R1 in a Central Business District B5.

LEGAL DESCRIPTION OF PROPERTY AFFECTED:

INSERT LEGAL Lots 12 and 14 in Block 21, Original Town, City of Herington, Dickinson County, Kansas.

COMMONLY KNOWN AS: 110 N. Broadway, Herington, Kansas by city records and identified as 108 N. Broadway, Herington, Kansas by Dickinson County records.

SECTION 2: ENTRY ON THE OFFICIAL ZONING MAP. Upon the effective date of this Ordinance, the above conditional use permit shall be granted and valid for residential uses R1 in a Central Business District B5 as entered and shown on the "Official Zoning Map" previously adopted by reference and said official zoning map is hereby reincorporated as a part of the Zoning Ordinance as amended.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its adoption and publication in the official newspaper,

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 BY THE GOVERNING BODY OF THE CITY OF HERINGTON,
KANSAS this ____ day of _____, 2021.**

DEBI URBANEK, MAYOR

ATTEST:

MEGAN LAWRENZ
CITY CLERK

DRAFT

SEAL:

RESOLUTION NO. _____

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTICLE II, SECTION 3-204 PROHIBITING CONSUMPTION OF ANY ALCOHOLIC LIQUOR OR ENHANCED CEREAL MALT BEVERAGE ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANSAS.

WHEREAS, the City of Herington, Kansas generally prohibits consumption of alcoholic liquor or enhanced cereal malt beverages on public property within the city limits; and,

WHEREAS, the governing body desires to allow for temporary exemptions from such a general prohibition by resolution lawfully approved by majority vote of the governing body; and,

WHEREAS, the governing body has received a request for exemption for a public event to be held on city property and deems it appropriate to allow for a temporary exemption.

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

1. The governing body hereby finds that a temporary exemption should be granted for sale, possession, and consumption of any cereal malt beverage including enhanced cereal malt beverages defined as having an alcohol concentration of no more than 6.0% by volume and alcoholic liquor, on certain public property identified in paragraph 2 of this resolution.
2. The exemption shall apply only to a clearly defined, fenced, or marked, and secure area in and on the area commonly known as the Herington Regional Airport (including any marked parking lots so designated) in the area of 2576 Q Avenue, Herington, Kansas, owned and operated by the city of the City of Herington, Kansas. Such defined area as established, and any signage or surrounding security barriers identifying the prescribed area, shall be approved in advance by the Herington Police Chief.
3. The exemption shall be allowed on Saturday, September 25, 2021 from 10 a.m. until 10:00 p.m. at which time such temporary exemption shall expire.
4. Such exemption shall apply for the possession and consumption of enhanced cereal malt beverages, defined as having an alcohol concentration of no more than 6.0% by volume, and alcoholic liquor as regulated by the State of Kansas.
5. All necessary permits authorizing the sale, possession, and consumption of any cereal malt beverage including enhanced cereal malt beverages

defined as having an alcohol concentration of no more than 6.0% by volume, as well as alcoholic liquor, shall be timely applied for and granted by the appropriate licensing agency in advance of the noted date herein as a precondition for award of this exemption.

ADOPTED AND APPROVED by the Governing Body of the City of Herington, Dickinson County, Kansas this ____ day of September, 2021.

Debi Urbanek, Mayor

ATTEST:

Megan Lawrenz, City Clerk

DRAFT

RESOLUTION NO. _____

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTICLE II, SECTION 3-204 PROHIBITING CONSUMPTION OF ANY ALCOHOLIC LIQUOR OR ENHANCED CEREAL MALT BEVERAGE ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANSAS.

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WHEREAS, the governing body desires to allow for temporary exemptions from such a general prohibition by resolution lawfully approved by majority vote of the governing body; and,

WHEREAS, the governing body has received a request for exemption for a public event to be held on city property and deems it appropriate to allow for a temporary exemption.

