

**AGENDA
REGULAR MEETING
October 11, 2021
7:00 p.m.**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

- 1. APPROVAL OF MINUTES**-Regular Meeting Sept. 27, 2021. Pages 02-08
-Special Meeting Sept. 30, 2021. Page 09

2. PUBLIC COMMENTS

Comments in this portion of the meeting will be held to a maximum of five (5) minutes. Scheduled requests shall be allotted fifteen (15) minutes. Requests to address the council or to be on the agenda must be given to the city clerk no later than noon (12:00) on the Wednesday preceding a scheduled council meeting (council meetings are scheduled for the second and fourth Monday of every month). Prior to making comments, please state the following: First & Last Name, Your Address and Ward.

1. Drainage Berean Church – Shane Edwards Page 10

3. BUSINESS AND DISCUSSION ITEMS

1. Request to Repeal Ord 1900 - Jamie Anderson Pages 11-28
2. Bullet Items on: Charter Ord vs Ordinary Ord.; Appointment Procedures Prior to Adoption of 2011 City Code; Current Code Provisions; City Treas. & City Clerk; Ord 1900 to address Concern of Dept. Head; Policy A-86 Governing Body Handbook; Police Chief Position Description – John McNish, City Attorney Page 29-35
3. Black Squirrel Night Change of Barricades Location – Kate Tommer Page 36
4. Blue River Trail Engineering Grant Application, N. 7th St Corridor – Mike Welch Page 37
5. MCAC Management Agreement Pages 38-42
6. Lease Purchase Marysville Fire Dept. & Lighting Project Feld Field Page 43
7. Fire Station Change Order 5, 6 & 7 Pages 44-46

4. NOTICES AND HEARINGS

5. CONSENT AGENDA

1. Clerks Report – Sept. 2021 Pages 47-49
2. Revenue / Expense Report – Sept. 2021 Pages 50-51
3. Municipal Judge’s Report – Sept. 2021 Pages 52-56

- 6. PRESENTATION OF APPROPRIATIONS ORDINANCE NO. 3757** Pages 57-60

7. STAFF REPORTS

8. STANDING COMMITTEE REPORTS

1. Street
2. Water & Wastewater Treatment
3. Parks & Recreation
4. Cemetery & Airport
5. Police & Fire
6. Administration & Finance

9. APPOINTMENTS & WAGE DETERMINATIONS

1. *Library Board* – Pat Schramm finishing Ali Busch’s term; Ross Wright finishing Brandon Wagner’s term.

10. CITY ATTORNEY

1. Memorandum on K.S.A. 26-501b(e) (002) Unsafe Properties Pages 61-64

**11. ROUNDTABLE DISCUSSION
ADJOURNMENT**

Regular Meeting
City Hall, Marysville, Kansas-September 27, 2021

Members of the Governing Body of the City of Marysville were called to order in regular session at 7:00 p.m. on the date and place noted above with Mayor Barnes in the chair. City Administrator St. John, City Attorney McNish and City Clerk Holle were also present.

After the Pledge of Allegiance, roll call was answered by the following council members: Pippia, Frye, Schroller, Hughes, Beikman, Behrens and Throm. A quorum was present. CM Price was absent.

The minutes from the September 13th regular meeting were presented for approval. CM Frye moved; CM Pippia seconded to approve the minutes as presented. Motion carried by 7-0 voice vote.

The minutes from the September 20th special meeting were presented for approval. CM Behrens moved, CM Pippia seconded to approve the minutes as presented. Motion carried by 7-0 voice vote.

CITY ATTORNEY: City Attorney McNish addressed the public stating: The City's refusal to comment publicly on personnel matters related to the position of Chief of Police aligns with its long-standing policy and practice of the City not to comment on personnel matters in public session. As such, the City's lack of public comment on this matter should not be construed to infer any specific information related to personnel matters related to the Chief of Police or any other City employee. The private lives of any city employee are respected through long-standing practice of employee confidentiality.

The City encourages all employees to utilize the City's well-established administrative processes and grievance procedures to address personnel concerns. This policy is distributed to all of the City of Marysville employees. The Chief of Police, like any non-elected employee of the City of Marysville, is entitled to address personnel issues through this grievance process.

The Governing Body is committed to continuing to ensure that the position of Chief of Police as well as the Police Department as a whole operates in accordance with the City's mission for the department and in line with the community's policing goals and standards. The Governing Body thanks the former Chief for his years of service to the community and wishes him the best in his future endeavors.

PUBLIC COMMENTS:

- 1. JAMIE ANDERSON.** Jamie Anderson, 1203 Park Place, Ward 1, spoke to the City Council and asked several questions regarding Ordinance #1900, Charter Ordinance #9 and policies in the Police Department and the City. Mayor Barnes said some of the changes to code were because if there were a lot of appointed positions and the mayor changed, the mayor could appoint all new people. There have been several code changes which stripped some of the powers of the mayor, including the powers to appoint certain employees. The City Code was changed in 2011. This change makes more of a pyramid style chain of command. City Attorney McNish said he was asked to draft Ordinance #1900 to clear up any confusion or misgivings, "it is a polite way of saying that there was a strong desire of certain employees to keep under the pre-2011, and so to clarify it, make it crystal clear about the hierarchy and the chain of command" it was written. City Attorney McNish also said employee matters are done in a manner not to publicly harass, embarrass the employee. It is done in a confidential manner.

Jamie asked if the City Council had approved the new policies the Police Department implemented in December, and she was informed the Council has never seen or approved the policies. The Council did approve a grant for the Police Department to begin the CALEA process. CA St. John addressed if an audit of the police department was necessary. CA St. John said in any department when there is a leadership change, he thinks there should be an audit. If there is an audit of the Police Department the Council will decide who will conduct the audit.

- 2. SUPPORT FOR TODD ACKERMAN AND CITY POLICY DISCUSSION.** Several people expressed support for Todd Ackerman and questioned some of the City Code. The people who spoke are: Rex Estes, 700 Calhoun, Ward 2; Sandy Schmitz, 1309 N 13th St, Ward 2; Jada Ackerman, 1200 Park Place, Ward 2; Gina Miller, 1104 Zelpha Dr, Ward 1; Angela Sutton, not a resident; Mert Ott, not a resident; Amanda Rials, 1200 Otoe, Ward 2; Mike Nelms, 1411 Jenkins, Ward 1; Linda Weber, not a resident; Jeremy Henderson, 200 S 10th St, Ward 4; Beth Benkendorf, not a resident; Patrick Smith, 1408 N 13th St, Ward 1.

