

**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  
May 16, 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 May 2, 2023
- ii. Approval of CMB for Drag Races on May 20, 2023

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek  
Commissioner Gares, Mayor Bell

7. Resolution in support of MIH and HTIC Grant Program for Logan Pointe development

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek Commissioner Gares,  
Mayor Bell

8. Authorize Purchase of new bucket truck in the amount of \$217,964 and Altec 5-year warranty for \$3,310 for a total of \$221,274. Consider Truck Chassis 5-year warranty for \$7,498

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek  
Commissioner Gares, Mayor Bell

9. Discussion on location for Transformer Station

10. Update on Municipal Pool: water leaks, roof improvements, painting

11. Continuation of Public Hearing from April 18– Zachary Freeman – 901 E Arnold, Herington, KS 67449 on appeal for Environmental Code Violations (Skirting, furniture/trash, tires, appliance on porch)

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek Commissioner Gares,  
Mayor Bell

12. Continuation of Public Hearing from May 2– Zachary Freeman – 901 E Arnold, Herington, KS 67449 on Environmental Violations (Junk near lot 20)

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek Commissioner Gares,  
Mayor Bell

13. Continuation of Public Hearing from May 2– Zachary Freeman – 901 E Arnold, Herington, KS 67449 on stop work orders.

Motion \_\_\_\_\_ Seconded \_\_\_\_\_ Action \_\_\_\_\_  
Commissioner McDonald, Commissioner Castleberry, Commissioner Urbanek  
Commissioner Gares, Mayor Bell

14. Budget & Audit Update and discussion of Budget Workshop Session #1

15. 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 contract negotiations 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. City Manager Comments

17. Commissioner Comments

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

**Regular Meeting**  
**May 2, 2023**  
**6:00 p.m.**

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

The meeting opened with the Pledge of Allegiance.

Vice-Mayor Gares called the meeting to order.

Public Forum – Joe Kossmann – 801 N Broadway, Herington, Kansas 67449 - Big Blue Survey.

Additional Agenda Items: 12.a Walking Trail with USD 487, add 6a. Discussion on right of way for big blue.

Approval of Agenda – Commissioner Urbanek made a motion to approve the agenda with the addition of 12a and 6a, seconded by Commissioner Castleberry. Motion carried 4-0.

Consent Agenda – Commissioner Urbanek made a motion to approve the consent agenda containing the following items: Minutes of the Regular Meeting April 18, 2023, Approval of CMB for HMH Foundation Event on May 27, 2023, Karolyn Schlesener's application for the Library Board term to expire 4/30/2027, and Karen Soliz's application for the Library Board term to expire 4/30/2027, seconded by Commissioner Castleberry. Motion carried 4-0.

6a. Discussion on right of way regarding Big Blue – City Attorney Brad Jantz recalls an issue about having the city needing to vacate the property, staff will investigate. The commission would like this item to be added to the next commission meeting agenda.

National Police Week Proclamation (May 14-20) – Vice Mayor Gares read a proclamation designating May 14 – 20<sup>th</sup> as National Police Week.

Police Update – There were 342 calls for service, with 2 misdemeanor arrests, 2 felony arrests and 108 traffic stops. There was a drug bust and an arrest for crimes against children. Sgt. Schantz is attending FTO school, and the department still has one vacant full-time position open, but they are hoping to hold interviews soon.

Fire Update – There were 46 calls for service. 1 building fire, 12 brush fires (2 with structures involved), 15 medical assists, 5 motor vehicle accidents with injuries, 1 gas leak, 3 aircraft fill sites, 2 unauthorized burnings, and 8 controlled burnings. Mutual aid was given 6 times and received twice. Training hours covered extrication and wildland air ops. One new volunteer application was received, and one denied due to background, one volunteer moved away, so the department is still in need of more volunteers. McKenna Schlesener was offered the full-time position with the start date of May 15, 2023. Staff will meet with the insurance company on Thursday to discuss the rescue truck. They are estimating that a new truck will be \$420 thousand, while the body can be replaced for \$275 thousand. The E911 committee continues to meet, the tax bill passed legislation and staff will have more information to come, asking the community to support a .25% tax increase. There are several grant opportunities coming up and the department will be putting in for wildland pumps/plumbing, and a possible communications grant. The Kansas Forest Fire Grant has been submitted for \$5700.

