

REGULAR MEETING

May 21, 2013

The Board of City Commissioners of the City of Herington, Kansas met at City Hall at 4:30 p.m. on the above date—following being present: Mayor Robbin Bell, Commissioner Fred Olsen, Commissioner D.J. Neuberger, Commissioner Beth Wade, Commissioner Chuck Miller, City Manager Ron Strickland, City Attorney Brad Jantz, and City Clerk Debra Wendt.

A motion was made by Commissioner Neuberger, seconded by Commissioner Wade, to approve the minutes of the meeting of May 7, 2013. Motion carried, all voting, “Aye.”

Appropriation Ordinance #C0430-13 and #P0510-13 were discussed and reviewed. There were no additional agenda items. A motion was made by Commissioner Neuberger, seconded by Commissioner Miller, to approve the agenda. Motion carried, all voting, “Aye.”

A motion was made by Commissioner Neuberger, seconded by Commissioner Wade, to accept the resignation of J.R. Rigg from the Housing Authority. Motion carried, all voting, “Aye.” The position will be advertised.

A motion was made by Commissioner Wade, seconded by Commissioner Neuberger, to appoint Dennis Albrecht to the Board of Zoning Appeals. This motion failed, with all five Commissioners voting “Nay.” Another motion was made by Commissioner Wade, seconded by Mayor Bell, to appoint Dennis Albrecht to the Board of Zoning appeals, term to expire 10-24-15. Motion carried, all voting, “Aye.”

The following condemnation resolutions were considered:

RESOLUTION NO. 820

WHEREAS, a statement has been submitted by the Building Code Official declaring the following-described real property, to wit:

18 South 7th, SEC 11 TWP 16 Rng 4. Lot 18, 20, 22, 24 Block No. 134 Sub Div: Creech Addition; Nancy K. Ray, 2405 290th Street. Lincolnville, KS 66858.

To contain an unsafe and dangerous structure; and

WHEREAS, the Governing Body, pursuant to K.S.A. 12-1752 to 1756, as incorporated by reference in Section 2-306 of the City Code, has the authority to cause the abatement of unsafe or dangerous structures within the city, after proper notice and hearing.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HERINGTON, KANSAS as a hearing will be conducted at 4:30 p.m. on Tuesday, July 16, 2013, in the City Commission Meeting room at the City Offices, Herington, Kansas, at which time the owner, the owner’s agent, any lien holders of record, of such structure may appear and show cause why such structure should not be condemned and ordered to be removed; and that this resolution shall be published once a week for two (2) consecutive weeks in the official city newspaper, with the last publication being more than thirty (30) days prior to the public hearing and that a copy of this resolution shall be mailed by certified mail with three (3) days of the first publication to each owner, agent, lien holder or occupant, to the last known place of residence and shall be marked “deliver to addressee only.”

A motion was made by Commissioner Neuberger to adopt Resolution No. 820. The motion died due to lack of a second. Fire Chief Kenny Staatz said that the property was completely destroyed by a fire on January 1, 2013, and that there are also two accessory structures. There is still a big pile of ruins, and this

is a safety issue. A motion was made by Mayor Bell, seconded by Commissioner Wade, to adopt Resolution No. 820. Motion carried, all voting, "Aye."

RESOLUTION NO. 821

WHEREAS, a statement has been submitted by the Building Code Official declaring the following-described real property, to wit:

18 North 12th, SEC 11 TWP 16 RNG 4; Lot 17, 19, 21, 23, 25, 27, 29, 31 Block No. 161; Sub Div: Bradshaw and Morgan; Lois Kleist, 1107 West Main, Herington, KS 67449.

To contain an unsafe and dangerous structure; and

(Same as Resolution No. 820)

Kenny explained that this is a mobile home plus a garage in poor condition. Lois Kleist said that she owns the property, but a mortgage company owns the trailer, and she can't remove it. Brad explained that if the structure is demolished by the City and the bill is not paid, the cost would go to the property owner. A motion was made by Mayor Bell, seconded by Commissioner Neuberger, to adopt Resolution No. 821. Motion carried, all voting, "Aye."

RESOLUTION NO. 822

WHEREAS, a statement has been submitted by the Building Code Official declaring the following-described real property, to wit:

109 West Walnut, SEC 12 TWP 16, RNG 4; Lot 1, 2, 3, 4, & 5 & E 18' Lot 16, Block No. 31; Sub Div: Herington; Larry Lawrenz, 220 West Walnut Ste. 1, Herington, KS 67449.

To contain an unsafe and dangerous structure; and

(Same as Resolution No. 820)

This is a business in the downtown area that is unsecured and has large holes in the roof. A motion was made by Commissioner Neuberger, seconded by Commissioner Olsen, to adopt Resolution No. 822. Motion carried, all voting, "Aye."

RESOLUTION NO. 823

WHEREAS, a statement has been submitted by the building Code Official declaring the following-described real property, to wit:

114 North 2nd, SEC 12, TWP 16, RNG 4; Lot 8, South 12' Lot 6 & North 18' Lot 10, Block No. 19; Sub Div: Herington; Leon and Marcia Baronda 1500 S. 2700 RD Herington, KS 67449.

To contain an unsafe and dangerous structure; and

(Same as Resolution No. 820)

The property is in poor condition, windows are broken out, and the roof has holes in it. A motion was made by Mayor Bell, seconded by Commissioner Olsen, to adopt Resolution No. 823. Motion carried, all voting, "Aye."