BUSINESS AND DISCUSSION ITEMS:

CM Frye asked if the Council could have a discussion with a terminated employee. CA McNish said he needs to file a grievance to get the communication with the council. No action was taken.

- 1. ALCOHOL CONSUMPTION CITY PARK CLASS REUNION.** Stacie Mayor a representative of the Class of '81 asked to set-up a tailgate tent in the City Park near the old Simons Auditorium location during the Homecoming festivities on October 1 for a gathering of their Class of '81 reunion. They will provide a barricaded area and would like permission to consume alcohol on City property. CM Throm moved to approve the request for alcohol consumption in City Park, CM Pippia seconded. Motion carried unanimously.
- 2. CLASS OF '81 STREET CLOSING ON HEDRIX.** Stacie Mayor a representative of the Class of '81 is asking permission to close Hedrix Avenue at the intersection of Alston for an outdoor gathering in front of the Old Union Pacific Depot on Saturday, October 2 for their Class reunion. CM Throm moved to allow Hedrix Street at the Alston Street intersection in front of the Historic UP Depot to be closed on October 2, 2021, CM Frye seconded. Motion carried unanimously.
- 3. MHS HOMECOMING PARADE REQUEST.** Patrick Smith Student Council Representative brought the request asking the City block Broadway for the Homecoming Parade from 12th Street west to 8th Street where the parade will turn south on 8th Street and continue to the City Park. Parking will be restricted on 12th Street north of Walnut Street for the parade line-up. The Student Council also requested the use of golf carts and UTVs in the parade. CM Frye moved to block Broadway for the parade and the parking restrictions on 12th Street and allow the use of golf carts and UTVs, CM Throm seconded. Motion carried unanimously.

- 4. MARYSVILLE BEREAN CHURCH DRAINAGE TUBE.** Shane Edwards, a deacon at the Marysville Berean Church, asked to put an extension on the tube that is under 20th Street which drains water from the north into the natural waterway. The church would like to expand its parking lot and would need to put a tube which will be covered with dirt for the expansion. Several Council Members questioned the need for a water drainage study and if the size and angle of the proposed tube will cause eroding issues especially with Frank Marshall Drive and the tubes on Jenkins Street. CA St. John said he would recommend the church do a water drainage study. The discussion is about the changes the church will make to redirect water and could cause water to back-up and cause erosion. This change will benefit their property and should therefore be the church's responsibility. Adding a 36-inch tube, 60 foot long will make the water move faster and will not let the water disperse slowly into the ground. The church will be changing the drainage on their property for their benefit, but it may cause problems for the existing streets and drainage tubes. CM Frye suggested the City put in a larger drainage pipe under 20th Street to slow the water down and allow for future expansion at the airport. Shane stated he thought maybe the box culvert would be the best option. The City will research pricing and options.
- 5. 50th ANNIVERSARY OF ADOPTING BLACK SQUIRREL MASCOT.** Wayne Kruse representing a group of people who would like to celebrate the 50th anniversary of the City adopting the Black Squirrel mascot. This celebration will be held all year long and will have the finale in October of 2022. The group will bring suggestions to the Council next month. CM Behrens will represent the City Council on the committee and CM Schroller will also serve on the committee but will no longer be on the City Council. C & T would like to sell more black squirrels to increase the number from 34 statues to 50 statues. Some of the current statues are being updated and clear coated to be completed by October 28, 2021.
- 6. 2021 BLACK SQUIRREL NIGHT.** Kate Tommer Executive Director of the Chamber/Main Street asked the City to block Broadway from 10th Street west to 6th Street for the Black Squirrel Night festivities which will be Thursday, October 28th. They will place a trailer in front of United Bank and Trust at 9th and Broadway for the Costume Contest. The City will provide trash receptacles. The City will serve coffee and donuts as has been the tradition for 49 years. The Footloose Dancers will dance at 6:00 and the Costume Contest will be held at 7:00. CM Throm moved to approve the Black Squirrel Night requests, CM Behrens seconded. Motion carried unanimously.
- 7. FLOWER REIMBURSEMENT.** Beth Skinner presented receipts totaling \$261.15 she had accumulated from flower and shrub purchases she had made during the Spring and Summer of 2021 for the Pony Plaza. There was \$104 left in the budget for flowers for 2021. CM Hughes moved to reimburse all \$261.15, CM Pippia seconded. Motion carried 6-0-1 with CM Schroller abstaining due to a conflict of interest.
- 8. ANTHONY ESCALANTE REQUESTS INCLUSION IN THE ROZ PROGRAM.** Anthony Escalante a police officer asked to be included in the ROZ (Rural Opportunity Zone) program.

The City will reimburse up to \$1,500 to the State of Kansas to repay his student loans for up to 5 years if he works for the City. CM Frye moved to contribute up to \$1,500 per year for 5 years to the State of Kansas for the ROZ program for Anthony Escalante, CM Throm seconded. Motion carried unanimously.

NOTICES AND HEARINGS:

CONSENT AGENDA. The Consent Agenda was presented for consideration. CM Frye moved, CM Throm seconded to approve the Consent Agenda. Motion carried unanimously. The Consent Agenda consisted of the following:

1. Rachel Massoth requests to serve alcohol at a wedding rehearsal dinner on October 1 and a wedding reception October 2 at the Lee Dam Art Center.
2. Marysville Mutual Insurance requests to serve alcohol at a Christmas Party, December 10.
3. C&T request for funds Constant Contact Annual Renewal \$588; Adobe Creative Suites Annual Renewal \$599.88 (1/2 will be reimbursed to the City by Chamber/Main Street); request to pay Marysville Advocate \$225.00 for a welcome ad for The Wall That Heals and Boss Nationals.

