

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
June 20, 2023
6:00 p.m.

1. Pledge of Allegiance
2. Call to Order
3. Public Forum
4. Additional Agenda Items:
5. Approval of Agenda

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

6. Consent Agenda
 - i. Minutes of the Regular Meeting June 6, 2023
 - ii. Approval of Records Retention Policy

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

7. Police Department Update – Chief Langley
8. Fire Department Update – Chief Avantagiato
9. 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) to discuss potential litigation to include the following:
 - o Governing Body
 - o City Manager
 - o City Attorney
 - o Neighborhood Services Director
 - o _____

With the open meeting to resume at _____.

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

10. Resolution on distressed properties at 901 E. Arnold St. Lots 1, 19 and 23 (**RESOLUTION PENDING**)

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

11. Unsealing and awarding of bids for authorization of demolition for condemned properties

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

12. Authorize Transmission Study fee for Southwest Power Pool in the amount of \$14,655.00

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

13. Authorize Interlocal Agreement walking trail lights with USD 487

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

14. Lake Disc Golf Course Discussion & Update

15. 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) in order to discuss personnel matters to include the following:

- Governing Body
- City Manager
- City Attorney
- _____

With the open meeting to resume at _____.

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

16. Discussion on July 4, 2023, Commission Meeting and Holiday Hours

17. City Manager Comments

18. Commissioner Comments

19. Adjourn

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

To join the City Commission meetings from your computer, tablet, or smartphone, go to
<https://www.youtube.com/channel/UCbvSBw6l4w85XQHsX0S1BXg> Public Forum Comments can be
dropped in the deposit box or emailed to cityoffice@cityofherington.com.

DRAFT

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

The Herington City Commission met on the above date and time in the city commission chambers at city hall. In attendance were Mayor Robbin Bell, Commissioner Eric Gares, Commissioner Debi Urbanek, Commissioner Ben Castleberry, Commissioner Dan McDonald, City Manager Thatcher Moddie, City Attorney Brad Jantz and City Clerk Megan Lawrenz. 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 – Larry Mann – 319 N E St – Building Permits.

Additional Agenda Items – Move 7 and 8 to the next meeting, strike 14 and add 15a Executive Session.

Approval of Agenda – Mayor Bell made a motion to approve the agenda moving items 7 and 8 to the next meeting, striking item 14, and adding 15a Executive Session, seconded by Commissioner Gares. Motion carried 5-0.

Consent Agenda – Commissioner Gares made a motion to approve the following consent agenda items: Minutes of the Regular Meeting May 16, 2023, and Resignation Lori Dornbusch from HHA Board, seconded by Commissioner Castleberry. Motion carried 5-0.

Police Update – Moved to the next meeting.

Fire Update – Moved to the next meeting.

Neighborhood Services Director Update – There were 21 complaints and 106 inspections including 61 grass inspections and 43 grass violations. Three violations were written for 219 W Trapp. Most of the items on the violation have been taken care of, however there are 2 out of 19 vehicles remaining. The owners anticipate the construction to be removed in 40 days. There were 26 permits issued with 31 inspections including 9 building with 8 inspections, 6 electrical with 9 inspections, 3 mechanical with 3 inspections, and 8 plumbing with 11 inspections. There were 5 inspections for utilities to be connected and 2 structural building inspections. The staff is speaking with 3 contractors to demolish the dangerous structures, one contractor has backed out and the other two are working on getting bids for James.

Building and Trades Board update – Staff went over recommendations and are looking at creating an ordinance. Licenses will have staggered expiration dates. Will include a license to set manufactured homes. Looking at including an apprentice level license. Next meeting date will be October 26, 2023. The board feels that the bonding practice may be outdated, many cities only require liability insurance.

Conditional Use Permit approval for Tanning Salon, Massage business at 620 N. G St. – This has been through the planning commission; the business owner was not able to make it tonight but could make it to a future meeting. The planning commission was concerned with traffic in and out, but they did vote to approve the conditional use permit and bring it to the commission. Commissioner Castleberry was concerned with how narrow the roadways are. Commissioner Urbanek made a motion to approve the condition use permit in the next sequential order, seconded Commissioner Gares. Motion carried 5-0.

UPTICC Grant Discussion & Update – Staff feels that it is a successful program. There has been some trouble tracking progress, and the commissioners questioned if it was equitable that some received lesser amounts than others. The Commissioners requested more information on the grants that were awarded and what the application was written for.

Discussion on vacant lots, grass ordinance and contract mowing – There was discussion about running grass violations through municipal court. Some contractors have quoted \$45/hour to mow. Commissioners would like to see staff request proposals for contract mowing.

Update on stop work order & building permits– Zachary Freeman – 901 E Arnold, Herington, KS 67449 orders. – Scratched.

Budget update and schedule of Budget Workshop Session #1 – Staff have turned in preliminary budget sheets. The city manager is requesting a date to have the first workshop. Commission agreed to schedule a budget workshop on Thursday June 22, 2023, at 1pm.

