

**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  
February 21, 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. Discuss and Action on the Minutes of the Regular Meeting February 7, 2023
  - ii. Discuss and Action to Appoint Ken White to the CVB Board Term to Expire 2/28/2025
  - iii. Discuss and Action to Approve Temporary CMB for Beer Goggles, LLC at the Herington Community Building on 2/25/2023 from 12:30 pm to 6:00 pm.

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

7. Update on the SPRINT Grant from Janet Wade
8. Resolution 973 - **A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 315 SOUTH A STREET IN THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE DEMOLISHED AND THE PREMISES MADE SAFE AND SECURE**

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

9. Resolution 974 - **A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 507 N. F STREET IN THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE DEMOLISHED AND THE PREMISES MADE SAFE AND SECURE.**

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

10. 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
- Interim City Manager
- City Attorney
- City Clerk, if needed
- \_\_\_\_\_

With the open meeting to resume at \_\_\_\_\_.

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

11. City Manager Comments

12. Commissioner Comments

13. 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  
February 7, 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 (via phone), Commissioner Ben Castleberry, Commissioner Dan McDonald, Interim City Manager Andrew Avantagiato, City Attorney Brad Jantz, City Clerk Megan Lawrenz, Chief of Police Chad Langley, Neighborhood Services Director James Masters, David Kahle, Larry Mann, Christina McDonald, Gabriele Simmons, Dawn Harold, Robert Harold, Karen Soliz, Janet Wade, Rhonda Rice and Cynthia Naylor.

The meeting opened with the pledge of allegiance.

Mayor Bell called the meeting to order.

Public Forum – None.

Additional Agenda Items – Add 6a. D&A on special meeting time for city manager interviews.

Approval of Agenda – Commissioner Gares made a motion to approve the agenda with the addition of 6a., seconded by Commissioner McDonald. Motion carried 5-0.

Consent Agenda – Commissioner Gares made a motion to approve the consent agenda including the Minutes of the Regular Meeting January 17, 2023, the Minutes of the Special Meeting January 26, 2023, and appointment of David Kahle as Director 1 to serve on the board of directors for KMEA term to expire April 30, 2025, seconded by Commissioner McDonald. Motion carried 5-0.

6a. A special meeting date was determined for City Manager interviews as March 9, 2023, as the primary date, and March 10, 2023, as the secondary date.

Mayor Bell Opened the Public Hearing for 315 S A St, Herington, KS 67449 at 6:03pm, owners were not present. Resolution 965 was adopted at the December 20, 2022, meeting and set the hearing for February 7, 2023. The resolution was published the first time December 28, 2022, the Resolution was mailed certified on December 29, 2022, and it was published a second time on January 4, 2023. The certified letter was delivered to the owners on January 3, 2023. James Masters inspected the property again on February 2, 2023, and no repairs had been made. James Masters recommends demolishing all three structures on the parcel. Mayor Bell made a motion to direct the City Attorney to prepare a resolution for demolition to be reviewed in 30 days at the second commission meeting in March. If the owners respond with a plan and budget to repair within 30-days demolition may be delayed, seconded by Commissioner Gares. Motion carried 5-0. Mayor Bell closed the public hearing at 6:18pm.

Mayor Bell Opened the Public Hearing for 507 N F St, Herington, KS 67449 at 6:18pm, owners were not present. James Masters has not been in contact with the owners since October 2022. Resolution 966 was adopted at the December 20, 2022, meeting and set the hearing for February 7, 2023. The resolution was published the first time December 28, 2022, the Resolution was mailed certified on December 29, 2022, and it was published a second time on January 4, 2023. The certified letter was delivered to the owners on January 4, 2023. James Masters inspected the property again on February 2, 2023, and no repairs had been made. James Masters recommended demolition. Commissioner Gares made a motion to direct the City Attorney to prepare a resolution for demolition to be reviewed in 30 days at the second commission meeting in March. If the owners respond with a plan and budget to repair within 30-days demolition may be delayed, seconded by Commissioner Castleberry. Motion carried 5-0. Mayor Bell closed the public hearing at 6:26pm.

Mayor Bell opened the Public Hearing for 211 N E St, Herington, KS 67449 at 6:26pm, the property owner was present. Resolution 964 was adopted at the December 20, 2022, meeting and set the hearing

for February 7, 2023. The resolution was published the first time December 28, 2022, the Resolution was mailed certified on December 29, 2022, and it was published a second time on January 4, 2023. James Masters inspected the property again on February 2, 2023, and no work had been completed. James Masters had posted no-occupancy due to lack of utilities. Commissioner McDonald made a motion to grant 30 days for the owners to come back with written plans to include finances/budget, estimated costs, letter of credit, contractors, permits and a time line of repair, seconded by Commissioner Gares. Motion failed 0-5 with all Commissioners casting dissenting votes. Mayor Bell made a motion to continue the hearing for 30-days to the second meeting in March with all the items previously listed in Commissioner McDonalds motion to be reviewed, seconded by Commissioner Gares. Motion carried 3-2, with Commissioner Castleberry and Commissioner Gares casting the dissenting votes. Mayor Bell closed the hearing at 7:01pm.