APPROPRIATIONS ORDINANCE NO. 3756

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$94,436.11; Water Revenue Fund, \$54,330.65; Sewage Revenue Fund, \$27,729.63; Street & Highway, \$14,479.17; Special Improvement, \$6,700.00; Library Revolving, \$8,558.75; Library, \$16,529.46; Library Employee Benefit, \$5,746.70; Swimming Pool Sales Tax, \$116.43; Koester Block Maintenance, \$1,805.42; Employee Benefit Fund, \$30,844.34; Transient Guest Tax, \$533.31; Sales Tax Improvements, \$37,159.82; Water Utility Reserve, \$145,279.90; making a total of \$444,249.69.
2. An appropriations ordinance was introduced and considered to honor claims against the funds of the City as audited by the Finance Committee. CM Throm moved, CM Behrens seconded to approve the appropriations ordinance totaling \$444,249.69. Motion to approve the appropriations ordinance carried by 7-0 roll call vote. City Clerk Holle assigned Ordinance No. 3756.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **GPS TRACKING DEVICES.** CA St. John researched the cost to put GPS tracking devices in the City's 33 vehicles. Verizon is the City's current cell phone carrier, and they offer a program. Verizon is also the carrier the Marshall County Sheriff and Dispatchers use to track vehicles. These devices can track vehicles manufactured in 1996 and later. CM Frye moved, CM Throm seconded to purchase the GPS tracking system on the street sweeper. Motion failed 3-4 with CM Behrens, CM Pippia, CM Hughes and CM Schroller voting no. CM Behrens moved, CM Pippia seconded to purchase the GPS tracking system on the street sweeper and the 6 police vehicles on

a 1-year contract. This program will cost \$1,256.40 per year. Motion carried 4-3 with CM Hughes, CM Schroller and CM Frye voting no. Staff will check with the Fire Department if they could use this system.

- 2. PROJECT UPDATES.** CA St. John said the Airport Project is underway and they will start stabilizing the sub-base. Inline has notified the residents on 11th Road the project will begin soon. Inline is also starting to pour the concrete valley gutter and the driveway/parking lot at the new Fire Station and will pour concrete on Hartley Ridge. Deep Creek is finished with the water line project and has left town. The light poles have arrived at Feldhausen Field and Musco Lighting and Hanover Electric is beginning that project.

STANDING COMMITTEE REPORTS:

STREET:

- 1. CHIP AND SEAL COMPLETED.** CA St. John reported the chip and seal routes for this year have been completed.

WATER & WASTEWATER:

PARKS & RECREATION:

- 1. ACCIDENT IN THE PARK.** CM Schroller asked if there had been a City vehicle involved in an accident in the park. CA St. John reported a rotten pole had fallen on a City truck but there was no damage to the truck and Evergy is replacing the pole.

CEMETERY & AIRPORT:

- 1. HELIPAD CLOSED.** CM Frye stated the helipad at the airport was closed and asked if the City had an alternate plan. CA St. John said the city crew had added lights for emergency landings on the new runway for the helicopters. The Airport project will be completed in a relatively short time. The concrete curing will take several weeks.
- 2. RESTROOM FLOORS.** Mayor Barnes said new stools had been installed in the Airport Building and the floor tile is curling and in bad shape. It was suggested to remove the tile and put down an epoxy floor.
- 3. FLAG POLES IN THE CEMETERY.** The flag poles have been installed at the City Cemetery and the Legion Committee is going to sell more.

POLICE & FIRE:

- 1. FIRE CHIEF REPORT.** CM Hughes said the first meeting in October it is written in City Code the Fire Chief should report to the Council the condition of the fire equipment.

- 2. WATERLINE AT THE NEW FIRE STATION.** The water line into the new Fire Station has been installed. The cost was about \$7,000.

ADMINISTRATION & FINANCE:

- 1. DONATING BLOOD.** CM Frye asked if the City had a policy to allow employees to donate blood during working hours. The City will look at a policy to allow employees to donate blood.
- 2. POOL REPORT.** CM Schroller asked when the pool report would be completed. She was told it be done at soon.

APPOINTMENTS:

CITY ATTORNEY:

At 9:36 p.m. CM Pippia moved, CM Throm seconded to recess in executive session for consultation with attorneys on matters deemed privileged in an attorney-client relationship about litigation or claims against the city K.S.A. 75-4319 (b) (2) and to discuss personnel matters of non-elected personnel, discussion on specific personnel matters, not general personnel policies, exception KSA 75-4319 (b) (1). This session will include the Mayor, City Council, the City Administrator, and the City Attorneys. The open meeting will resume in the city council chamber at 10:06 p.m. Motion carried 7-0. At 10:06 p.m. council reconvened. Mayor Barnes reported no action was taken during the executive session and the regular session was continuing.

At 10:07 p.m. CM Pippia moved, CM Behrens seconded to recess in executive session for consultation with attorneys on matters deemed privileged in an attorney-client relationship about litigation or claims against the city K.S.A. 75-4319 (b) (2) and to discuss personnel matters of non-elected personnel, discussion on specific personnel matters, not general personnel policies, exception KSA 75-4319 (b) (1). This session will include the Mayor, City Council, the City Administrator, and the City Attorneys. The open meeting will resume in the city council chamber at 10:22 p.m. Motion carried 7-0. At 10:22 p.m. council reconvened. Mayor Barnes reported no action was taken during the executive session and the regular session was continuing.

ROUND TABLE DISCUSSION:

- 1. PROPERTY 410 CAROLINA.** CM Behrens asked if there had been a nuisance sent to Danny Childers at 410 Carolina, the property has accumulated lots of junk.
- 2. THANK YOU, COUNCIL.** Mayor Barnes thanked the Council for serving on the council and their dedication during these difficult times.
- 3. ORDINANCE CHANGES.** CM Beikman asked how you rescind an ordinance. CA McNish replied if you are referring to Ordinance 1900 or the 2011 changes to the chain of command you need to write a new ordinance and approve it like any other ordinance.

There being no further business, at 10:29 p.m. CM Frye moved to adjourn, CM Pippia seconded. Motion carried 7-0.

Cindy Holle
City Clerk

SPECIAL MEETING

City of Marysville, Marysville, Kansas, September 30, 2021

Members of the Governing Body of the City of Marysville were called to order in a special meeting at 5:00 p.m., on the date and at the place noted above with Mayor Barnes opening the meeting. City Clerk Holle and City Administrator St. John were also present.

Council members answering present to roll call were: Pippia, Schroller, Hughes, Price, Behrens and Throm. CM Frye and CM Beikman were absent. A quorum was present. The call, signed by six of the six council members present, read as follows:

We, the undersigned councilmembers of the City of Marysville hereby respectfully request that you call a special council meeting of the members of the governing body of said City to be held at 5:00 p.m. on Thursday, September 30, 2021, at City Hall for the following purpose:

Discuss advertising for and accepting resumes for a Police Chief.

After discussion CM Price moved to advertise for the position of Police Chief statewide and in neighboring states and at the League of Municipalities until the position is filled, CM Throm seconded. Motion carried 5-1 with CM Hughes voting no.