15a. Executive Session – Mayor Bell made a motion that the Herington City Commission recess into Executive Session pursuant to K.S.A. 75-4319(b)(2) for consultation with an attorney on matters that would be deemed privileged in the attorney-client relationship to discuss potential litigation. To include the following: Governing Body, City Attorney and City Manager with the open meeting to resume at 7:05pm, seconded by Commissioner Gares. Motion carried 5-0. The regular meeting resumed with no action taken.

City Manager Comments – Met with Todd with SMH Consultants this morning on the Casey's projects, they feel confident that they can start the bid process, but KDHE has not approved the permit yet. If anything changes, we can write an addendum to the bid. The bid will open by the end of the week, and it will close Tuesday July 11th, and will be awarded at the July 18th commission meeting. Staff hopes Casey's will close on the land during this time. Casey's doesn't have to be open until spring of next year, so they are a little flexible on the timeline. Thatcher has a meeting with the county tomorrow with the fire chief on the radios and tax increase. He has had a meeting with the KS association of trail towns. The staff is making progress to officially close the land swap with the Lawrenz's. The Logan Pointe Application has been submitted; the grant writer thinks that we have a good shot this round. Brad and Thatcher briefly met this afternoon to discuss action items to wrap up the things that are hanging out there unfinished. Mayor Bell asked about the land leases, Brad replied that they are prepped and being reviewed by the other parties' lawyers. We need to address the property that paid for this year, that did not have the high bid. Staff are also working on other airport leases. One person has been hired for summer help. The leak was temporarily fixed at the kiddie pool, Cody was able to reroute some plumbing. The pool is busy and going well.

Commissioner Comments –

Commissioner McDonald – Nothing.

Commissioner Castleberry – Nothing.

Commissioner Urbanek – Nothing.

Commissioner Gares - Nothing.

Mayor Bell – The all school reunion went great. Thanked the city for all the hard work. Asked about the broken widow in the business next to the Mexican restaurant, the owners have a contractor coming in the next week or so. Commissioner Gares asked to see if the VBO's had paid their registration fees. Mentioned a customer had trouble getting a lake permit from the city office. Staff advised that they encouraged customers to use the online system, or they contact Leslie directly, but staff can sell the annual permit and doesn't recall sending anyone away from the city office without a license.

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



THE CITY OF HERINGTON

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

Telephone: (785) 258-2271

FAX: (785) 258-3552

ACCOUNTS PAYABLE CHECK REGISTERS

Active: 5 years

Disposition: destroy

ACCOUNTS PAYABLE SUPPORTING JOURNALS

Includes Revenue Receipt Journal and Appropriations-Expenditure Journals

Active: retain while useful

Disposition: destroy

ACCOUNTS RECEIVABLE

Includes amounts owed to the City for services provided such as parking, speeding tickets or Code Compliance violations.

Active: 1 year after paid in full

Disposition: destroy

ANNUAL BUDGET

Active: 10 years; merge to one central file

Disposition: 1 copy permanently

ANNUAL REPORTS

Activity of division throughout year

Disposition: permanent

AUDIT REPORTS

Results of audits conducted by local, state, federal and/or non-governmental auditing agencies

Active: 3 years

Disposition: permanent

BOND DOCUMENTS

Includes annual financial reports, capital projects, debt service fund reports, bond transcript, and all supporting documents

Active: 1 year after sale of bonds; merge to one central file until repayment complete

Disposition: destroy

COMPREHENSIVE ANNUAL FINANCIAL REPORTS

Active: 10 years

Disposition: permanently - 1 copy

CHECKS AND WARRANTS: UNCLAIMED

Unclaimed checks and warrants, including payroll, vendor, and other checks/warrants

Active: 2 years from date of issuance

Disposition: Destroy

COURT-ORDERED PAYMENTS

Includes child support, garnishments, and bankruptcy orders, answers, and receipts

Active: 5 years after release of wages

Disposition: destroy

DIRECT DEPOSIT AUTHORIZATION RECORDS

Active: until superseded or no longer in effect

Inactive: 2 years

Disposition: destroy

KPERS ANNUAL REPORT

Details employee name, social security number, and annual contribution amounts

Disposition: permanent

PAYROLL DEDUCTION AUTHORIZATION FORMS

Includes health and benefit enrollments and other voluntary deductions; does not include Direct Deposit Authorizations; held in Human Resources Department

Active: retain until entered into computer

Disposition: send to Human Resources

PAYROLL DOCUMENTS

Includes year to date cumulative register, distribution register, warrant register, payroll certification form, hours-to-gross register, and accrual register; does NOT include year-end year to date cumulative register

Active: 5 fiscal years

Disposition: destroy

PAYROLL STATUS CARD (voluntary changes)

Active: 2 years

Disposition: destroy

PAYROLL STATUS CARD (with change of status)

Held for reference convenience only

Active: until superseded or employee terminates employment

Disposition: destroy

PROFESSIONAL ORGANIZATION FILES

Active: 3 years

Disposition: destroy

PROOF OF PUBLICATION

Active: 5 years Disposition: destroy

PURCHASING DOCUMENTS

Includes limited purchase orders, purchase orders, direct payment requests, inter-fund transfers, and other related documents from all internal and external sources.

