

**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  
April 2, 2024  
6:00 p.m.**

1. Pledge of Allegiance

2. Call to Order

3. Public Forum

4. Approval of Agenda

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Naylor, Commissioner Scarff, Commissioner McDonald, Commissioner Bell,  
Mayor Gares

5. Consent Agenda

- I. Minutes of the Regular Commission Meeting March 19, 2024
- II. Arbor Day Proclamation April 26, 2024

6. Announcement of Kansas Rural Water Association Award, Recognition of Key City Staff Members

7. Consider Awarding bid for pad on new location of Transformer storage area. Staff recommends awarding the best bid for concrete pad work to Lawrenz Masonry, in the amount of \$41,000

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Naylor, Commissioner Scarff, Commissioner McDonald, Commissioner Bell,  
Mayor Gares

8. Open Public Hearing for Street ROW Vacation Ampride and Railer RV Park

9. Close Public Hearing for Street ROW Vacation Ampride and Railer RV Park

10. Consider Resolution for Street ROW Vacation to Ampride Gas Station and Railer RV Park

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Naylor, Commissioner Scarff, Commissioner McDonald, Commissioner Bell,  
Mayor Gares

11. City Manager Report—Project Updates
  - a. WWTF/Sewer Plant Project
  - b. KMEA Generator Project
  - c. Flint Hills Trailhead/Father P Trailhead
  - d. Tripp Field Bathroom Study
  - e. Comprehensive Plan Process
  - f. Governing Body Retreat Workshop
  - g. Homestead Village Apartments
  - h. Raw Water Line Repair
  - i. Pool Updates-Potential Improvements
  - j. Commissioner questions, concerns, outstanding items?

12. Commissioner Comments

13. Adjourn

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner Naylor, Commissioner Scarff, Commissioner McDonald, Commissioner Bell,  
Mayor Gares

**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](mailto:cityoffice@cityofherington.com).

DRAFT

**Regular Meeting  
March 19, 2024  
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 Eric Gares, Commissioner Robbin Bell, Commissioner Dan McDonald, Commissioner Dalton Scarff and Commission Cynthia Naylor. 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, Neighborhood Services Director James Masters.....

The meeting opened with the Pledge of Allegiance.

Mayor Gares called the meeting to order.

Public Forum – None.

Approval of Agenda – Commissioner Naylor made a motion to approve the agenda with the addition of 4a. Presentation of plaques to former Commissioners and 5a. Presentation from Abilene Memorial Health Systems, seconded by Commissioner Bell. Motion carried 5-0.

Consent Agenda – Commissioner Bell made a motion to approve the following consent agenda items Minutes of the Regular Commission Meeting March 6, 2024, Agreement for Mutual Aid between the Herington Fire Department DK202 and the City of Enterprise Fire Department DK305, seconded by Commissioner McDonald. Motion carried 5-0.

5a. – Abilene Memorial Hospital Announcement – They are just about done with the remodel and are starting to clean in preparation of the furniture getting installed next week. They offered a tour of the facility on April 2, 2024 and are hoping to open in early to mid-May.

Discussion on updating Charter Ordinance #19 on the Convention and Visitor Bureau, by reducing the number of members to 7 and expanding the qualifications to be a member. Commissioner Bell made a motion to approve the Charter Ordinance in the next sequential order and to authorize the mayor's signature, seconded by Commissioner McDonald. Motion carried 5-0.

**ORDINANCE NO. 27**

**A CHARTER ORDINANCE REVISING AND AMENDING, CHARTER ORDINANCE NO. 19 ADOPTED DECEMBER 2, 2003 EXEMPTING THE CITY OF HERINGTON, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1696 TO 12-16,101, INCLUSIVE, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO CREATION OF A CONVENTION AND VISITOR BUREAU NOW CODIFIED IN THE HERINGTON CITY CODE IN CHAPTER 1, ARTICLE VI. CHAPTER 1 – ADMINISTRATION, ARTICLE VI – CONVENTION AND VISITOR BUREAU, SECTION 1-606 – CITY CONVENTION AND VISITOR BUREAU CREATED, OF THE CODE FOR THE CITY OF HERINGTON, KANSAS; SECTION 1-606 OF THE NOTED CHAPTER AND ARTICLE IS HEREBY AMENDED IN ITS ENTIRETY, TO REVISE AND REDUCE THE NUMBER OF ELECTORS MANDATED TO SERVE ON THE CITY OF HERINGTON CONVENTION AND VISITOR BUREAU FROM TEN (10) TO SEVEN (7) MEMBERS; TO CONFIRM THE COMPOSITION OF THE CITY OF HERINGTON CONVENTION VISITOR BUREAU MEMBERS AS TO RESIDENCY REQUIRMENTS FOR PERMISSIBLE MEMBERSHIP AND SERVICE ON THE CITY OF HERINGTON CONVENTION VISITOR BUREAU; AND REPEALING ANY AND ALL OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.**