Mayor Bell opened the Public Hearing for 117 W Main St, Herington, KS 67449 at 7:01pm, the property owner was present. Resolution 968 was adopted at the December 20, 2022, meeting and set the hearing for February 7, 2023. The resolution was published the first time December 28, 2022, the Resolution was mailed certified on December 29, 2022, and it was published a second time on January 4, 2023. The property owners signed for it on January 6, 2023. James Masters inspected again on February 2, 2023, and no work had been completed. James Masters recommended giving the owners 6 months to make progress to start repairs to save building. Commissioner Gares made a motion to continue to the first commission meeting date in March 2023, for the owner to return with a plan and all items needed in order to proceed, seconded by Commissioner McDonald. The motion failed 0-5 with all commissioners casting dissenting votes. Commissioner Gares made a motion to continue to 2<sup>nd</sup> meeting in March so the owner can return with a plan and all items needed in order to proceed, seconded by Commissioner McDonald. Motion carried 5-0. Mayor Bell closed the hearing at 7:17pm.

Mayor Bell opened the Public Hearing for 112 W Main St, Herington, KS 67449 at 7:17pm, the property owners were present. Resolution 967 was adopted at the December 20, 2022, meeting and set the hearing for February 7, 2023. The resolution was published the first time December 28, 2022, the Resolution was mailed certified on December 29, 2022, and it was published a second time on January 4, 2023. James Masters inspected again on February 2, 2023, and there had been some progress made on repairs. Commissioner Gares made a motion to continue to the 2<sup>nd</sup> meeting in March for a status update, the motion failed for lack of a second. Mayor Bell made a motion to continue for 6 months to the first meeting in August, seconded by Commissioner McDonald. Motion carried 4-1 with Commissioner Gares casting the dissenting vote. Mayor Bell closed the hearing at 7:38pm.

Police Update – There were 294 calls for service with 81 traffic stops, 6 misdemeanor arrests and 2 felony arrests. Trainings are getting lined up for the year. Sergeant Schantz will attend FTO training, to be able to help train new officers in the future. After speaking with the school, there is a need for a school SRO, an officer has been picked and will start training soon. The police department has been provided a VIN for the new vehicle purchased. The departments newest officer Cadyn Allen has a month left of training. The department still has one open position but has received some applicants and are looking to schedule oral boards soon.

Fire Update – There were 34 calls for service including 19 medical assists, 4 motor vehicle accidents with injuries, 2 CO alarms, 7 authorized controlled burnings, 2 fire alarms and 1 grass fire. Training hours and topics were annual harassment training, fit testing, hazmat and BBP refresher and an ice rescue class. Volunteers are still needed. Department and equipment updates include brush 2 has arrived and is in service, awaiting radio installation and the brake issue has been fixed. Command truck is in for lighting install. SB 127 has been introduced for a county wide sales tax increase to support a new radio system and annual testing has been completed on SCBA, everything passed. When asked how many volunteers the Chief would like to have, he answered that he would like to see 35 to 40 volunteers.

Neighborhood Services Update – There have been 7 complaints and 64 inspections. No grass violations. He wrote 7 violations for yards and automobiles, 2 no occupancies and 1 unsecured structure that the city

secured. There were 5 building inspections, 3 electrical permits with 5 inspections, 4 mechanical inspections, 1 plumbing permit and 3 inspections, and one fence permit. There were 5 inspections to turn on utility services. There were 6 structural building inspections. Hoping to get the building and trades board together for their first meeting this month, has been getting materials together first. Commissioner Gares asked about the tree that has fallen at 3<sup>rd</sup> and Trapp and James said has been in contact with the property owner who is trying to get it taken care of.

Discussion on Grant Opportunities – Janet Wade gave the commission some information on the SPRINT grant, however the city is not eligible because it has received ARPA funds. There was discussion on creating a working group to work on grants.