Neighborhood Services Director Update – There were 3 complaints and 34 inspections. There were 2 grass violations, 1 code violation, 11 permits with 12 inspections, 4 inspections for utility connections and

6 structural building inspections. He has met with 3 contractors for bids for demolition of the dangerous structures. He attended a spring training conference for Kansas Association of Code Enforcement, Heat of America, 2021 IBC mean of egress, Disaster Assessment Training (became certified), Officer Safety and importance of documentation. The property at Trapp and 3<sup>rd</sup> has been inspected, he had a conversation with the owner of the property who wants to put up a fence, however since the property is in the flood plain more steps are needed. 117 W Walnut needs to go on the agenda for the second meeting in June. Staff to look at VBO.

Purchase of new Police Vehicle – Commissioner Urbanek made a motion to approve the purchase of a police vehicle as part of the replacement schedule for \$44,084.26, seconded by Commissioner Castleberry. Motion carried 5-0.

Electric Transformer purchase and discussion – Commissioner Urbanek made a motion to approve the purchase of an electric transformer for \$14,312, seconded by Mayor Bell. Motion carried 5-0.

12.a Consider fee structure for lights on Safe Routes walking trail to USD 487 – Donalyn and Thatcher had a discussion that the city would purchase half, and the school board would purchase half of the streetlights. Discussion was had on who would cover the cost of the electricity. Staff will set one meter to track the cost, but the city will cover the electricity cost. The school board will cover the cost if a light goes bad, the electric department will install it. This topic will be on the agenda at the May 15 school board meeting.

Public Hearing – Zachary Freeman – 901 E Arnold, Herington, KS 67449 on Environmental Violation – The hearing opened at 6:38pm. Zachary Freeman was not present. This is the second violation written on March 31, 2023, for some other debris that need to be cleared out, and a non-compliant RV on the property. James updated that a non-compliant RV has been taken care of, but the debris is still under the mobile home on the property. Commissioner Gares made a motion to continue the hearing to May 16, 2023, meeting, seconded by Commissioner Castleberry. Motion carried 5-0. The hearing closed at 6:51pm.

Hearing – Zachary Freeman – 901 E Arnold, Herington, KS 67449 on stop work order – The hearing opened at 6:51pm. The governing body discussed issuing a stop work order. Mayor Bell made a motion to continue the hearing to May 16, 2023, seconded by Commissioner Gares. Motion carried 4-1 with Commissioner Urbanek casting the dissenting vote. The hearing closed at 7:01pm.

Governing Body Goals & Comprehensive Plan Discussion – Priorities include: Budget Planning, Infrastructure, Comprehensive Plan, Lake Master Plan, Trail and Trailhead, Community Beautification, Downtown Growth and Improvements, Grant Writing Program, Informative Budget Information for the Public, Succession Planning for the City, MKC/Bids for Gas and Diesel and Pool Improvements.

Executive Session – Vice Mayor Gares made a motion that the Herington City Commission recess into Executive Session, pursuant to the consultation with an attorney on matters that would be deemed privileged in the attorney-client relationship exception, K.S.A. 75-4319(b)(2) to discuss contract negotiations to include the following: Governing Body, City Manager and City Attorney with the open meeting to resume at 7:42pm, seconded by Mayor Bell. Motion carried 5-0. The regular meeting resumed with no action taken.

City Manager Comments – Coffee with the CM, May 24, 8:30-9:30 AM. Auditors coming next week. Introduced myself to KS Dept. of Wildlife on Trail project. Wandermore photographer coming to town Thursday 5/4/23. Thanks to community groups for cleaning up downtown and parks. Upgrades @ Hilltop Community Center.