Department Head Reports –

Administrative – The city clerk gave an update to the commission saying that the end of the year tax filings have been completed, the 2024 budget expenditures have been entered into the system and she is working on entering the revenues. The Auditors will be here the last week of April, so city hall staff is beginning to get organized for their visit. Staff has started to prepare the 2025 budget requests to give to the department heads, and she will be attending the CCMFOA spring conference for continuing education the remainder of this week.

Police Department – The Police Chief brought up traffic on 77/56 especially with Casey's and pedestrians crossing the highway. He also mentioned the lake and that he is still trying to negotiate a way for the Herington Police Department to patrol and respond there. The new officers Trevor Mosher and Katrina Martin were introduced to the commissioners and community. There were 293 calls for service with 67 traffic stops, 6 misdemeanor arrests and 1 felony arrest.

Fire Department – There were 56 calls for service including 1 building fire, 4 grass fires, 40 medical assists, 2 motor vehicle accidents with injuries, 1 motor vehicle accident no injury, 1 EMS standby, 6 authorized controlled burnings and 1 smoke detector activation. Training topics covered wildland refresher and a saws class that had 8 attendees from the Herington Fire Department and 5 attendees from outside agencies. There will be a Stihl maintenance class coming up in July. Staffing updates include that there has still been a good turnout for calls, and there is one new application for a junior firefighter. Department updates include: the annual PM and inspection of all apparatus is complete. There were some problems identified that will cost \$4-6K in repairs. The county radio upgrade is still moving along, the next meeting will be April 1<sup>st</sup> for vendor selection, they are waiting on the engineer report, but the North Water Tower is the top location on the list. The department will be going to Herington and Hope High School for a mock motor vehicle accident demo in April.

Neighborhood Services -

There were 7 complaints and 85 inspections February 8 to March 19, 2024.

Grass Violations

1. 0

City Code Violations

1. Wrote 10 violations
  - a. 5 No Occupancy Violation
  - b. 1 Nuisance violation
  - c. 1 Environmental violation
  - d. 1 building violation
  - e. 1 zoning violation
  - f. 1 boarding up violation

Building permits

1. Issued a total of 20 permits with 43 inspections
2. Issued 3 building permits with 4 inspections
3. Issued 4 electrical permits with 15 inspections
4. Issued 2 mechanical permits with 4 inspections
5. Issued 9 plumbing permits with 17 inspections
6. Issued 2 roofing permits with 2 inspections
7. 1 demolition inspection

Services turn on

1. 8 electrical service inspections
- 0 structural building inspections

Training in April for code enforcement officers and building inspectors at Manhattan. The joint conference will be with the Kansas Association of Code Enforcement (KACE) and Hart of America (HOA). Both are an ICC approved organization.

The Board of Construction, Trades, and Appeals will meet March 28, 2024, at 4:30 pm here at City Hall.

#### Agenda

1. Election of Officers
2. Updating ICC Codes
3. Approval of contractors for licenses
4. Public hearing on variance request for meter height.

Consider Purchase of new Truck for Wastewater Treatment Facility – Commissioner Bell made a motion to approve the purchase of a 2024 Ford F-250 from Valor Ford not to exceed \$49,000 with the purchase to be split between the Water Treatment and Wastewater Treatment budgets, seconded by Mayor Gares. Motion carried 3-2 with Commissioner Naylor and Commissioner Scarff casting the dissenting votes.

Consider Purchase of new Police Cruiser – Mayor Gares made a motion to approve the purchase of a 2024 Ford Police Interceptor from Superior Emergency Response Vehicles not to exceed \$57,000, seconded by Commissioner McDonald. Motion carried 5-0.

City Manager Comments – The city manager reminded the Commissioners to complete the questionnaire for the upcoming workshop. Staff is working on budget docs. UPTICC grants have been awarded to Gathering Grounds and Broadway Station. Mowing season seems to be coming early this year. Street crew will start to clean up the trail head soon. The raw water line project is underway. Had a KDHE inspection at water treatment plant and WWTP both passed. Reminder to the community to fill out the water line questionnaire, requested from State and EPA. Working on Pool preparation and set Memorial Day weekend as the season opener for the pool.

