

**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  
October 17, 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 October 3, 2023
- ii. Receive & File Library Board Minutes – September 12, 2023

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

7. Presentation from SMH Consultants and update on status of Sewer/WW Treatment Plant improvements

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

8. Presentation of findings and consideration of support on “Herington Tomorrow” Comprehensive Plan from PEC

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

9. Receive update from City Clerk on Administrative Department

10. Receive update from Neighborhood Services Director

11. Consider Resolution to authorize Public Hearing on 219 W. Trapp St

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

12. Consider Ordinance Reducing Planning Commission from 9 to 7 Members

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

13. Consider repeal of Vacant Building Ordinance #1831 with Ordinance \_\_\_\_\_

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

14. Consider bids for restoration of Historic Pool House roof and authorize \$16,858.59 purchase from previous pool grant funding

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

15. Consider Fire Hydrant Project at Airport and Authorize purchase of \$10,084.74 in materials from Core & Main

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

16. Executive Session – 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) in order to discuss potential litigation to include the following:

- Governing Body
- City Manager
- City Attorney
- \_\_\_\_\_

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](mailto:cityoffice@cityofherington.com).

**Regular Meeting  
October 3, 2023  
6:00 p.m.**

The Herington City Commissioners met on the above date and time in the 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, City Clerk Megan Lawrenz, Chief of Police Chad Langley, and Fire Chief Andrew Avantagiato. Also in attendance were DJ Neuberger, Gerry Bieker, Larry Mann, Christina McDonald, Carl Urbanek, Janet Wade, Rhonda Rice, Josh Brunner and Jessica Goodale.

The meeting opened with the Pledge of Allegiance.

Mayor Bell called the meeting to order.

Public Forum – None.

Additional Agenda Items: Add 12a Conversation about demolition of houses.

Approval of Agenda – Commissioner McDonald made a motion to approve the agenda, 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 September 19, 2023, and Receive and File Board and Commission Minutes from Eric correct regular meeting minutes, June 27, 2023 Planning Commission Minutes, August 2, 2023 CVB Minutes, August 21, 2023 Rec Commission Minutes, seconded by Mayor Bell. Motion carried 5-0.

Consider Appointment of Rhonda Rice to the Herington Planning Commission (Term 2023-2025) – Commissioner Urbanek made a motion to approve Rhonda Rice to the planning commission term to expire 12/31/2025, seconded by Commissioner Gares. Motion carried 5-0.

Consider KMEA and Herington Generating Capacity Contract – Gerry Bieker – KMEA – After discussion Commissioner Gares made a motion to authorize the mayor's signature on the Generating Capacity Contract with KMEA, seconded by Commissioner Urbanek. Motion carried 5-0.

Announcement on October 16-20 City-Wide Cleanup – Items should be placed for pick up by 8:00pm on Sunday, October 15, 2023.

Receive update from Police Chief – There were 303 calls for service with 65 traffic stops, and 5 misdemeanor arrests. There is an event at the school tomorrow and officers will attend. The new SRO is in place with the school district. The Faith in Blue Event is Saturday 10/7, all agencies within county will be here.

Receive update from Fire Chief – There were 39 calls including 1 building fire, 2 grass fires, 18 medical assists, 4 motor vehicle accidents with injuries, 1 EMS rescue or standby, 2 gas leaks, 1 oil spill, 1 electrical wiring problem, 1 down power line, 1 unauthorized burn, 5 controlled burns, 1 false alarm, and one gas spill. Training topics covered structure drills. The department has one new junior fire fighter. KSFM office turnout gear application for 5 sets of gear totaling \$24,661.35 has been turned in. LSSE grant has been denied. Will need to budget \$66,000 for new pumps, plumbing and hose reels for the 5-ton trucks. The tender is due at the end of October. Herington Fire School is the weekend of the 7th/8<sup>th</sup>. .25% sales tax vote is quickly approaching. New rescue is getting picked up on 10/24/2023.

Presentation on EPA Brownfield Main Street Preservation Program – Thatcher will work on a MOU for the next meeting.