Commissioner Comments –

Commissioner McDonald- Concerned that we are relying on individuals to clean up businesses instead of the business owners doing it themselves.

Commissioner Castleberry – Appreciates the ad hoc group. Asked if the swing at the south park has been fixed and was told that it has been pulled down and is being worked on. Asked about the Arbor Day Tree Sale, and was told that about 30 trees were sold, but that there were about 15 left.

Commissioner Urbanek – Asked when the sprint grant is awarded and was told it should be by the end of May. Noticed that a lot of work has been done at the lake at the beach area at the lake.

Commissioner Gares – Asked that city staff look for an alternative place to store the electric department transformers and such. Staff have already started looking for an alternate place.

Mayor Bell – Asked where we are on painting on the street lines/sidewalk lines, commissioners seemed to want a new painter to be purchased. Would like to see some work done before the reunion.

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

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Megan Lawrenz, City Clerk

DRAFT

**RESOLUTION NO.**

**A RESOLUTION GRANTING TEMPORARY EXEMPTION FROM THE REQUIREMENTS OF CHAPTER 3, ARTICLE II, SECTION 3-204 PROHIBITING SALE AND 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 secure area in and on the area located at 810 South Broadway with the city of 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, May 20<sup>th</sup>, 2023, from five o'clock (12:00) p.m. until seven o'clock (5:00) p.m. at which time such temporary exemption shall expire.
4. Such exemption shall apply for the sale, possession, and consumption of enhanced cereal malt beverages only, defined as having an alcohol concentration of no more than 6.0% by volume.

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, 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 May, 2023.

\_\_\_\_\_  
Robbin Bell, Mayor

ATTEST:

DRAFT

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

## RESOLUTION NUMBER

### A RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF AN APPLICATION TO THE KANSAS HOUSING RESOURCES CORPORATION (KHRC) FOR THE KANSAS HOUSING INVESTOR TAX CREDIT (HITC) AND MODERATE-INCOME HOUSING (MIH) GRANT.

**WHEREAS**, the Housing Investor Tax Credit (HITC) Program authorizes Builders or Developers with Projects located in Counties with a population of less than 75,000 to apply; and

**WHEREAS**, the Kansas Moderate Income Housing (MIH) Program authorizes any city incorporated in accordance with the laws of the State of Kansas (the "State") with a population of less than 60,000 to apply for loans or grants to cities for infrastructure or housing development in areas that do not qualify for federal housing assistance; and

**WHEREAS**, the County has a population of less than 75,000 and, therefore, constitutes an eligible County as said term is defined by the HITC and MIH program; and

**WHEREAS**, the City of Herington, Kansas, a municipal corporation, (the "Developer") Developer of the Logan Pointe Project desires to apply for HITC and MIH GRANT; and

**WHEREAS**, the Developer will apply for HITC credits in association with the Project; and

**BE IT RESOLVED** by the Governing Body of the City of Herington, Kansas (Governing Body):

**SECTION 1.** The Governing Body hereby finds and determines that there is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.

**SECTION 2.** The Governing Body hereby finds and determines that the shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.

**SECTION 3.** The Governing Body hereby finds and determines that the shortage of quality housing is a substantial deterrent to future economic growth and development in the City.

**SECTION 4.** The Governing Body hereby offers support of application for the HITC and MIH Grant to the Kansas Housing Resources Corporation for the Logan Pointe



Project developed by the City of Herington, Kansas, a municipal corporation for HITC's.

**SECTION 5.** That this resolution shall be in full force and effect from and after its adoption and remain in place until May 16, 2024.

**ADOPTED BY THE HERINGTON CITY COMMISSION** and signed, as authorized by the City Commission, by the Mayor this 16<sup>th</sup> day of May, 2023.