Commissioner Comments -

Commissioner Scarff – None.

Commissioner Naylor – Asked if city staff could help the community fill out water questionnaires if they need it. Asked about the swimming area at the lake.

Commissioner McDonald – Asked staff to provide information on registration fees for UTV/Pet fees/Golf carts.

Commissioner Bell – Asked that we get the lakes ready for summer (docks, camping spaces). And that we get the fountain at Father Padilla up and running.

Mayor Bell – Asked about the status of the Discs unlimited contract– staff plans to bring to the commission in April. Asked where the electric department is on moving their supplies into a secure location - Staff has three bids for the concrete right now and are working on fencing bids.

Adjourn – Commissioner Naylor made a motion to adjourn, seconded by Commissioner Bell. Motion carried 3-2 with Commissioner Bell and Mayor Gares casting the dissenting votes.

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Megan Lawrenz, City Clerk



# THE CITY OF HERINGTON

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

Telephone: (785) 258-2271

FAX: (785) 258-3552

## PROCLAMATION

**WHEREAS**, Arbor Day should mean more than a simple designation of time and place. It should carry with it a desire and a purpose to add beauty and a home-like appearance to the landscape by planting and taking care of trees, which constitute one of the greatest achievements of nature; and

**WHEREAS**, a landscape devoid of trees offers no haven for the traveler or those seeking rest and repose. When hardy settlers came to Herington in the pioneer days, they were lured along streams and valleys where trees provided a welcome shade. As families came, trees followed until the treeless plains took on a new beauty; and

**WHEREAS**, trees are essential to life. Without them, the surface of the earth would be bare and drab, and mankind would not enjoy the comforts of beauty and peace. In planting and taking care of a tree, you are making an invaluable contribution to the lives of future generations.

**NOW, THEREFORE**, I, Eric Gares, Mayor of the City of Herington, Kansas do hereby proclaim April 26, 2024 as

## ARBOR DAY

In Herington and urge that it be made a special occasion by the people of the City of Herington for planting trees and shrubs and encouraging continued maintenance thereof, thus making our community a better place in which to live.

**DONE** in the City of Herington, Kansas on this 2<sup>nd</sup> day of April 2024.

\_\_\_\_\_  
Eric Gares, Mayor

**ATTEST:**

\_\_\_\_\_  
Megan Lawrenz, City Clerk

# Lawrenz Masonry LLC

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220 West Walnut Ste. 1 Herington, KS 67449

Cell: 785.366.0866 Fax: 785.258.2999

February 28, 2024

**Re: Concrete - East Franklynn St. - Herington, KS**

To whom it may concern,

We propose to do the Concrete work for the above referenced project:

**For the sum of: \$41,000.00**

**2 Concrete SOG - 25' x 100' x 6" T (\$20,500.00 Each)**

The following qualifications are a part of this proposal:

1. Price includes all Labor, Materials, and Equipment.
2. Includes - Concrete, Rebar, AB3 and Forms.

If you have any questions, please feel free to contact me.

Thanks,

Nathan Lawrenz  
nathan@lawrenzmasonry.com



PPJ Construction Inc.  
 3750 N Old Lawrence Rd.  
 Wichita, KS. 67219  
 Tel 316-871 3335  
 Fax 316 831 0357

## ESTIMATE / CONTRACT

**DATE: MARCH 20 2024**

**Job Location:** HERRINGTON KS  
**ATTN:** DAVID KHALE  
**Address:** 17 N ORTH BROADWAY  
**Phone:**

Concept	Price(\$)	Notes
CONCRETE WORK	\$42,500.00	COST TO GRADE THE AREA OF APROX 5000 SQ FT THEN SET FORMS TO POUR 6 INCH CONCRETE ON 12X6X4X4 WIR MESH USING 4000 PSI CONCRETE, JOINTS 12 FT APART MAXIMUM, WILL MAKE SURE DRAIN OF RAINWATER RUNS AWAY FROM CONCRETE
		THE CITY OF HERRINGTON TO EXCAVATE AND DISPOSE EXISTING CONCRTE ON THE EAST SIDE OF BUILDINGJUS WILL DO THE EXCAVATION TO GRADE THE AREAS

**Subtotal** \$42,500.00  
**Tax**  
**Total** \$42,500.00

DRAFT

Net due upon receipt of invoice, after 30 days a late fee will be assessed at the maximum Legal rates on all the unpaid invoices. All materials guarantee to be as specified. All work to be performed in a workman like manner according to standard practices. Extra work or material will be charged on top of this proposal and must be written approval from both parties.