12a. Demolition update – Thatcher has called many times and has not heard back from the contractor. Consensus to re-open the bid if the city chooses not to have staff complete. Commissioner Urbanek made a motion to re-open the bid and notify the original bidder for exceeding timeline, seconded by Commissioner Castleberry. Motion carried 5-0.

Consider contract for new Server for City Hall network infrastructure for 36 months at \$413.86 with a one-time transfer fee of \$190 – Commissioner Urbanek made a motion to approve the server purchase, seconded by Mayor Bell. Motion carried 4-1 with Commissioner Gares casting the dissenting vote.

Consider Extension of Remediation of lots at 901 E. Arnold until Oct. 31, 2023 (Res. 989, 990, 991) – Staff recommends keeping the resolutions in place for good cause shown but will give the owners an extension. Commissioner Urbanek made a motion to extend the deadline to October 31, 2023, seconded by Commissioner Gares. Motion carried 5-0.

Executive Session – Mayor Bell 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) in order to discuss potential litigation to include the following: Governing Body, City Manager and City Attorney, with the open meeting to resume at 7:45, seconded by Commissioner Gares. Motion carried 5-0. The regular meeting resumed with no action taken.

City Manager Comments – Staff is nearing completion on the walking trail. On 10/14 there will be an open house at Commissioner McDonald's, the newest historical home in Dickinson county. He is meeting with Lochner on airport projects. He is submitting logan pointe grant again. He is meeting with Discs Unlimited this month about starting the courses. The contractor is starting the utility project near Casey's this month. He has had a one-on-one with a commissioner so far but wants to meet with everyone. He will be at a league conference this weekend and be gone on Friday.

#### Commissioner Comments

Commissioner McDonald- Asked for an update on driveway at homestead village – staff has two bids.

Commissioner Castleberry – Asked about a building permit for awning for PTO.

Commissioner Urbanek – Asked for an update on the Ethics Commission – wants to see that we get the commission back up and running. Wants terms added in a calendar.

Commissioner Gares – None.

Mayor Bell – Asked for an update on the walking trail. Most of the poles are set, there are still a few to go. The lights will go in next; they have been delivered.

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

---

Megan Lawrenz, City Clerk

## Herington Library Board Minutes 9/12/23

**Attendees:** Shelly Wirtz Librarian, Peggy Hilliard Vice President. Karen Soliz Secretary, Carol Riffel, Linda Polston, Debbie Wendt, Karolyn Schlesener

**Guests:** Aetna Representative Kathie Mason for Monica Ingalls  
Nationwide/Smart Insurance agent Tandi Reiff  
KVK Inc. owner Darrin Volkman

**Absent:** President John Thissen

**Meeting Called to order:** 4:37 P.M.

**Approval of Agenda:** Motion Linda, Second Carol, Approved.

Treasurer's Report: Accepted revised 2024 Budget. Finalized by City Commission 9-19-23

**CD's:** Discussion to revise CD #---22 to include division of \$1,000.00 from interest accrued into two \$500.00 CD's for Shelly and Marilyn. Length of CD to be determined by themselves, with ability to add annually by each. Balance of CD will roll over. Motion by Carol, Second by Debbie, carried.

Discussion to change information card at the Bank to exclude Roger Boelling. Card will name Shelly, Linda, and Karen. Motion by Carol, Second by Debbie, approved.

### Agenda Item:

- a. Speaker: Darrin Volkman KVK Inc.  
Presented assessment of air conditioners. Existing leak in compressor. The unit estimated to be 21years old. Presented Board with three options for replacement, and costs. Will extend quote beyond 30 days to accommodate possibility of procuring a grant to offset the costs.

Mr. Volkman is Chairman of Dickinson County Economic Development.  
Recommended we contact Jessica Godall for Grant information and Rhonda Rice.  
Karen will follow up:

\*\* Met with Jessica and Rhonda 9-19-23. Neither had grant information to contribute at this time.

\*\* Susan Mueller and Shelly Wirtz submitted a grant for replacement of air conditioners.

- b. Monica Ingalls, Community Outreach Coordinator unable to attend. Kathie Mason presented information from Aetna Kansas; covering Dickinson, Morris and Geary Counties. Discussion regarding two new Medicare advantage plans available for Veterans and Dual Eligibility for low income clients.