\_\_\_\_\_  
Robbin Bell, Mayor

ATTEST:

DRAFT

\_\_\_\_\_  
City Clerk

(SEAL)

**Quoted for:** City of Herington  
**Customer Contact:** David Kahle  
**Phone:** (785) 258-4221 / **Email:** electricdept@cityofherington.com  
**Quoted by:** Callie Byrd  
**Phone:** (919) 691-9320 / **Email:** callie.byrd@altec.com  
**Altec Account Manager:** Tim Wilcoxson

REFERENCE ALTEC MODEL		Sourcewell Price
AT41M	Articulating Telescopic Aerial Device with Material Handling Insulated, 41'	\$205,024

**(A.) SOURCEWELL OPTIONS ON CONTRACT (Unit)**

1	AT41M-AWD	All Wheel Drive	\$6,739
2	AT41M-US48M-PE	Platform Elevator	\$4,378
3			
4			

**(A1.) SOURCEWELL OPTIONS ON CONTRACT (General)**

1	SL	COMPARTMENT LIGHTS in Body Compartments - Strip LED (Qty. 8 Compartments)	\$1,776
2			
3			
4			
5			
6			
7			
8			
<b>SOURCEWELL OPTIONS TOTAL:</b>			\$217,917

**(B.) OPEN MARKET ITEMS (Customer Requested)**

1	UNIT		\$0
2	UNIT & HYDRAULIC ACC		\$0
3	BODY	Steel LGS Body ilo Standard	\$8,379
4	BODY & CHASSIS ACC	Auto Boom Stow	\$864
5	ELECTRICAL	Compartment Light Switch and OEM Backup Camera Install	\$573
6	FINISHING		\$0
7	CHASSIS	Ford F550 4x4 Diesel Reg. Cab ilo Contract Chassis	-\$3,358
8	OTHER	Altec MY Price Adjustment	-\$10,688
<b>OPEN MARKET OPTIONS TOTAL:</b>			-\$4,230

**SUB-TOTAL FOR UNIT/BODY/CHASSIS: \$213,687**  
**Delivery to Customer: \$4,277**  
**FET:**  
**CA Doc/Admin/Tire Fees:**  
**Estimated Taxes (\_\_\_%):**  
**TOTAL FOR UNIT/BODY/CHASSIS: \$217,964**

**(C.) ADDITIONAL ITEMS (items are not included in total above)**

1		5yr. Altec Extended Warranty Labor, Material, Expenses	\$3,310
2		5yr. Chassis Extended Warranty 150K Miles / \$0 Deductible	\$7,498
3			

\*\*Pricing valid for 45 days\*\*

**NOTES**

**PRICING:** Altec will make every effort to honor this quotation, subject to the following provisions. Prices for equipment with production start dates 12 months and beyond are budgetary only due to irregular cost inflation and market volatility. These prices will be reviewed based on market conditions and confirmed closer to the production date. Quotes and orders with chassis model year beyond the current open order bank, should be considered estimates only. Altec's turn-key pricing is subject to change in accordance with chassis pricing received from the OEM. Chassis model year, specifications and price will be reviewed and confirmed when specific model year information becomes available from the OEM and that chassis price difference will be passed through to the customer.

**PAINT COLOR:** White to match chassis, unless otherwise specified

**WARRANTY:** Standard Altec Warranty for Aerials and Derricks - One (1) year parts warranty One (1) year labor warranty Ninety (90)

**TO ORDER:** To order, please contact the Altec Account Manager listed above.

**CHASSIS:** Per Altec Commercial Standard

**DELIVERY:** No later than **32-36** months ARO, FOB Customer Location

**TERMS:** Net 30 days

**BEST VALUE:** Altec boasts the following "Best Value" features: Altec ISO Grip Controls for Extra Protection, Only Lifetime Warranty on Structural Components in Industry, Largest Service Network in Industry (Domestic and Overseas), Altec SENTRY Web/CD Based Training, Dedicated/Direct Gov't Sales Manager, In-Service Training with Every Order.