At 5:06 p.m., CM Throm moved, CM Price seconded to adjourn the meeting. Motion carried unanimously.

CINDY HOLLE
City Clerk

**CITY OF MARYSVILLE, KANSAS
CITY COUNCIL MEETING
REQUEST TO BE PLACED ON THE AGENDA**

Meetings are held on the 2nd and 4th Mondays of each month
(excluding holidays) at 7:00 p.m.

Requests need to be submitted by noon the Wednesday before the meeting.

Name: Shane Edwards

Address: [REDACTED]

Contact Number: [REDACTED]

Date to Appear before Council: 11th Oct

What Organization are you representing: Berean Church

What are you requesting: Drainage

When will the event be held if applicable: _____

Where will the event be held if applicable: _____

[Signature]
Signature

10-4-21
Date

**CITY OF MARYSVILLE
209 NORTH 8TH STREET
MARYSVILLE, KS 66508
Ph (785) 562-5331 Fax (785) 562-2449**

**CITY OF MARYSVILLE, KANSAS
CITY COUNCIL MEETING
REQUEST TO BE PLACED ON THE AGENDA**

Meetings are held on the 2nd and 4th Mondays of each month
(excluding holidays) at 7:00 p.m.

Requests need to be submitted by noon the Wednesday before the meeting.

Name: Jamie Anderson

Address: [REDACTED]

Contact Number: [REDACTED]

Date to Appear before Council: 10/11/21

What Organization are you representing: myself and Marysville citizens

What are you requesting: Action requested - repeal Ordinance 1900

When will the event be held if applicable: n/a

Where will the event be held if applicable: n/a

Signature -- *Jamie Anderson*

Date -- 10/3/21

**CITY OF MARYSVILLE
209 NORTH 8TH STREET
MARYSVILLE, KS 66508**

Ph (785) 562-5331 Fax (785) 562-2449

Jamie Anderson
1203 Park Place
Marysville, KS 66508
Ward 1

Request for Action - 10/11/2021 - Repeal Ordinance 1900

This evening, I will be asking you, City Council, to repeal Ordinance 1900 because I believe the following to be true (based on my research):

- It violates the Kansas State Constitution, and therefore is unconstitutional.
- It denies Marysville citizens their constitutional right to petition for a vote before amending, repealing, or passing a Charter Ordinance.

I will be presenting a slideshow to further explain my requested action and reasoning, but I have provided the following sources of information in the agenda for you to read or research before the meeting, if you choose to do so:

- Portions of City Code Chapter 1, Article 1 (please see highlighted sections)
- Kansas State Constitution Article 12, Section 5 (please see highlighted sections)
- Charter Ordinance No. 9, Section 5 (please see highlighted sections)
- Kansas State Statute 14-201
- Ordinance 1891 (please see highlighted section)
- Ordinance 1900
- Business & Discussion Item No. 11, 6/14/21 City Council meeting minutes -- pertaining to Ordinance 1900
- City Attorney section, 6/28/21 City Council meeting minutes -- pertaining to Ordinance 1900
- Business & Discussion Item No. 10, 7/26/21 City Council meeting minutes -- pertaining to Ordinance 1900
- Roundtable Discussion highlighted Item No. 6, 8/11/08 City Council meeting minutes -- pertaining to Charter Ordinance No. 18 (please see section)
- Charter Ordinance No. 18 (please see highlighted section)
- Kansas State Statute 12-16,128
- Kansas State Statute 12-3004

If you have questions regarding this information prior to the 10/11/21 meeting, please feel free to contact me at jamielynnksu@gmail.com or 785-341-1224.

1-108. Ordinances.

- (a) The governing body shall have the care, management and control of the city and its finances, and shall pass all ordinances needed for the welfare of the city. All ordinances except charter ordinances shall be valid when a majority of all the members-elect of the city council shall vote in favor. **Charter ordinances shall be controlled by Article 12, Section 5(c) of the Kansas Constitution.**
- (b) Where the number of favorable votes is one less than required, the mayor shall have power to cast the deciding vote in favor of the ordinance.
- (c) The mayor shall have the power to sign or veto any ordinance passed by the council: Provided however, that the ordinance on which the mayor casts the deciding vote, and on appropriation ordinances, the mayor shall have no veto, and the mayor shall sign such ordinances if present at the meeting and if the mayor refuses or neglects to sign or be not present at the meeting, the ordinance shall take effect with or without the mayor's signature.
- (d) Any ordinance vetoed by the mayor may be passed over the veto by a vote of three-fourths (3/4) of the whole number of councilmen elected, notwithstanding the veto: Provided that if the mayor does not sign for the approval of the ordinance or return the same with a written statement of veto setting forth such objections that the mayor may have on or before the next regular meeting of the council, the ordinance shall take effect without the mayor's signature, such fact to be endorsed by the city clerk on the ordinance and at the end of the ordinance as entered in the "ordinance book": provided further that the president of the council or acting president of the council shall have no power to sign or veto any ordinance.

(K.S.A. 12-3002; K.S.A. 12-3003; Code 2011)

1-109. Same; subject and title; amendment.

No ordinance shall contain more than one subject, which shall be clearly expressed in its title; and **no section or sections of an ordinance shall be amended unless the amending ordinance contains the entire section or sections as amended and the section or sections amended shall be repealed.**

(K.S.A. 12-3004; Code 2011)

Kansas State Ordinance Article 12, Section 5

§ 5. Cities' powers of home rule.

(a) The legislature shall provide by general law, applicable to all cities, for the incorporation of cities and the methods by which city boundaries may be altered, cities may be merged or consolidated and cities may be dissolved: Provided, That existing laws on such subjects not applicable to all cities on the effective date of this amendment shall remain in effect until superseded by general law and such existing laws shall not be subject to charter ordinance.

(b) Cities are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges and other exactions except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature applicable uniformly to all cities of the same class: Provided, That the legislature may establish not to exceed four classes of cities for the purpose of imposing all such limitations or prohibitions. Cities shall exercise such determination by ordinance passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all cities, to other enactments of the legislature applicable uniformly to all cities, to enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness. All enactments relating to cities now in effect or hereafter enacted and as later amended and until repealed shall govern cities except as cities shall exempt themselves by charter ordinances as herein provided for in subsection (c).