SIGNATURE \_\_\_\_\_  
 JOSE A SOLIS

**ACCEPTANCE:**

The above prices, specifications and conditions are satisfactory and are accepted. You are herby to do the work, as specified. Payments will be made as outlined above.

DATE \_\_\_\_\_ NAME \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_  
 COMPANY \_\_\_\_\_



**From:** [David Kahle](#)  
**To:** [City Manager Thatcher Moddie](#)  
**Subject:** Transformers bullpen  
**Date:** Thursday, March 21, 2024 11:48:42 AM

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This bid came from Gunnar Kickhaefer for the concrete pads. He said they could probably get to fairly fast, but they do have a couple big projects coming up. I will forward the other email bids to you separately.

2 25ftx100ft pads. 7inches thick 2ft rear grid. \$41000 if city supplies the fill. \$49000 if we supply the fill

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DRAFT

**BEFORE THE GOVERNING BODY OF THE CITY OF  
HERINGTON, KANSAS**

**In the Matter of the Application for the  
Vacation of a Certain Tract of Land currently  
Identified as Street Right of Way and with reserved  
accompanying easements of record in the  
City of Herington, Kansas**

**ORDER VACATING A PORTION OF STREET RIGHT OF WAY**

On this second (2<sup>nd</sup>) day of April, 2024, the above-entitled matter comes before the Governing Body of the City of Herington, Kansas, on the petition for vacation of a specified portion of street right of way.

**WHEREUPON**, evidence is presented on the Petition.

**WHEREUPON**, the Governing Body, having heard the testimony and reviewed the petition and other papers filed herein, finds that due and legal notice has been given by publication as required by law, that no private rights will be injured or endangered by the requested vacation, that the public will suffer no loss or inconvenience thereby, and that in justice to the petition the request ought to be granted pursuant to K.S.A 12-504 *et seq.*

It is therefore ordained by the Governing Body of the City of Herington, Kansas, that the following-described tract of land within the City of Herington, Kansas, be vacated, subject to reservation of any and all current easements of record, to wit: The Petitioner desires that the following-described tract of land:

**CITY OF HERINGTON, KANSAS  
DESCRIPTION FOR STREET VACATION**

**THAT PORTION OF WEST DAY STREET WITHIN THE CITY LIMITS OF  
HERINGTON, KANSAS, CONTIGUOUS TO THE EXISTING PROPERTY  
DESCRIBED AS:**

***LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), AND ,  
SEVEN (7), BLOCK ONE HUNDRED TWENTY-ONE (121), ORIGINAL  
TOWN OF HERINGTON, DICKINSON COUNTY, KANSAS.***

**LEGALS OF SAID VACATION ATTACHED AS EXHIBIT A WITH AN  
ILLUSTRATIVE MAP ATTACHED AS EXHIBIT B, BOTH OF WHICH ARE  
INCORPORATED HEREIN BY REFERENCE AS IF SET OUT IN FULL.  
CONTAINS \_\_\_\_\_ SQUARE FEET MORE OR LESS.**

that there be reserved to the City and owners of lesser property rights for public utilities rights-of-way, easements for public service facilities and in said tract of land for present uses and that the City Clerk certified copy of this order to the Dickinson County Register of Deeds for appropriate action pursuant to K.S.A 12 – 505.

**Passed on this 2nd day of April, 2024.**

\_\_\_\_\_  
Eric Gares, Mayor of the City of  
Herington, Kansas

ATTEST:

\_\_\_\_\_  
Megan Lawrenz, City Clerk

## **CERTIFICATION**

I hereby certify that the foregoing order was duly passed and approved by the Governing Body of the City of Herington, Kansas, in special session on the 2<sup>nd</sup> day of April, 2024.

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Megan Lawrenz, City Clerk

# EXHIBIT A

## RECOMMENDED DESCRIPTION FOR STREET VACATION:

ALL THAT PORTION OF OLIVE STREET (CURRENTLY DAY STREET) ADJOINING LOT 6 AND THE 14 FOOT ALLEY ADJOINING THE WEST LINE OF SAID LOT 6, OF BLOCK 121 OF THE PLAT OF BLOCKS 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131 HERINGTON, KANSAS FILED FOR RECORD JULY 25, 1887.



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

**KAW VALLEY ENGINEERING**

**EXHIBIT A**  
02-26-2024  
1816EXB

# EXHIBIT B