**TRADE-IN:** Please ask your Altec Account Manager for more information

**BUILD LOCATION:** Creedmoor, NC

## Relocating the storage area for the Transformer

After looking at several areas to relocate the transformers, going back to the original place is the best area to put the transformers. The transformer storage pen would be the same size as the original storages pen.

The area would be 90 ft. by 100 ft area on the east of the wire building. Fence would have to 2 drive-thru gates and 1 walk-in gate. One big gate on the northside and One on the south side plus a walk-in gate next to the building. By putting the fence there, it would help to secure the door to the building.

Concrete costs are about \$154 cubic yard. Planning on pouring a 25 ft by 100 ft slab concrete and a slab by the building for Pad mount transformers and other materials. The second slob would be 15 ft by 25 ft. This would be approximately 36 yards of concrete for both slabs. Cost about \$5600 for concrete.

Looking on the internet at the cost for building chain link fence. On the high side of the price for an 8 ft tall fence \$28 per linear ft. The 2 gates big gates \$7200 and walk-in gates \$700.

DRAFT

# Parcel Search - Reference Map



5/1/2023, 11:57:10 AM

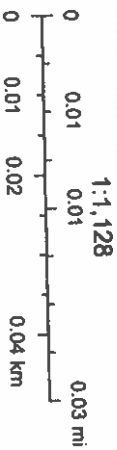
Road Lines

- Asphalt, Concrete, Composite or Bituminous surface, CITY Cadastral Lines
- Parcel Boundaries



Subdivision Boundaries

Other



Mazer, Microsoft

Mazer, Microsoft



# THE CITY OF HERINGTON

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

Telephone: (785) 258-2271

FAX: (785) 258-3552

## NOTICE OF ENVIRONMENTAL CODE VIOLATIONS

Pursuant to Ordinance 1721 adopting the codification of ordinances of the City of Herington, Kansas adopted 2010, hereafter referred to as the City Code; the hereinafter-described property was inspected on January 17, 2023, February 28, 2023, and March 16, 2023, and found to be in violation of Chapter IV, Article 10 of the City Code.

TRACT DESCRIPTION: 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

Subdivision: McClaves Addition, Herington, KS

LOCATION: Address: 901 E Arnold St, Herington, KS 67449

OWNER: Name of Person(s) in Violation: Herington Park, LLC  
Address of Person(s) in Violation: PO Box 780153  
Wichita, KS 67278

## **CONDITIONS IN VIOLATION OF CITY CODE ARE:**

The City of Herington has received complaint that the property at the location identified above has conditions that are "inimical to the general welfare of the community in that they have a blighting influence on the adjoining properties, the neighborhood and the city, or are injurious to the health and safety of the residents of the city".

### **Environmental Code- Chapter IV, Article 10:**

Section 4-1007 states that it shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood or the city. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows.

- (a) Exterior conditions (yard) shall include, but not be limited to, the scattering over or the parking, leaving, depositing or accumulation on the yard of any of the following:
- (1) **Lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse/trees & brush.**
  - (2) **Abandoned motor vehicles any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of the code; or incapable of moving under its own power; or in a junked or wrecked condition.**
  - (3) **Furniture, stoves, refrigerators, televisions, sinks, bicycles, lawnmowers, or other such items of personal property.**
  - (4) **Nauseous substances, carcasses of dead animals or places where animals are kept in an offensive manner.**

Failure to alleviate the condition within 15 days or to request a hearing within 15 days may result in prosecution under Section 4-1009 and/or abatement of the condition by the City according to Section 4-1010 with the costs assessed against the property under Section 4-1013.

**As shown in the attached photos it appears that construction debris, plastic products, plywood, auto parts, junk, refuse, appliances, furniture, tarps, brush piles, and other such items of personal property have been left/deposited on the property described above. These items are in violation of the City Code and need to be corrected.**

You are hereby given **15 days** from the date of the service of this Notice to comply with the provisions of this article and/or **15 days** to request a hearing before the governing body. In the event that you fail to comply with the provisions of this article within such time, the city attorney will be notified to commence prosecution in municipal court, or a resolution may be presented to City Council for adoption to abate the property.