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

1. The governing body hereby finds that a temporary exemption should be granted for sale, possession, and consumption of any cereal malt beverage including enhanced cereal malt beverages defined as having an alcohol concentration of no more than 6.0% by volume and alcoholic liquor, on certain public property identified in paragraph 2 of this resolution.
2. The exemption shall apply only to a clearly defined, fenced and secure area in and on the area commonly known as the South Softball and Baseball Fields (including the surrounding parking lots) in the area of 700 South Broadway, within the city limits of the City of Herington, Kansas. Such defined area as established, and any signage or surrounding security barriers identifying the prescribed area, shall be approved in advance by the Herington Police Chief.
3. The exemption shall be allowed on Saturday October 2, 2021 from 9 a.m. until 11:59 p.m. at which time such temporary exemption shall expire.
4. Such exemption shall apply for the possession and consumption of enhanced cereal malt beverages, defined as having an alcohol concentration of no more than 6.0% by volume, and alcoholic liquor as regulated by the State of Kansas.
5. All necessary permits authorizing the sale, possession, and consumption of any cereal malt beverage including enhanced cereal malt beverages

defined as having an alcohol concentration of no more than 6.0% by volume, as well as alcoholic liquor, shall be timely applied for and granted by the appropriate licensing agency in advance of the noted date herein as a precondition for award of this exemption.

ADOPTED AND APPROVED by the Governing Body of the City of Herington, Dickinson County, Kansas this ____ day of September, 2021.

Debi Urbanek, Mayor

ATTEST:

Megan Lawrenz, City Clerk

DRAFT

RESOLUTION NO. _____

A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTICLE II, SECTION 3-204 PROHIBITING CONSUMPTION OF ANY ALCOHOLIC LIQUOR OR ENHANCED CEREAL MALT BEVERAGE ON PUBLIC PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF HERINGTON, DICKINSON COUNTY KANSAS.

WHEREAS, the City of Herington, Kansas generally prohibits consumption of alcoholic liquor or enhanced cereal malt beverages on public property within the city limits; and,

WHEREAS, the governing body desires to allow for temporary exemptions from such a general prohibition by resolution lawfully approved by majority vote of the governing body; and,

WHEREAS, the governing body has received a request for exemption for a public event to be held on city property and deems it appropriate to allow for a temporary exemption.

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

1. The governing body hereby finds that a temporary exemption should be granted for sale, possession, and consumption of any cereal malt beverage including enhanced cereal malt beverages defined as having an alcohol concentration of no more than 6.0% by volume and alcoholic liquor, on certain public property identified in paragraph 2 of this resolution.
2. The exemption shall apply only to a clearly defined, marked and secure area at the Herington Community Building at 810 South Broadway, within the city limits of the City of Herington, Kansas. Such defined area as established, and any signage or surrounding security barriers identifying the prescribed area, shall be approved in advance by the Herington Police Chief.
3. The exemption shall be allowed on Friday, November 12, 2021 from 7:30 p.m. until 10:30 p.m. at which time such temporary exemption shall expire.
4. Such exemption shall apply for the possession and consumption of enhanced cereal malt beverages, defined as having an alcohol concentration of no more than 6.0% by volume, and alcoholic liquor as regulated by the State of Kansas.
5. All necessary permits authorizing the sale, possession, and consumption of any cereal malt beverage including enhanced cereal malt beverages

defined as having an alcohol concentration of no more than 6.0% by volume, as well as alcoholic liquor, shall be timely applied for and granted by the appropriate licensing agency in advance of the noted date herein as a precondition for award of this exemption.

ADOPTED AND APPROVED by the Governing Body of the City of Herington, Dickinson County, Kansas this ____ day of September, 2021.

Debi Urbanek, Mayor

ATTEST:

Megan Lawrenz, City Clerk

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Advisory Board Application

OFFICE USE:	
Term Length	9/30/2023
Appointed Date	
Expiration Date	

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

Advisory Board of interest to you **CV-B-**

Name: Mackenzie Langley Address: [REDACTED]

Phone Number: [REDACTED] Email Address [REDACTED]

➤ Why do you want to become a member of an Advisory Board?

As a fairly new resident of Herington I'd like to dive deeper into community involvement, volunteering, and events that allow me network with my peers in the area.

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➤ If you were to suggest goals to accomplish in the coming year for the current Advisory Board for which you are interested, what would they be?

I'd like to see Herington utilize the Lake and Reservoir, and establish 1 or 2 annual festivals that draw people from outside of Herington into our town for more than just a few hours.

➤ Describe any past experiences you might have that would enhance the performance of this board.

Unfortunately I do not have prior experience on a visitor's board, however as a 'visitor' turned full-time resident, I can offer some outside perspective as to what may better draw visitors into our community and entice them back.