(c) (1) Any city may by charter ordinance elect in the manner prescribed in this section that the whole or any part of any enactment of the legislature applying to such city, other than enactments of statewide concern applicable uniformly to all cities, other enactments applicable uniformly to all cities, and enactments prescribing limits of indebtedness, shall not apply to such city. (2) A charter ordinance is an ordinance which exempts a city from the whole or any part of any enactment of the legislature as referred to in this section and which may provide substitute and additional provisions on the same subject. **Such charter ordinance shall be so titled, shall designate specifically the enactment of the legislature or part thereof made inapplicable to such city by the adoption of such ordinance and contain the substitute and additional provisions, if any, and shall require a two-thirds vote of the members-elect of the governing body of such city. Every charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper or, if there is none, in a newspaper of general circulation in the city.** (3) **No charter ordinance shall take effect until sixty days after its final publication. If within sixty days of its final publication a petition signed by a number of electors of the city equal to not less than ten percent of the number of electors who voted at the last preceding regular city election shall be filed in the office of the clerk of such city demanding that such ordinance be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.** An election, if called, shall be called within thirty days and held within ninety days after the filing of the petition. The governing body shall pass an ordinance calling the election and fixing the date, which ordinance shall be published once each week for three consecutive weeks in the official city newspaper or, if there be none, in a newspaper of general circulation in the

city, and the election shall be conducted as elections for officers and by the officers handling such elections. The proposition shall be: "Shall charter ordinance No. _____, entitled (title of ordinance) take effect?" The governing body may submit any charter ordinance to a referendum without petition by the same publication of the charter ordinance and the same publication of the ordinance calling the election as for ordinances upon petition and such charter ordinance shall then become effective when approved by a majority of the electors voting thereon. Each charter ordinance becoming effective shall be recorded by the clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state, who shall keep an index of the same. **(4) Each charter ordinance enacted shall control and prevail over any prior or subsequent act of the governing body of the city and may be repealed or amended only by charter ordinance or by enactments of the legislature applicable to all cities.**

(d) Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-government.

(e) This amendment shall be effective on and after July 1, 1961. History: Adopted by convention, July 29, 1859; ratified by electors, Oct. 4, 1859; L. 1861, p. 64; L. 1959, ch. 182, § 1; Nov. 8, 1960.

Charter Ordinance No. 9

A CHARTER ORDINANCE MODIFYING SECTION 5 OF CHARTER ORDINANCE NO. 8 WHICH EXEMPTED THE CITY OF MARYSVILLE, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-201 RELATING TO THE APPOINTMENT OF CITY OFFICERS AND PROVIDED SUBSTITUTE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECT.

Section 1. The City of Marysville, by virtue of the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby modifies Section 5 of Charter Ordinance No. 8 which exempted the City of Marysville from the provisions of K.S.A. 14-201 relating to the appointment of City officers and provided substitute and additional provisions on the same subject.

Section 2. Section 5 of Charter Ordinance No. 8 is hereby amended to read:

Section 5. ~~Appointments:~~

~~(a) The Mayor shall appoint by and with the consent of not less than 5 affirmative votes of the Council, a city clerk, city marshal-chief of police, and city administrator. These officers so appointed and confirmed shall hold their office for an indefinite period of time and until their successors are appointed and qualified. Officers so appointed may be terminated at any time, with cause, and as provided by Chapter 1, Article 7, of the City Code, upon 5 affirmative votes of the council members. The City Clerk, City Marshal-Chief of Police and City Administrator holding office at the time of passage of this ordinance shall be retained in office and the provisions here before stated shall subsequently apply.~~

~~(b) The Mayor shall appoint, by and with the consent of the council, a municipal judge of the municipal court and city attorney and may appoint any other officers deemed necessary or as provided by ordinance. Officers so appointed and confirmed shall hold their offices for a term of one year and until their successors are appointed and qualified. The governing body may, by ordinance, specify the duties and compensation of an officer and may, by ordinance, abolish an office created by them whenever they may deem it expedient.~~

~~(c) The governing body may maintain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties and provide for reasonable compensation for the services rendered.~~

Section 3. Section 5 of Charter Ordinance No. 8 is hereby repealed.

(08-28-95; Impliedly repealed by C.O. 18; See also Ord. 1900)

Ordinance No. 9 exempts the city from:

14-201. Elective and appointive officers; terms; compensation. Except as provided in K.S.A. [12-1028a](#), and amendments thereto, there shall be elected on the first Tuesday in April of each odd-numbered year a mayor, council members and city treasurer. Subject to the provisions of K.S.A. 2020 Supp. [12-16,128](#), and amendments thereto, the mayor shall appoint, by and with the consent of the council, a municipal judge of the municipal court, a city marshal-chief of police, city clerk, city attorney, and may appoint police officers and any other officers deemed necessary. Any officers appointed and confirmed shall hold an initial term of office of not to exceed one year and until their successors are appointed and qualified. Any officers who are reappointed shall hold their offices for a term of one year and until their successors are appointed and qualified. The council shall by ordinance specify the duties and compensation of the office holders, and by ordinance may abolish any office created by the council whenever deemed expedient.

The mayor, council members and city treasurer shall hold their offices for a term of two years.

History: R.S. 1923, § 14-201; L. 1951, ch. 137, § 3; L. 1951, ch. 395, § 43; L. 1959, ch. 83, § 1; L. 1967, ch. 90, § 5; L. 1968, ch. 274, § 32; L. 1982, ch. 83, § 2; L. 1988, ch. 84, § 1; L. 2008, ch. 163, § 10; July 1.

Source or Prior Law:

L. 1862, ch. 46, art. 1, § 9; L. 1862, ch. 46, art. 3, § 35; L. 1864, ch. 69, § 2, ¶ 14; L. 1867, ch. 68, art. 1, §§ 9, 10; L. 1867, ch. 68, art. 2, § 14; L. 1867, ch. 68, art. 3, § 2, ¶ 16; G.S. 1868, ch. 19, §§ 10, 28; L. 1871, ch. 62, §§ 4, 5; L. 1872, ch. 100, § 13; L. 1873, ch. 65, § 1; L. 1875, ch. 71, § 1; L. 1879, ch. 83, § 1; L. 1885, ch. 99, § 3; L. 1901, ch. 112, §§ 1, 2; L. 1907, ch. 125, § 1; L. 1911, ch. 267, § 1; L. 1917, ch. 271, § 1.

ORDINANCE NO. 1891

(Published in the Marysville Advocate on May 14, 2020)

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF MARYSVILLE, KANSAS, PROVIDING FOR THE REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, EXCEPTING CERTAIN ORDINANCES FROM REPEAL AND SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES.