If you have any questions about this Violation Notice, please contact me at City Hall, (785) 258-2271. Thank you for your immediate attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "James Masters". The signature is written in a cursive style with a long, sweeping underline.

James Masters  
Neighborhood Services Director  
March 17, 2023

DRAFT

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Herington Park, LLC  
P.O. Box 780153  
Wichita, KS 67278



9590 9402 7094 1251 5489 65

2. Article Number (Transfer from service label)

7020 1290 0001 3548 4370

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Handwritten Signature]*  Agent  
 Addressee

B. Received by (Printed Name)

*SUZANNE MASSLEY*

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

all Restricted Delivery

7020 1290 0001 3548 4370

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$ 4.15

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$ 3.35
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage \$ 8.4

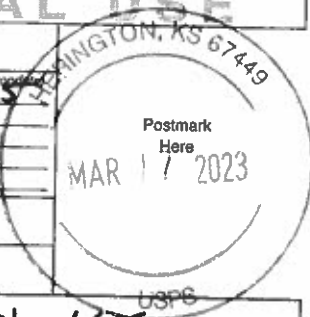
Total Postage and Fees \$ 8.34

Sent To Herington Park, LLC

Street and Apt. No., or Box No. P.O. Box 280153

City, State, ZIP+4® Wichita KS 67278

PS Form 3800, April 2013 PSN 7530-02-000-9047 See Reverse for Instructions





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  - (1) **Lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse/trees & brush.**
  - (2) **Abandoned motor vehicles any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of the code; or incapable of moving under its own power; or in a junked or wrecked condition.**
  - (3) **Furniture, stoves, refrigerators, televisions, sinks, bicycles, lawnmowers, or other such items of personal property.**
  - (4) **Nauseous substances, carcasses of dead animals or places where animals are kept in an offensive manner.**



Failure to alleviate the condition within 15 days or to request a hearing within 15 days may result in prosecution under Section 4-1009 and/or abatement of the condition by the City according to Section 4-1010 with the costs assessed against the property under Section 4-1013.

**As shown in the attached photos it appears that construction debris, plastic products, and an abandoned motor vehicle have been left/deposited on the property described above. These items are in violation of the City Code and need to be corrected.**

You are hereby given **15 days** from the date of the service of this Notice to comply with the provisions of this article and/or **15 days** to request a hearing before the governing body. In the event that you fail to comply with the provisions of this article within such time, the city attorney will be notified to commence prosecution in municipal court, or a resolution may be presented to City Commission for adoption to abate the property.

If you have any questions about this Violation Notice, please contact me at City Hall, (785) 258-2271. Thank you for your immediate attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "James Masters". The signature is written in a cursive, flowing style.

James Masters  
Neighborhood Services Director  
March 31, 2023

DRAFT

NAME: Zachary Freeman, Herington Park, LLC  
ADDRESS: 901 E Arnold ST, Herington, KS  
REGARDING: Environmental Code violation, 4-1007 @  
901 E Arnold ST

OFFICER'S RETURN

Received this writ on the 31<sup>st</sup> day of March, 2023 and served the same on the above-named Defendant on the 4<sup>th</sup> day of April, 2023 by

Delivering a copy to Defendant, personally Zachary Freeman

Leaving a copy with \_\_\_\_\_, a person of suitable age and discretion then residing at Defendant's dwelling, house, or usual place of abode

Mailing a copy to Defendant at Defendant's last known address, as follows: \_\_\_\_\_

Defendant not found

James Masters



Neighborhood Services Director

The City of Herington



# THE CITY OF HERINGTON

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

Telephone: (785) 258-2271

FAX: (785) 258-3552

## STOP WORK ORDER

Pursuant to Ordinance 1721 adopting the codification of ordinances of the City of Herington, Kansas adopted 2010, hereafter referred to as the City Code; the hereinafter-described property was inspected on January 17, 2023, February 28, 2023, and March 28, 2023, and found to be in violation of Chapter IV, Article 1 of the City Code.