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

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

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPEAL AND REPLACE CHAPTER VII, ARTICLE 3, 7-309 ESTABLISHING SEWER RATES TO BE CHARGED FOR SERVICE FROM THE HERINGTON SEWER UTILITY SERVICE AND REPEALING ANY OTHER CURRENT ORDINANCES INCLUDING BUT NOT LIMITED TO NO. 1808 AND 1884, OR PORTIONS THEREOF IN CONFLICT HEREWITH.

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

SECTION 1. That Chapter VII, Article 3, Section 7-309 (3) of the Code of the City of Herington, Kansas, is hereby amended and replaced in its entirety to read as follows:

(3) The minimum charge per month shall be In addition, each contributor shall pay a user charge fee for the operation and maintenance including Two dollars and Sixty-five cents (\$2.65) per one thousand (1,000) gallons of water (or wastewater) as determined in the preceding section.

Commercial sewer rate will be calculated monthly.

RATES AND CALCULATIONS AS NOTED IN EXHIBIT A ATTACHED HERETO AND INCORPORATED BY REFERENCE.

SECTION 2. Other ordinance, including but not limited to No. 1808 and 1884, or portions thereof in conflict herewith, are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Herington, Kansas, this ____ day of _____, 2021.

Signed by the Mayor this ____ day of _____, 2021.

Debi Urbanek, Mayor

ATTEST:

Megan Lawrenz, City Clerk

(SEAL)

EXHIBIT A

Water Meter Inch Size	Meter Type	User Fee Charge	Price Per 1,000 Gallons
0.625	Displacement	\$10.50	\$2.65
0.750	Displacement	\$10.50	\$2.65
1.000	Displacement	\$13.50	\$2.65
1.500	Displacement	\$18.50	\$2.65
2.000	Displacement	\$24.50	\$2.65
2.500	Displacement	\$34.00	\$2.65
3.000	Singlet	\$41.00	\$2.65
3.000	Compound, Class I	\$41.00	\$2.65
3.000	Turbine, Class I	\$44.00	\$2.65
4.000	Singlet	\$59.00	\$2.65
4.000	Compound, Class I	\$59.00	\$2.65
4.000	Turbine, Class I	\$71.50	\$2.65
6.000	Singlet	\$110.00	\$2.65
6.000	Compound, Class I	\$110.00	\$2.65
6.000	Turbine, Class I	\$140.00	\$2.65
8.000	Compound, Class I	\$170.50	\$2.65
8.000	Turbine, Class I	\$292.00	\$2.65
10.000	Turbine, Class II	\$1,103.50	\$2.65

EXHIBIT A

The minimum charge per month shall be In addition, each contributor shall pay a user charge fee for the operation and maintenance including \$2.65 per 1,000 gallons of water (or wastewater) as determined in the preceding section.

Commercial sewer rate will be calculated monthly.

TABLE INSERTED

For those contributors who contribute wastewater, the strength of which is greater than normal domestic waste, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:

\$0.293 per pound BOD

\$0.269 per pound SS

\$___ per pound Other Pollutant(s) Namely _____

- (5) Users having foundation drains, sump pumps, roof drains or other connections which contribute storm or runoff water to the sanitary sewer system shall be assessed a surcharge of \$10.00 per month in addition to the regular sewer charges.

(a) Unless and until further modification of this ordinance, the foregoing rates and charges, as outlined in Exhibit A as incorporated in **Section 1** hereof, shall bear an annual increase of 3.5% effective the first billing cycle in January of each calendar year, beginning with the calendar year 2022.

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HERINGTON

NEIGHBORHOOD REVITALIZATION PLAN

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**Interlocal Cooperation Agreement by and between the City of Herington,
Dickinson County and
USD #487 of Dickinson County
Dated: INITIAL DRAFT September 21, 2021**

**City of Herington
Neighborhood Revitalization Plan**

Purpose: This plan is intended to promote the revitalization and development of all areas within the city limits of the City of Herington in order to protect the public health, safety, and welfare of the residents of the city. More specifically, the City of Herington will offer a tax rebate incentive that is available for certain improvements or renovation of property within the designated area, in accordance with the provisions of K.S.A. 12-17, 114 et seq.