Requested use of the Library for group events, including give a way to community. Limitations would include availability during Library hours conflicting with Library activities. Shelly would be contact/coordinator, allowing informational flyer postings.

- c. Tandi Reiff, Smart Insurance gave explanation of insurance cost increases. Offsets by increasing Workman Compensation and Replacement Costs. Tandi will forward information to Shelly or return to discuss with the Board.
- d. Elevator: Roger Charles with the Peabody library reported to Shelly the elevators require annual inspections per State Law. Shelly will call to confirm information and request using our inspector, or must it be a State Inspector. Further discussion deferred to October meeting.
- e. Window Seal: No update from David Stroda. Shelly will reach out again. Discussion deferred to October meeting.
- f. Grants: Shelly will confer with Manhattan. Seeking awards from Service Improvement and Competitive Grant. Susan and Shelly submitted Competitive grant by deadline of September 15th.
- g. Defibrillator Device: No update.
- h. Donation Plaque: No update.
- i. Status Update re: Frances Gehrke. Shelly will take action updating the plaque and corresponding with the family.
- j. New Leaf Mission: no update.
- k. Shelly gave update on fall story time
- l. Pilcrow Grant: Library will use residual funds from Ralph and Izzys donation to meet 50/50 requirement for the 2024 grant application.
- m. Holidays: Christmas Eve, Christmas Day, New Year's Eve, New Year's Day are recognized. Staff will receive following Monday and Tuesday off.
- n. Will do more policies next meeting
- o. Fund raiser letters discussion deferred to October meeting.
- q. Debbie will try to obtain information, re: How the City calculates the mill tax.

**Meeting adjourned:** Motion Carol, second Karolyn. Approved.

*Resolution published twice weekly in the Dickinson County News Times on  
October 25, 2023, and November 1, 2023.*

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF HERINGTON, KANSAS FIXING A TIME AND PLACE FOR SHOW CAUSE HEARING PURSUANT TO PURSUANT TO THE HERINGTON CITY CODE CHAPTER IV, ARTICLE 10, SECTION 4-1007 ET. SEQ. ADOPTED BY THE CITY OF HERINGTON, KANSAS.**

**WHEREAS**, the City of Herington, Kansas is authorized to cause the repair or removal of certain structures and the removal of certain environmental code violations located within the City which may have become unsafe or dangerous.

**WHEREAS**, an updated inspection report has been received by the duly authorized building inspector for the City of Herington, Kansas and filed with the City of Herington on October 17, 2023, referencing possible unsafe or dangerous conditions of structure(s) including environmental code violations, on property which is located within the City of Herington, Kansas described as follows:

**Legally described as follows:**

A tract of land in the Northwest Quarter of Section 13, Township 16 South, Range 4 East of the 6th Principal Meridian, Dickinson County, Kansas Described as follows: Beginning at a point 60 feet South and 10 feet West of the Southeast corner of Block 130 in the city of Herington, Kansas; thence South 310 feet, thence East 240.9 feet, more or less, to West Boundary of tract Condemned by United States Government, in Civil Action No. 4853; thence North along said boundary line 310 feet; thence West 240.9 feet, more or less to the point of beginning.

**Commonly known by Street Address as:**

**219 W Trapp Street, Herington, Kansas**

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

That the Governing Body has, pursuant to Herington City Code Chapter IV, Article 10, Section 4-1007 et. seq., as duly adopted by the City of Herington, Kansas, hereby authorized the fixing of a time and place for hearing at which the owner, her agent, any lienholders of record, and any occupant of such structure(s) may appear and show cause why such structure should not be condemned and ordered repaired or demolished and the yard abated of environmental code violations. The time and place of hearing is hereby established as December 5<sup>th</sup>, 2023, at 6 p.m., or as soon thereafter as is practicable, at the Herington City Hall, 17 N. Broadway, Herington, Kansas 67449.

**BE IT FURTHER RESOLVED:**

That a copy of this resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. A copy of this resolution shall be mailed by certified mail within three (3) days after its publication to each owner, agent, lienholder, and occupant at his, her, or its last known address and that any owner who is a Kansas resident shall be personally served with three (3) days after publication in lieu of mailing the same.