Temporary Rescue Truck Replacement – There was an accident in the rescue truck. We have been working with Hays, a Rosenbauer dealer. Staff is trying to determine whether it can be repaired in KS or if it needs to go back to South Dakota for repair. It has been determined that it needs to go back to South Dakota. The truck can go in March and could take a month or two for repairs to be finished. Insurance only covers \$75/day max out at \$2200 for rental reimbursement and rentals for a similar truck are upwards of \$10k/month. There is a used truck in New York that would suit our needs, the Fire Chief was going to request a limit to purchase the used truck not to exceed \$20k, however the time line is shorter than anticipated when he asked for this to be added to the agenda. After discussion it was determined that the fire department would be better equipped if the used truck was purchased, and there was discussion about being able to resell in the future if needed. Commissioner Gares made a motion with staff review to authorize the purchase of the used truck not to exceed \$20,000, seconded by Commissioner Castleberry. Motion carried 5-0.

#### Resolution 972

**Making Certain Findings and Authorizing the Preparation and Submission of an Application to the Kansas Housing Resources Corporation (“KHRC”) to Facilitate Participation in the 2023 Kansas Moderate Income Housing Grant Program.**

Mayor Bell made a motion to approve Resolution 972 and authorize the mayor's signature, seconded by Commissioner McDonald. Motion carried 5-0.

Executive Session – The Herington city commissioners did not recess into executive session because the City Attorney left the commission meeting early.

City Manager Comments – Attended meeting for CDBG grants, several grants are open until May 1<sup>st</sup> and there is one with a revolving date of 12/31, could potentially add on to our rural water district, grant would be for engineering costs, then another grant would cover the construction cost. Other grants that are open are daycare, sidewalks, and parks. Staff is still waiting on Todd to get back to him on pricing for the Casey's waterline project. Dock replacement will be about \$1500 to \$2000. Planning Commission met yesterday to postpone the public hearing for the comp plan. It was not complete. There was massive miscommunication regarding the tap into the Hope water line, and both parties involved are no longer employed with the City, staff will work on a policy so that taps must be approved by commission.

Commissioner Comments –

Commissioner McDonald – Thank everyone who showed up tonight for the input they had. Hoped there was understanding that the city is just trying to move forward.

Commissioner Castleberry – Asked about Safe walks and was told that the grant was denied. Asked that we set an appointment to figure out what our application was lacking. In the meantime, staff is still working on a plan to clean up C street for a path to the school.

Commissioner Urbanek – Nothing.

Commissioner Gares – Congrats to Mr. and Mrs. McDonald for getting placed on the historical register!  
Asked that staff send the CDBG grant info to the rest of the commissioners.

Mayor Bell – Ag bids went out and the City Attorney is trying to contact the FAA. Merlin is speaking with Lochner on their input.

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

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Megan Lawrenz, City Clerk

DRAFT

(PUBLISHED IN *THE HERINGTON TIMES* ON \_\_\_\_\_, 2023)

**RESOLUTION NO. 973**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 315 SOUTH A STREET IN THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE DEMOLISHED AND THE PREMISES MADE SAFE AND SECURE.**

**WHEREAS**, the duly authorized Code Enforcement Officer of the City of Herington, Kansas did on the *December 20, 2022*, in writing that a certain structure, hereinafter described was unsafe and dangerous; and,

**WHEREAS**, the Governing Body did by Resolution No. 965 dated the 18<sup>TH</sup> day of October, 2022, fix the time and place of a hearing at which the owner, his or her agent, and lienholders, any occupants and all other parties of interest of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and,

**WHEREAS**, Resolution No. 965 was published in the official city paper on *December 28, 2022, and January 4, 2023*, and a copy of said resolution was served upon all persons entitled thereto as provided by law: and

**WHEREAS**, on the 7<sup>th</sup> day of February, 2023, the Governing Body did conduct the hearing scheduled in Resolution No. 965 and took evidence from the following: City staff and the written report of the duly authorized Code Enforcement Officer on behalf of the City. No other parties in interest appeared or presented evidence.

**WHEREAS**, on this 7<sup>th</sup> day of February, 2023, the Governing Body, after hearing all offered testimony, finds that subject property is sufficiently distressed and that the condition of the same warrants a finding that the property is dangerous and unsafe and a dangerous and unsafe structure exists thereon.

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

1. The governing body hereby finds that the structure described and located as follows:

**Legally described as follows:**

**Lots 13, 15 and the West 42' of Lots 17 and 19, Block 52, Original Town of Herington, Dickinson County, Kansas.**

**Commonly known by Street Address as:**

**315 S. A Street, Herington, Kansas, 67449 and**

is unsafe and dangerous and directs the dangerous and unsafe structure is to be demolished and the premises made safe and secure.

2. The owner of such structure is hereby directed to complete the demolition of the property as soon as practicable and to have the demolition completed on or before March 21<sup>st</sup>, 2023. Provided, that upon due application by the owner and for good cause shown, the governing body, in its sole discretion, may grant the owner additional time to complete the demolition of the property.