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Part 1

LEGAL DESCRIPTION OF AREA AND MAP DEPICTING ELIGIBLE PARCELS OF REAL ESTATE

Legal Description of Neighborhood Revitalization Area

All parcels within the legal city limits of the City of Herington, Kansas

See Exhibit A

Map of Neighborhood Revitalization Area

All parcels within the legal city limits of the City of Herington, Kansas

See Exhibit B

PART 2

EXISTING ASSESSED VALUATION OF LAND AND BUILDINGS WITHIN THE NEIGHBORHOOD REVITALIZATION AREA

The existing assessed valuation of the parcels of real estate in Dickinson County in the Neighborhood Revitalization Area is as follows:

See Exhibit C

PART 3

NAMES AND ADDRESSES OF OWNERS OF RECORD WITHIN THE NEIGHBORHOOD REVITALIZATION AREA

Each owner of record of each parcel of land is listed together with the corresponding address in the files of the Dickinson County Appraiser's office located at the Dickinson County Office Building, 109 East 1st. Street, Abilene, Kansas.

PART 4

EXISTING ZONING CLASSIFICATIONS AND DISTRICTS AND EXISTING AND PROPOSED LAND USES WITHIN THE NEIGHBORHOOD REVITALIZATION AREA

A zoning district classification map and list of zoning districts for the Neighborhood Revitalization Area is attached hereto.

See Exhibit D

PART 5

PROPOSALS FOR IMPROVING OR EXPANDING MUNICIPAL SERVICES WITHIN THE NEIGHBORHOOD REVITALIZATION AREA

PART 6

PROPERTIES ELIGIBLE FOR TAX REBATES UNDER THE NEIGHBORHOOD REVITALIZATION PROGRAM

Rehabilitation, alterations, additions and new construction affecting declared residential, commercial, and industrial property shall be eligible for the NRP tax rebate program. Public utility and railroad properties are ineligible. Personal property is not included.

PART 7

CRITERIA TO BE USED IN DETERMINING PROPERTIES ELIGIBLE FOR THE NEIGHBORHOOD REVITALIZATION PROGRAM

The following criteria are to be used to determine properties eligible under the Neighborhood Revitalization Act Program.

- a. All improvements must conform to zoning, building and other applicable regulations in effect in the Neighborhood Revitalization Plan target area at the time the improvements are made and remain in conformance with such regulations for the length of the rebate period;
- b. Construction of improvements must have begun on or after the date of inclusion of the property in the NRP target area;

- c. Improvements must increase the appraised value by at least 15% or \$5,000, **whichever is greater**, for all Residential, Commercial and Industrial Properties.
- d. Properties delinquent in tax payments or special assessments or under appeal or protest are not eligible until such delinquent payments or assessments have been paid;
- e. Properties eligible for tax incentives under any other program shall be eligible to submit applications under only one program at a time;
- f. Only owners are eligible for tax rebates;
- g. Tax rebates transfer with ownership of property and remain with the improved property, as per the original abatement schedule;
- h. Tax rebates are based on the increase of appraised value as of January 1 following the year of 100% completion and will be contingent on final inspection or issuance of certificate of occupancy.

PART 8

CONTENTS OF APPLICATIONS FOR PROPERTY TAX REBATES UNDER THE NEIGHBORHOOD REVITALIZATION ACT PROGRAM

Applicants for the Neighborhood Revitalization Act tax rebate program shall complete the application attached hereto.

See Exhibit E

PART 9

PROCEDURE FOR SUBMISSION AND REVIEW OF APPLICATIONS UNDER THE NEIGHBORHOOD REVITALIZATION PLAN PROGRAM

- a. Obtain an Application for Tax Rebate from the City of Herington.
- b. Complete and sign the application and file the original at the Herington City Office with a building permit. A copy will be returned to the applicant.
- c. Herington City Office will verify the applicant is the owner of record at the Dickinson County Appraiser's office, that the taxes are paid current with no delinquent taxes due, will inspect the site to ensure that no construction has been started and review the cost estimates to verify the minimum investment is being met.
- d. Owner will begin work on the improvements covered in the building permit.