**ADOPTED AND APPROVED** by the Governing Body of The City of Herington, Dickinson County, Kansas this 17<sup>TH</sup> day of October, 2023.

DRAFT

s/Robbin Bell  
Robbin Bell, Mayor

---

ATTEST:

s/ Megan Lawrenz  
Megan Lawrenz, City Clerk

Seal:



Published in the Dickinson County News – Times, by Summary Ordinance  
on \_\_\_\_\_, 2023.

**ORDINANCE NO.**

**AN ORDINANCE REVISING AND AMENDING, IN ITS ENTIRETY, CHAPTER 8 - ZONING, ARTICLE I – PLANNING COMMISSION, SECTION 8-101 - CITY PLANNING COMMISSION CREATED, OF THE CODE FOR THE CITY OF HERINGTON, KANSAS TO REVISE THE NUMBER OF ELECTORS SERVING ON THE CITY OF HERINGTON PLANNING AND ZONING COMMISSION FROM NINE TO SEVEN MEMBERS; TO CONFIRM THE COMPOSITION OF THE CITY OF HERINGTON PLANNING AND ZONING COMMISSION MEMBERS AS TO RESIDENCY REQUIRMENTS FOR PERMISSIBLE MEMBERSHIP AND SERVICE ON THE CITY OF HERINGTON PLANNING COMMISSION; AND REPEALING ANY AND ALL OTHER CURRENT ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH.**

**BE IT THEREFORE ORDAINED BY THE GOVERNNG BODY OF THE CITY OF HERINGTON, KANSAS:**

**Section 1. REVISED SECTION.**

That Chapter 8, Article I, Section 8-101 shall be revised and amended in its entirety to reduce the number of electors serving on the City of Herington Planning Commission from nine to seven members and to confirm the applicable jurisdictional limits for permissible membership and service on the CITY OF HERINGTON PLANNING AND ZONING COMMISSION within The Municipal Code Of The City Of Herington and shall read as follows:

**Sec. 8-101. - City Planning Commission created.**

There is hereby created a Planning and Zoning Commission for the City of Herington, Kansas, which shall consist of seven electors of which five members shall be residents of the city and two members shall reside outside the city but within three miles of the corporate limits of the city.

**Section 2. REVISION, REPLACEMENT, AND REPEAL.**

Any prior versions of this Section are hereby revised and replaced with the language in Section 1 hereof, and any other current ordinances or portions thereof in conflict herewith are hereby repealed.

**Section 3. Effective date.**

This Ordinance shall be published shall take effect and be in force from and after the publication of this Ordinance one time in the Dickinson County News – Times.

**ADOPTED AND PASSED** by the Governing Body of the City of Herington, Kansas on \_\_\_\_\_, 2023 and **APPROVED AND SIGNED** by the Mayor.

Approved:

\_\_\_\_\_  
Robbin Bell, Mayor, Herington, Kansas

ATTEST:

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

DRAFT

*(Approved as to Form):*

s/ Bradley D. Jantz  
**Bradley D. Jantz, Herington City Attorney**

Herington, Kansas, this \_\_\_\_ day of October, 2023.

Published in the official newspaper on the \_\_\_\_\_ day of \_\_\_\_\_, 2023

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF HERINGTON, KANSAS, TO REPEAL, IN ITS ENTIRETY, ORDINANCE NO. 1831 CODIFIED AS CHAPTER 5, ARTICLE 7 ESTABLISHING REGULATION FOR ABANDONED COMMERCIAL BUILDINGS AND VACANT COMMERCIAL BUILDINGS; REQUIRING REGISTRATION AND MAINTENANCE.**

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

**SECTION 1.** That Chapter 5, of the Code of the City of Herington, Kansas, is hereby amended to repeal, in its entirety, Article 7 thereof as adopted in Ordinance No. 1831 approved on December 15<sup>th</sup>, 2020 and properly published on December 30<sup>th</sup>, 2020.

**SECTION 2.** This ordinance, or portions of any other ordinance 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 \_\_\_\_\_, 2023.

**Signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
Robbin Bell, Mayor, City of Herington, Kansas

ATTEST:

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

SEAL



**Kape Roofing And Exteriors (Salina KS)**

315 W. Pacific Ave.  
Salina, KS 67401  
Phone: 785-826-2577

Fax: 785-826-2523

**Company Representative**

John Agnone  
Phone: (785) 376-5337  
johnagnone@kaperroofing.com

**Cody Oswald**  
501 North Broadway Street  
Herington, KS 67449  
(785) 258-4665

Job: Cody Oswald

**Roofing Section**

|  | Qty   | Unit |
|--|-------|------|
| Peel & Stick                             | 29.00 | EA   |
| Tri built SA Base Sheet                  | 15.00 | RL   |
| Genflex Genfast Metal Termination Bar    | 30.00 | EA   |
| Plywood 4x8 OSB                          | 80.00 | EA   |
| decking nails for plywood                | 2.00  | EA   |
| Labor for Decking                        | 21.00 | SQ   |
| Peel & Stick Labor                       | 21.00 | SQ   |
| Karnak #108 Asphalt Primer Spray (14 oz) | 10.00 | EA   |
| Aluminum Base Pipe Flashing - 4"         | 2.00  | EA   |

**\$16,858.59**



|                    |           |
|--------------------|-----------|
| Customer #         | 137008    |
| Order #            | S667448   |
| Date Ordered       | 04/11/23  |
| Job #              |           |
| Job Name           | CODY      |
| Purchase Order #   | HYD QUOTE |
| Method of Shipment | SHIPPED   |
| Contract Order #   | 0000000   |
| Ordered By         |           |
| Ship Via           | 752       |

**Sold To:**  
 HERINGTON KANSAS CITY OF  
 PO BOX 31  
 HERINGTON, KS 67449 0031

**Ship To:**  
 HERINGTON KANSAS CITY OF  
 17 NORTH BROADWAY  
 HERINGTON, KS 67449

**Branch:**  
 MCPHERSON KS  
 Branch - 344  
 600 Old 81 Highway  
 McPherson, KS 67460  
 Phone: 620-241-3865

| Bid Seq# | Product Code    | Description                     | Qty Ordered | Qty Shipped | Qty B/O | Net Price  | UOM | Ext Price |
|----------|-----------------|---------------------------------|-------------|-------------|---------|------------|-----|-----------|
|          | 60548AVK3W6MGF  | 5-1/4 4'B 3WAY 6" MJ GF AVK HYD | 1           | 1           |         | 3404.58000 | EA  | 3404.58   |
|          |                 | 27MH-Q2906-00108-1              |             |             |         |            |     |           |
|          | 5106AVKMJGVLAOL | 6 AVK #65 DI MJ GV O/L L/ACC    | 1           | 1           |         | 1182.55000 | EA  | 1182.55   |
|          |                 | 65-150-0709614034 OPEN LEFT     |             |             |         |            |     |           |
|          | 21T06AS13       | 6X13 MJ ANCH CPLG C153 USA      | 1           | 1           |         | 195.62000  | EA  | 195.62    |
|          | 21AMMJR06LG     | 6 MJ REGULAR ACC SET L/GLAND    | 2           | 2           |         | 30.34000   | EA  | 60.68     |
|          | 0306021         | 6 PVC SDR21 PR200 PIPE (G)      | 400         | 400         |         | 11.96000   | FT  | 4784.00   |
|          | 21I06T060M      | 6 MJ TEE C153 IMP               | 1           | 1           |         | 201.86000  | EA  | 201.86    |
|          | 21AMF706GRAPDI  | 6 RM GRIPRING GRAP-DI ACC       | 3           | 3           |         | 85.15000   | EA  | 255.45    |
|          |                 | FOR C900 AND DIP                |             |             |         |            |     |           |

Terms in accordance with shipping manifest.

**Special Instructions/Comments:**  
 WARNING-HEAVY ITEM-LIFT ASSISTANCE REQ'D

|                |          |          |
|----------------|----------|----------|
| Total Shipped: |          | 10084.74 |
| Total Ordered: | 10084.74 |          |