Active: 1 year Disposition: destroy

TAX REPORTS

Includes but is not limited to, 1099 Forms, W-2 Forms, 941 Forms, K-3 Forms, undelivered W-2 Forms and Unemployment Insurance Quarterly Reports

Active: 5 years Disposition: destroy

TRAVEL DOCUMENTS

Active: 1 year Disposition: destroy

UNEMPLOYMENT INSURANCE MONTHLY REPORTS

Active: until two quarterly reports have been filed Disposition: destroy

YEAR-END YEAR-TO-DATE CUMULATIVE PAYROLL REGISTER

Disposition: permanent

DRAFT

Property Details for PID: 0212611204007001010

Shareable link to Property Information : <https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0212611204007001010>

Shareable link to Map: <https://www.kansasgis.org/orka/permalink.cfm?parcelid=0212611204007001010>

QuickRef ID : R12775

Owner Name : HERINGTON PARK LLC

Location: 901 E ARNOLD ST, Herington, KS 67449

Abbreviated Boundary Description: MCCLAVES ADDITION, S12, T16, R04, 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.

Owner Information:

Owner HERINGTON PARK LLC

Mailing Address PO BOX 780153 WICHITA, KS ~~67206~~ 67278

Property Information:

Type Farm Homesite

Status Active

Taxing Unit 005

Neighborhood Code 513.1

No Secondary Address Details found

Market Land Details:

PROPERTY REPORT OF NEIGHBORHOOD SERVICES DIRECTOR

CITY COMMISSION MEETING DATE June 20, 2023

PROPERTY ADDRESS: **901 E Arnold, Lot #1**
Herington, KS 67449

PROPERTY DESCRIPTION: 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, KANSAS

PROPERTY OWNER: Herington, Park, LLC
PO Box 780153
Wichita, KS 67278

RECOMMENDATION BY INSPECTOR: Removal of Structure

2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

108.1.5 - DANGEROUS STRUCTURE OR PREMISES

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half of the original designed value.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Sincerely,



James Masters
Neighborhood Services Director

PROPERTY REPORT OF NEIGHBORHOOD SERVICES DIRECTOR

CITY COMMISSION MEETING DATE June 20, 2023

PROPERTY ADDRESS: **901 E Arnold, Lot #19**
Herington, KS 67449

PROPERTY DESCRIPTION: 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, KANSAS

PROPERTY OWNER: Herington, Park, LLC
PO Box 780153
Wichita, KS 67278

RECOMMENDATION BY INSPECTOR: Removal of Structure

2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

108.1.5 - DANGEROUS STRUCTURE OR PREMISES

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half of the original designed value.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Sincerely,



James Masters
Neighborhood Services Director

PROPERTY REPORT OF NEIGHBORHOOD SERVICES DIRECTOR

CITY COMMISSION MEETING DATE June 20, 2023

PROPERTY ADDRESS: **901 E Arnold, Lot #23**
Herington, KS 67449

PROPERTY DESCRIPTION: 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, KANSAS

PROPERTY OWNER: Herington, Park, LLC
PO Box 780153
Wichita, KS 67278

RECOMMENDATION BY INSPECTOR: Removal of Structure

2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

108.1.5 - DANGEROUS STRUCTURE OR PREMISES

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half of the original designed value.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Sincerely,



James Masters
Neighborhood Services Director

NO.

RESOLUTION REGARDING INTERLOCAL SERVICES AGREEMENT WITH USD 487 AND THE CITY OF HERINGTON ON SAFE WALKING TRAIL

WHEREAS, the City of Herington, KS and Herington School District are desirous of saving resources and costs and sharing services whenever possible and have agreed to enter into an agreement to utilize the same City utility services for electrical lighting on poles. The City and USD 487 each own half of the light poles along the walking trail. The city will cover the cost of providing electricity to the light poles. The proposed trail path is located along C Street, leading North towards USD 487.

WHEREAS, the City of Herington and USD 487 will partner for the purposes of administering the agreement and for procuring the vendors through the bid process; and

WHEREAS, the City of Herington will connect light poles on school property into the electrical “Grid” and assist with simple maintenance when possible, such as replacement of light bulbs.

WHEREAS, USD 487 will cover the cost of replacement parts for its own section of light poles, extensive maintenance and any insurance or warranty coverage.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Commission of Herington hereby authorized and directed to execute on behalf of the City of Herington an Interlocal Services Agreement with the USD 487 School District governing the provisions of walking trail light poles use and maintenance as outlined in the attached agreement.

ADOPTED:

Robbin Bell, Mayor

Megan Lawrenz, City Clerk