RESOLUTION NO. 824

WHEREAS, a statement has been submitted by the Building Code Official declaring the following-described real property, to wit:

204 South 11, SEC 11 TWP 16, RNG 4; Lot S 11 T 16, RO4 Beg 59' South, Inter S, LN, Pine St & E, LN 11th Street; Sub Div: Creech Addition; Mary Ann Epperson 18062 County Rd. Lindale, TX 75771-6344.

To contain an unsafe and dangerous structure; and

(Same as Resolution No. 820)

This property has been vacant for many years, has serious roof damage, and a garage that is in poor condition. A motion was made by Mayor Bell, seconded by Commissioner Neuberger, to adopt Resolution No. 824. Motion carried, all voting, "Aye."

RESOLUTION NO. 825

WHEREAS, a statement has been submitted by the Building Code Official declaring the following-described real property, to wit:

210 South 10th; SEC 11 TWP 16 RNG 4; Lot S 11 T 16, R04, Beg 150' SW Cor, Blk 150, Block No. 150; Sub Div: Creech Addition; Cheryl G. and Rickard J. McFarlane-Clark, 22 East Main, Herington, KS 67449.

To contain an unsafe and dangerous structure; and

(Same as Resolution No. 820)

The vacant house on this property is not in bad condition, so the resolution would affect only the garage. A motion was made by Commissioner Olsen, seconded by Commissioner Wade, to adopt Resolution No. 825. Motion carried, all voting, "Aye."

RESOLUTION NO. 826

WHEREAS, a statement has been submitted by the Building Code Official declaring the following-described real property, to wit:

310 South 2nd Street; SEC 12 TWP 16 RNG 4; Lot 10, 12, 14, 16, 18, 20 & S 2' Lot 8, Blk 150, Block No. 154 Sub Div: Original Town; Dawn Engle, 310 South 2nd, Herington, KS 67449.

To contain an unsafe and dangerous structure; and

(Same as Resolution No. 820)

This resolution is also for two accessory garages, and does not include the house. A motion was made by Commissioner Neuberger, seconded by Commissioner Olsen, to adopt Resolution No. 826. Motion carried, all voting, "Aye."

Kenny reported that the property at 511 South C, where a fire had occurred, is in the process of being cleaned up. He suggested not passing a condemnation resolution for this property. No action was taken. We will also hold 10% of the insurance proceeds until the property is cleaned up.

RESOLUTION NO. 827

WHEREAS, a statement has been submitted by the Building Code Official declaring the following-described real property, to wit:

801 West Walnut, SEC 11 TWP 16 RNG 4; Lot: 1, 3, & E 5' Lot 5 Block No. 146; Sub Div: Creech Addition; Vendee Mortgage, P.O. Box 20077, Wichita, KS 67208-1077.

To contain an unsafe and dangerous structure; and;

(Same as Resolution No. 820)

This is a large vacant house owned by a mortgage company that has a leaking roof and water damage. There is also a garage in very poor condition. A motion was made by Commissioner Neuberger, seconded by Commissioner Olsen, to adopt Resolution No. 827. Motion carried, all voting, "Aye."

RESOLUTION NO. 828

WHEREAS, a statement has been submitted by the Building Code Official declaring the following-described real property, to wit:

812 West Day, SEC 11 TWP 16, RNG 4, Lot 14 & 16, Block No. 146, Sub Div Creech Addition; Allen Church, 1204 E. Main St. Marion, KS 66861-1114.

To contain and unsafe and dangerous structure; and

(Same as Resolution No. 820)

This property also has holes in the roof and water damage inside. A motion was made by Mayor Bell, seconded by Commissioner Neuberger, to adopt Resolution No. 828. Motion carried, all voting, "Aye."

Ron presented two ordinances that would require everyone that would be fishing or boating to show proof that they have completed an on-line Aquatic Nuisance Species education course that is offered through the Kansas Department of Wildlife and Parks. He said this is a protective measure, and that Council Grove and Marion are both requiring this. Beth asked about adding Father Padilla, and Fred was in favor of giving some time to obtain the certificate. Some other areas of concern were lack of access to a computer and people from out of town not knowing about the regulation. It was decided to table this for now and ask for public input.

Beth asked about Iron Horse Development and D.J. asked Brad if the City could take over the property because of the delinquency. Brad said it would have to go through Dickinson County. Ron reported that OCCK would be doing an ADA assessment on June 12th.

Fred thanked Brad for the meeting on the Code of Procedures that he conducted at the Community Building. D.J. asked if Ron had heard from the company that is taking over Allegiance Communications, BCI Allegiance. Robbin asked if Ron had looked into a sound system for the Commission room. Ron said he had been approached about driving golf carts at night as long as they have lights and turn signals. Brad said that the Commission could authorize this, so it will be discussed further.

A motion was made by Commissioner Wade, seconded by Commissioner Miller, to adjourn the meeting. Motion carried, all voting, "Aye."

Also present at the meeting were Rick Freeman, Sabrina Burt, Wendy Jones, Dave Jones, Jerry Barta, Gloria Boomer, Ken Staatz, Melissa Timmons, Brenda Wildman, Cynthia Naylor, Pat Moyer, Mike Ryan, Alice Bell, Virginia Neuberger, Tandi Arevalo, Paula Strickland, Lois Kleist, Mark Strand, J.R. Sparke, and Stephanie Berry of the Herington Times.

Debra Wendt
City Clerk