BE IT ORDAINED by the Governing Body of the City of Marysville, Kansas:

Section 1. Adoption of the Code of the City of Marysville, Kansas.

The codification of ordinances of the City of Marysville, Kansas, prepared by Citycode Financial LLC, Wichita, Kansas, as set out in the following chapters, Chapters I to XVI and Appendices A and B, all inclusive, and entitled the “Code of the City of Marysville, Kansas,” is hereby authorized, adopted and ordained as the “Code of the City of Marysville, Kansas.” The Code is authorized by ordinance and was made in conformity with K.S.A. 12-3014 and 12-3015 and amendments thereto. Said code shall be duly certified by the City Clerk. One copy of the code shall be filed in the office of the City Clerk and shall be designated as and shall constitute the official ordinance book. Three additional copies shall be filed in the office of the city clerk and shall be designated for use by the public.

Section 2. Repeal of general ordinances.

All ordinances and parts of ordinances of a general nature passed prior to May 11, 2020, are hereby repealed as of the date of publication of said code, including without limitation, any procedure for appointing and considering mayoral appointments regardless of its originating source. Specifically, Section 5 of Charter Ordinance No. 9 is repealed.

(Ord. 1900)

Section 3. Same; excepting certain ordinances from repeal.

In construing this ordinance, the following ordinances shall not be considered or held to be ordinances of a general nature:

- (a) Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
- (b) Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards;
- (c) Ordinances establishing and changing grades of streets, avenues, alleys and boulevards;

- (d) Ordinances naming or changing the names of streets, avenues and boulevards;
- (e) Ordinances authorizing or directing public improvements to be made;
- (f) Ordinances creating districts for public improvements of whatsoever kind or nature;
- (g) Ordinances levying general taxes;
- (h) Ordinances levying special assessments or taxes;
- (i) Ordinances granting any rights, privileges, easements or franchises therein mentioned to any person, firm or corporation;
- (j) Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the city;
- (k) Ordinances authorizing contracts;
- (l) Ordinances establishing the limits of the city or pertaining to annexation or exclusion of territory;
- (m) Ordinances relating to compensation of officials, officers and employees of the city;
- (n) All charter ordinances;
- (o) Any appropriation ordinance or ordinances relating to a specific transfer of funds;
- (p) Any zoning ordinance or ordinances changing the zoning classification of any property within the city or amending the city's zoning map;
- (q) Ordinances of a temporary nature;
- (r) Any ordinance which is special, although permanent in effect;
- (s) Any ordinance, the purpose of which has not been accomplished.

Provided, that the above enumeration of exceptions shall not be held or deemed to be exclusive, it being the purpose and intention to exempt from repeal any and all ordinances not of a general nature and general ordinances specifically excepted by this section. Ordinances which are not of a general nature shall be numbered consecutively, approved by the governing body, published, and filed with the city clerk, but such ordinances shall not be prepared for insertion in this code, nor be deemed a part hereof.

Section 4. Arrangement of and notations throughout the code.

The arrangement and classification of the several chapters, articles, and sections of the code adopted by section 1 of this ordinance and the headnotes and footnotes at the ends of the sections, are made for the purpose of convenience and orderly arrangement, and do not constitute a part of the ordinances, and therefore, no implication or presumption of legislative intent or construction is to be drawn therefrom.

Section 5. Accrued rights and liabilities.

The repeal of ordinances as provided in section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefor.

Section 6. Severability.

If for any reason any chapter, article, section, subsection, sentence, portion or part of the “Code of the City of Marysville, Kansas,” or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this code.

Section 7. Effective date.

This ordinance shall be published in the official city newspaper and shall take effect and be in force from and after the publication of the “Code of the City of Marysville, Kansas” as provided in K.S.A. 12-3015.

ADOPTED AND PASSED by the governing body of the City on May 11, 2020 and **APPROVED AND SIGNED** by the Mayor.

/s/ Jason Barnes

JASON BARNES, Mayor

ATTEST:

/s/ Cindy Holle

CINDY HOLLE, City Clerk

(First Published in the Marysville Advocate on July 01, 2021)

ORDINANCE NO. 1900

**AN ORDINANCE CORRECTING TECHNICAL ERRORS
IN ORDINANCE NO. 1891.**

Whereas, Charter Ordinance No. 9 exempted the City of Marysville from the provisions of K.S.A. 14-201 relating to the appointment of City Officers by the mayor and providing for a procedure of appointing and considering mayoral appointments;

Whereas, by exempting the City of Marysville from K.S.A. 14-201 et seq, the City of Marysville is authorized to determine its procedure for appointing and considering mayoral appointments by ordinance of a general nature;

Whereas, the City of Marysville, having exempted itself from the Kansas statutes, did codify the procedure of appointing and considering mayoral appointments in the Marysville City Code by general ordinance, as provided in the enactment of Ordinance No. 1891;

Whereas, Charter Ordinance No. 18 exempted the City of Marysville from the provisions of Section 4 of 2008 House Bill No 2217 as set forth in 2008 Session Laws, Chapter 163, Section 4, as it pertains to the procedure of appointing and considering mayoral appointments and repealed by implication any prior Charter ordinance pertaining to the procedure of appointing and considering mayoral appointments;

Whereas, it is necessary and proper to correct technical errors where a potential conflict exists between ordinances of a general nature regardless of their originating source;

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF MARYSVILLE, KANSAS:**

SECTION 1. Ordinance No. 1891, Section 2, shall be amended to read as follows:

All ordinances and parts of ordinances of a general nature passed prior to May 11, 2020, are hereby repealed as of the date of publication of said code, including without limitation, any procedure for appointing and considering mayoral appointments regardless of its originating source. Specifically, Section 5 of Charter Ordinance No. 9 is repealed.

SECTION 2. This ordinance shall take effect and be in force after its publication in the official newspaper of the City of Marysville, Kansas.

PASSED by the Governing Body of the City of Marysville, Kansas on June 28, 2021.