3. If the owner fails to complete the demolition of the structure in a timely Manner as expressly noted herein, or any additional time granted by the governing body, or fails to diligently prosecute the same until the work is completed by the date approved herein, the governing body may, at any time after the approved deadline noted, cause the structure to be razed and removed and the costs of razing and removing, less salvage if any, shall be collected in the manner provided by K.S.A. 12-1,1115, and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land upon which the structure is located or by both, all as provided by law.

**BE IT FURTHER RESOLVED**, that if the owner fails to commence the removal of the structure in a timely manner, or fails to diligently prosecute the same, the governing body may take such further action as it deems necessary to raze and remove the structure without further notice to the owner or other parties in interest on or after March 21<sup>st</sup>, 2023.

**BE IT FURTHER RESOLVED**, that the City Clerk shall cause this Resolution to be published once in the official city paper and mail a copy to the owners, agents, lienholders, occupants, and other parties in interest.

**ADOPTED AND APPROVED** by the Governing Body of The City of Herington, Dickinson County, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

s/Robbin Bell  
\_\_\_\_\_  
Robbin Bell, Mayor

ATTEST:

s/Megan Lawrenz  
\_\_\_\_\_  
Megan Lawrenz, City Clerk

(SEAL)



(PUBLISHED IN *THE HERINGTON TIMES* ON \_\_\_\_\_, 2023)

**RESOLUTION NO. 974**

**A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 507 N. F STREET IN THE CITY OF HERINGTON, DICKINSON COUNTY, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE DEMOLISHED AND THE PREMISES MADE SAFE AND SECURE.**

**WHEREAS**, the duly authorized Code Enforcement Officer of the City of Herington, Kansas did on the December 20, 2022, in writing that a certain structure, hereinafter described was unsafe and dangerous; and,

**WHEREAS**, the Governing Body did by Resolution No. 965 dated the 18<sup>TH</sup> day of October, 2022, fix the time and place of a hearing at which the owner, his or her agent, and lienholders, any occupants and all other parties of interest of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and,

**WHEREAS**, Resolution No. 965 was published in the official city paper on December 28, 2022, and January 4, 2023, and a copy of said resolution was served upon all persons entitled thereto as provided by law: and

**WHEREAS**, on the 7<sup>th</sup> day of February, 2023, the Governing Body did conduct the hearing scheduled in Resolution No. 965 and took evidence from the following: City staff and the written report of the duly authorized Code Enforcement Officer on behalf of the City. No other parties in interest appeared or presented evidence.

**WHEREAS**, on this 7<sup>th</sup> day of February, 2023, the Governing Body, after hearing all offered testimony, finds that subject property is sufficiently distressed and that the condition of the same warrants a finding that the property is dangerous and unsafe and a dangerous and unsafe structure exists thereon.

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

1. The governing body hereby finds that the structure described and located as follows:

**Legally described as follows:**

**Lots 13 and 15 Block 3 Murrays Addition to the City of Herington, Dickinson County, Kansas.**

**Commonly known by Street Address as:**

**507 N. F Street, Herington, Kansas**

is unsafe and dangerous and directs the dangerous and unsafe structure is to be demolished and the premises made safe and secure.

2. The owner of such structure is hereby directed to complete the demolition of the property as soon as practicable and to have the demolition completed on or before March 21<sup>st</sup>, 2023. Provided, that upon due application by the owner and for good cause shown, the governing body, in its sole discretion, may grant the owner additional time to complete the demolition of the property.

3. If the owner fails to complete the demolition of the structure in a timely Manner as expressly noted herein, or any additional time granted by the governing body, or fails to diligently prosecute the same until the work is completed by the date approved herein, the governing body may, at any time after the approved deadline noted, cause the structure to be razed and removed and the costs of razing and removing, less salvage if any, shall be collected in the manner provided by K.S.A. 12-1,1115, and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land upon which the structure is located or by both, all as provided by law.

**BE IT FURTHER RESOLVED**, that if the owner fails to commence the removal of the structure in a timely manner, or fails to diligently prosecute the same, the governing body may take such further action as it deems necessary to raze and remove the structure without further notice to the owner or other parties in interest on or after March 21<sup>st</sup>, 2023.

**BE IT FURTHER RESOLVED**, that the City Clerk shall cause this Resolution to be published once in the official city paper and mail a copy to the owners, agents, lienholders, occupants, and other parties in interest.

**ADOPTED AND APPROVED** by the Governing Body of The City of Herington, Dickinson County, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

s/Robbin Bell  
\_\_\_\_\_  
Robbin Bell, Mayor

ATTEST:

s/Megan Lawrenz  
\_\_\_\_\_  
Megan Lawrenz, City Clerk

(SEAL)