TRACT DESCRIPTION: 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

Subdivision: McClaves Addition, Herington, KS

LOCATION: Address: 901 E Arnold St, Herington, KS 67449

OWNER: Name of Person(s) in Violation: Herington Park, LLC

Address of Person(s) in Violation: PO Box 780153  
Wichita, KS 67278

## **CONDITIONS IN VIOLATION OF CITY CODE ARE:**

The City of Herington has received complaint that manufactured homes have been moved onto the property at the location identified above. These structures are required to have permits. City records indicate that no permits have been issued for these manufactured homes to be moved into the city limits of Herington.

### **Building Code- Chapter IV, Article 1:**

Section 4-101 adopts the 2015 International Residential Code of the International Code Council.

Section 4-103(a) states that no building or structure shall be erected, enlarged, remodeled, or moved within the city without a permit therefore from the City Clerk who shall require a site plan and may require a plan of the proposed work together with a statement of the estimated cost of materials and labor to be used. Such permit shall be issued upon approval of the building official and conditional upon the compliance of the provisions of this article.

### **2015 International Residential Code:**

R105.1- Required, states any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

R113.1 - Unlawful acts, states it shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

R113.3 - Prosecution of violation, states if the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

R113.4 - Violation penalties state any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

R114.1 - Notice to owner or the owner's authorized agent. Upon notice from the building official that work on any building or structure is being executed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's authorized agent or to the person performing the work and shall state the conditions under which work will be permitted to resume.

R114.2 - Unlawful continuance states any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law

Section 4-104 – Penalty states any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be fined in any sum not exceeding \$500.00, or be imprisoned not to exceed 30 days, or be both so fined and imprisoned.

Failure to alleviate the condition within 7 days or to request a hearing within 7 days may result in prosecution under Section 4-104, City Code and/or abatement of the condition by the City according to Section R-113.3, International Residential Code with the costs assessed against the property under R-113.3, International Residential Code.

**As shown in the attached photos it appears that three manufactured homes have been left/deposited on the property described above. No building permits and plans have been submitted and approved for these three manufactured homes. These items are in violation of the City Code and need to be corrected. These structures need to be secured. You are hereby ordered to STOP WORK on these structures. After permits and plans have been submitted and approved work may resume on the manufactured homes.**

You are hereby given **7 days** from the date of the service of this Notice to comply with the provisions of this article and/or **7 days** to request a hearing before the governing body. In the event that you fail to comply with the provisions of this article within such time, the city attorney will be notified to commence prosecution in municipal court, or a resolution may be presented to City Commission for adoption to abate the property.

If you have any questions about this Violation Notice, please contact me at City Hall, (785) 258-2271. Thank you for your immediate attention to this matter.

Sincerely,



James Masters  
Neighborhood Services Director  
March 31, 2023

NAME: Zachary Freeman, Herington Park, LLC  
ADDRESS: 901 E Arnold ST, Herington, KS  
REGARDING: STOP Work ORDER, IRC - R-114.1  
Violation of Chapter IV, Article 1 @ 901 E Arnold ST

OFFICER'S RETURN

Received this writ on the 31<sup>st</sup> day of March, 2023 and served the same on the above-named Defendant on the 4<sup>th</sup> day of April, 2023 by

Delivering a copy to Defendant, personally Zachary Freeman

Leaving a copy with \_\_\_\_\_, a person of suitable age and discretion then residing at Defendant's dwelling, house, or usual place of abode

Mailing a copy to Defendant at Defendant's last known address, as follows: \_\_\_\_\_

Defendant not found

James Masters



Neighborhood Services Director

The City of Herington