Jason Barnes
Jason Barnes, Mayor

Lucinda Holle
Lucinda Holle, City Clerk

From 6/14/21 City Council minutes:

11. ORDINANCE CORRECTING TECHNICAL ERRORS IN ORDINANCE NO. 1891. City Attorney McNish included in the agenda an ordinance correcting technical errors in Ordinance No. 1891. Ordinance No. 1891 was the ordinance approved by the Council adopting the current

From 6/28/21 City Council minutes:

CITY ATTORNEY: ORDINANCE NO. 1900. CA McNish presented Ordinance No. 1900. This ordinance applies to chain of command with regard to employees of the City. There were some technical errors with Ordinance No. 1891 regarding Charter Ordinance 18 which opted the City out of Section 4 of 2008 House Bill No. 2217. CM Hughes questioned if you could change a charter ordinance with an ordinary ordinance. CA McNish said he spoke with the League of Kansas Municipalities legal department. Both he and LKM's attorneys agree it is allowed if it does not change the intent of the charter ordinance. CA McNish said it is advantageous to have the City Administrator in charge of employees especially if a lawsuit is filed. There is also an appeals process for employees. CA McNish said he would write this in a charter ordinance if the Council preferred. Several Council Members said they thought the City Administrator should be a buffer between the Council and the employees and department heads. CM Hughes said he thought discipline should not be the responsibility of just one person. After much discussion CM Behrens moved to approve Ordinance No. 1900, CM Pippia seconded. Motion tied 4-4 with CM Frye, CM Schroller, CM Hughes and CM Beikman voting no. Mayor Barnes broke the tie with an affirmative vote. Motion passed 5-4.

From 7/26/21 City Council minutes:

10. CM HUGHES REQUESTS THE COUNCIL OBTAIN AN ATTORNEY GENERAL OPINION. CM Hughes presented information concerning Ordinance 1900. He would like the City to have our attorney request an attorney general's opinion regarding charter ordinances. CM Schroller moved to instruct City Attorney McNish to request an Attorney General Opinion regarding Ordinance 1900 and charter ordinances. CM Hughes seconded. Motion failed 2-4. CM Pippia, CM Price, CM Behrens and CM Throm voting no.

From 8/11/08 City Council minutes:

6. CHARTER ORDINANCE 18, EXEMPTING FROM SECTION 4, HOUSEBILL 17. A Charter Ordinance was presented for consideration as follows: "A CHARTER ORDINANCE EXEMPTING THE CITY OF MARYSVILLE, KANSAS FROM THE PROVISIONS OF SECTION 4 OF 2008 HOUSE BILL NO. 2217 AS CODIFIED IN 2008 SESSION LAWS, CHAPTER 163, SECTION 4." Attorney McNish advised Council this is what exempts them from having to state the reasons why they would not approve an appointment. CM Price moved, CM Peschel seconded to approve Charter Ordinance No. 18. Motion carried by roll call vote 7-1, with Mayor Krug voting no.

Charter Ordinance No. 18

A CHARTER ORDINANCE EXEMPTING THE CITY OF MARYSVILLE, KANSAS FROM THE PROVISIONS OF SECTION 4 OF 2008 HOUSE BILL NO. 2217 AS CODIFIED IN 2008 SESSION LAWS, CHAPTER 163, SECTION 4.

Section 1. The City of Marysville, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from the provisions of Section 4 of 2008 House Bill No. 2217 as codified in the 2008 Session Laws, Chapter 163, Section 4, as it pertains to the procedure for considering mayoral appointments.

(08-11-2008)

Ordinance No. 18 exempts the city from:

12-16,128. Mayoral appointments; governing body approval; time limits; other requirements. From and after July 1, 2008, any appointment to any board, commission, advisory group or other body made by the mayor of any city which is subject to approval of the governing body of the city must be acted upon by the governing body within 45 days of the appointment by the mayor or the appointment shall be deemed approved. The governing body of the city shall approve such appointment unless the governing body makes a specific finding by the passage of a resolution that the person is either unqualified to hold the office or is not fit to hold the office or position.

History: L. 2008, ch. 163, § 4; May 29.

Kansas State Statute 12-3004 - Subject and title of ordinance; amendment. **No ordinance shall contain more than one subject**, which shall be clearly expressed in its title; and no section or sections of an ordinance shall be amended unless the amending ordinance contains the entire section or sections as amended and the section or sections amended shall be repealed.

Request for Action: Repeal Ordinance 1900

Jamie Anderson
October 11, 2021

Why I am here:

On June 28, 2021, the City of Marysville “passed” Ordinance 1900 with a 4-4 vote, and mayor as tie-breaker.

During the July 26, 2021 meeting, Council Member Hughes’s request to obtain an opinion from the Kansas Attorney General failed in a 2-4 council vote.

Ordinance 1900 is not in compliance with the Kansas State Constitution. It violates the constitutional right of all Marysville citizens -- and therefore should be repealed TONIGHT.

Where tonight's information can be found:

- Constitution of the State of Kansas
- City of Marysville City Code -- website
- Public records (available via request) at City Hall
- League of Kansas Municipalities publications
- Kansas Statutes

Ordinance vs. Charter Ordinance

Ordinary Ordinance

A piece of legislature passed by the governing body. If there is no state law about a subject that a city needs to address, they may pass an ordinance.

Cities may pass ordinances on subjects already legislated by the state, as long as the ordinance does not conflict with state law

Charter Ordinance

A charter ordinance allows our city to develop “home rule powers.” A charter ordinance allows our city to exempt itself from a state statute (or amend the statute to fit the city).

Even with charter ordinances, all cities **MUST** conform to federal laws and the US and Kansas Constitutions.

A few important notes:

- Charter Ordinances were created to allow for stability in a community -- so that new governments could not quickly/easily un-do legislature without the constituents exercising their Kansas Constitutional rights.

IMPORTANT -- Per the Kansas Constitution, **Charter Ordinances** control and prevail over any prior or subsequent act of the governing body.
Article 12, Section 5(c)(4)

How to pass a Charter Ordinance:

1. 2/3 vote of the governing body (that means 6 members of the Marysville governing body)
2. Must be published once a week for 2 consecutive weeks in the city newspaper.
3. After final publication of the Charter Ordinance there is a 60-day waiting period to allow the public to petition that the ordinance be submitted to a vote. (Petition requires 10% of the number of electors that voted in last election). If no petition, Charter Ordinance is effective on day 61.

This is according to the Kansas Constitution -- Article 12, Section 5(c)(4).

A Charter Ordinance can ONLY be amended or repealed by passing a new Charter Ordinance.