- e. Owner will complete the rebate application upon 100% completion of the project and file at the Herington City office, which will then forward the application to the Dickinson County Appraiser's Office. This step must be completed by October 1 of the year preceding the commencement of the first year of the tax rebate period in order to qualify for the rebate.
- f. In the January following, the Dickinson County Appraiser's Office will conduct an onsite inspection of the construction project to determine the new valuation of the real estate, complete the appraiser's portion of the application and return the application to the Herington City Office, and report the new valuation to the Dickinson County Clerk by June 15. Tax records on the project will be revised by the Dickinson County Clerk's office to reflect the change in valuation.
- g. City of Herington will review the application to determine whether the percentage test for rebate has been met and check to see that taxes and assessments are not delinquent. If all criteria have been met, the City Clerk of Herington will certify the project for rebate.
- h. Upon payment of the real estate tax for the subject property for the initial and succeeding tax years of the rebate period, Dickinson County will make the appropriate rebates to the City within 30 days following payment and submittal of a receipt by the City to the County. The City is responsible for paying the owner within 2 weeks of receipt of the funds. The rebate will be made from the Neighborhood Revitalization Act Fund established in conjunction with other taxing jurisdictions participating in the Inter-local Agreement established for the program. Any increment in property taxes received by Dickinson County for a participating city and/or district shall be credited to the neighborhood revitalization fund.

PART 10

STANDARDS AND CRITERIA FOR REVIEW AND APPROVAL OF PROJECTS UNDER THE NEIGHBORHOOD REVITALIZATION ACT PROGRAM

- a. All improvements must conform to zoning, building and other applicable regulations in effect in the Neighborhood Revitalization Plan target area at the time the improvements are made and remain in conformance with such regulations for the length of the rebate period;
- b. Construction of improvements must have begun on or after the date of inclusion of the property in the NRP target area;

- c. Residential Improvements must increase the appraised value by at least 15% or \$5,000, **whichever is greater**, to qualify for the Rebate program. Commercial and Industrial improvements must increase the appraised value of the subject property by at least 15% or \$5,000, **whichever is greater** to qualify for the Rebate program.
- d. Properties delinquent in tax payments or special assessments or under appeal or protest are not eligible until such delinquent payments or assessments have been paid;
- e. Properties eligible for tax incentives under any other program shall be eligible to submit applications under only one program at a time;
- f. Only owners are eligible for tax rebates;
- g. Tax rebates transfer with ownership of property and remain with the improved property;
- h. On January 1, following the year the project is 100% completed, the rebates will be based on the increase of **appraised value**. This is contingent on final inspection and issuance of a certificate of occupancy.
- i. Conditions for rebate termination.
 - 1. Failure to build or maintain the property to applicable codes, rules and regulations shall cause the rebate application to be terminated.
 - 2. Failure to timely pay all property taxes and required assessments shall result in removal from the rebate program. Late fees, fines, surcharges and the like are not eligible for rebate.

PART 11

PROGRAM AMOUNTS AND YEARS OF ELIGIBILITY UNDER THE NEIGHBORHOOD REVITALIZATION PROGRAM

The Neighborhood Revitalization Plan and tax rebate incentive program shall expire on December 31, 2026. The program will be reviewed annually on or before December 31st by the council and modifications will be considered at that time. On or before December 31, 2026 the City of Herington, Dickinson County and USD #487 will consider a new interlocal agreement to continue the Neighborhood Revitalization Plan. The parties agree that any party may terminate this agreement prior to December 31, 2017, by providing thirty (30) days advance notice, provided, however, any applications for tax rebates submitted prior to termination shall, if approved, be considered eligible for the duration of the rebate period.

The Rebate Period is for 10 Years on Residential and Commercial and Industrial Properties.

Five (5) percent of all rebates shall be retained and deposited in the Neighborhood Revitalization Act Fund for administrative costs.

Rebate periods and schedules shall be as follows for additional taxes due on **new construction or rehabilitation of Residential Property**:

Year 1	100% of the Increase in Appraised Value
Year 2	100% of the Increase in Appraised Value
Year 3	90% of the Increase in Appraised Value
Year 4	80% of the Increase in Appraised Value
Year 5	70% of the Increase in Appraised Value
Year 6	60% of the Increase in Appraised Value
Year 7	50% of the Increase in Appraised Value
Year 8	40% of the Increase in Appraised Value
Year 9	30% of the Increase in Appraised Value
Year 10	20% of the Increase in Appraised Value
Year 11	0%

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Rebate periods and schedules shall be as follows for additional taxes due **on new construction and or rehabilitation of Commercial and Industrial Property**:

Year 1	100% of the Increase in Appraised Value
Year 2	100% of the Increase in Appraised Value
Year 3	100% of the Increase in Appraised Value
Year 4	100% of the Increase in Appraised Value
Year 5	100% of the Increase in Appraised Value