This is according to the Kansas Constitution -- Article 12, Section 5(c)(4)

Marysville Charter Ordinance No. 9

- Was passed by Marysville governing body and went into effect 08/28/1995.
- Charter Ordinance No. 9 modified Section 5 of Charter Ordinance No. 8 which exempted Marysville from provisions of K.S.A. 14-201: **Elective and appointive officers; terms; compensation**
- Charter Ordinance No. 9 provided substitute and provisions of the same subject

- Requires 5 affirmative council votes to approve mayoral appointment of (and termination of) the Chief of Police, City Clerk, and City Administrator

Marysville Charter Ordinance No. 18

- Was passed by Marysville governing body and went into effect 08/11/2008
- Charter Ordinance No. 18 exempted Marysville from Section 4 of 2008 House Bill No. 2217, which is K.S.A. 12-16, 128: **Mayoral appointments; governing body approval; time limits; other requirements.**

Marysville Ordinance 1900:

- From minutes of June 28, 2021 Council meeting: "City Attorney McNish presented Ordinance No. 1900." - "There were some technical errors with Ordinance No. 1891 regarding Charter Ordinance 18 which opted the City out of Section 4 of the 2008 House Bill No. 2217."
- Ordinance 1900 states that it "repealed by implication" any prior Charter ordinance pertaining to mayoral appointments. It also states: "Specifically, Section 5 of Charter Ordinance No. 9 is repealed."
- From Council minutes "Motion (to pass Ordinance No. 1900) tied 4-4 with CM Frye, CM Schroller, CM Hughes, and CM Beikman voting no. Mayor Barnes broke the tie with an affirmative vote. Motion passed 5-4."

About those "Technical Errors..." - IMPOSSIBLE

Charter Ordinance No. 18 CANNOT "repeal by implication" Charter No. 9... They exempt the City from 2 SEPARATE STATUTES.

Charter Ordinance No. 18 exempts the City from **KSA 12-16,128** (the council does not have to give a reason to deny an initial appointment)

Charter Ordinance No. 9 exempts the City from **KSA 14-201** -- (the council must have 5 affirmative votes to approve hire/fire)

Charter Ordinance No. 18 DID NOT repeal Charter Ordinance No. 9 -- The State Constitution states Charter Ordinances must explicitly state what you are repealing... which No. 18 does not do.

Ordinance 1900:

- VIOLATES the Kansas Constitution
- CANNOT amend or repeal a Charter Ordinance
- DENIED Marysville citizens of their Kansas Constitutional right to petition that the Ordinance be submitted to a vote of the electors

FARHA v. CITY OF WICHITA

284 Kan. 507 (2007)

The Kansas Supreme Court answered the question of whether changes or substitute provisions can be made by ordinary ordinance after a city opts out of a statutory scheme by charter ordinance.

The answer is “Yes.”

The Kansas Supreme Court held in the case that:

The City properly employed a charter ordinance to exercise its home rule authority to opt out of a state statute. It had the constitutional right to reject state regulation in favor of local control. It was not required to duplicate its charter ordinance effort when it adopted an ordinary ordinance to provide further particulars . . .

The Kansas Supreme Court concluded:

Powers and authority granted cities” under Article 12, § 5, are to be construed for the purpose of giving to cities the largest measure of self-government.

APPOINTMENTS PROCEDURE PRIOR TO THE 2011 CITY CODE

1-301. APPOINTMENTS.

- a. At the second regular meeting in April of each year the mayor shall, by and with the consent of not less than 5 affirmative votes of the council, a city clerk, city marshal-chief of police, and city administrator. These officers so appointed and confirmed shall hold their office for an indefinite period of time and until their successors are appointed and qualified. Officers may be terminated at any time, with cause and as provided by Chapter 1, Article 7 of the City Code, upon 5 affirmative votes of the councilmembers. The City Clerk, City Marshall-Chief of Police and City Administrator hold office at the time of the passage of this ordinance shall be retained in office and provisions herebefore stated shall subsequently apply.

- b. The Mayor shall appoint, by and with the consent of city council, a municipal judge of the municipal court and city attorney and may appoint other officers deemed necessary or as provided by ordinance. These officers so appointed and confirmed shall hold their offices for a period of one year and until their successors are appointed and qualified. The governing body may, by ordinance, specify the duties and compensation of an officer and may, by ordinance, abolish an office created by them whenever they may deem it expedient.

APPOINTMENT PROCEDURE CURRENT IN EFFECT

1-301. APPOINTMENT. At the first regular meeting in April of each year the mayor, by and with the consent of the council, may appoint a city attorney, municipal judge, fire chief, and such other officers as may be deemed necessary for the best interest of the city. Such officers shall hold their respective offices for a term of one year from and after the first day of May of such year or until their successors have been appointed and qualified. A majority of all members of the council may remove any such officer or employee; or for good cause, the mayor may suspend or remove any such officer with the consent of the council. No appointed officer shall be removed for any reason until such officer has been given notice and afforded the opportunity for a hearing. All of such appointments shall be entered on the journal of proceedings of the governing body

1-317 EMPLOYMENT-AT-WILL. All employees shall be subject to the Kansas employment-at-will doctrine. The City may terminate any employee for good cause or for no cause.

In 2011, the appointment procedure was changed. In particular, the police chief was removed as an appointed officer. The police chief is an employee subject to Section 1-317 Employment at Will. There are no special provisions with respect to the term of office for the police chief.

CITY TREASURER AND CITY CLERK

In contrast to other Department Heads, the City Treasurer and City Clerk have statutory duties over which the governing body cannot supplant through its own policies or other directives.

The City Treasurer and City Clerk are bonded officials. A public official bond is a type of fidelity/surety bond that serves as a statutory obligation requiring faithful performance, fidelity, and integrity of a public official's duties to the public as a whole.

Ordinance No. 1900

Ordinance 1900 reinforces the internal organization of the city administration as established by the Marysville City Code.

Ordinance 1900 eliminates the ambiguity asserted by a department head that said department head cannot be held accountable to the city administrator.

Policy A-86 Adopting the Governing Body Handbook

On July 13, 2020, the City Council adopted the Governing Body Handbook as official policy. The Governing Body Handbook provides:

1. The City Administrator supervises all city employees. It is not the role of the council member to supervise the city employees either on the job or in daily operations. (page 10)
2. The City Administrator exercises overall management, direction, control, and supervision of all administrative department, agencies and services of the City. (page 14).
3. All personnel actions are the duty and responsibility of the City Administrator. The City Administrator is responsible for hiring, discipline, promotion, demotion, and firing of all city employees. (page 10-11).

POLICE CHIEF POSITION DESCRIPTION

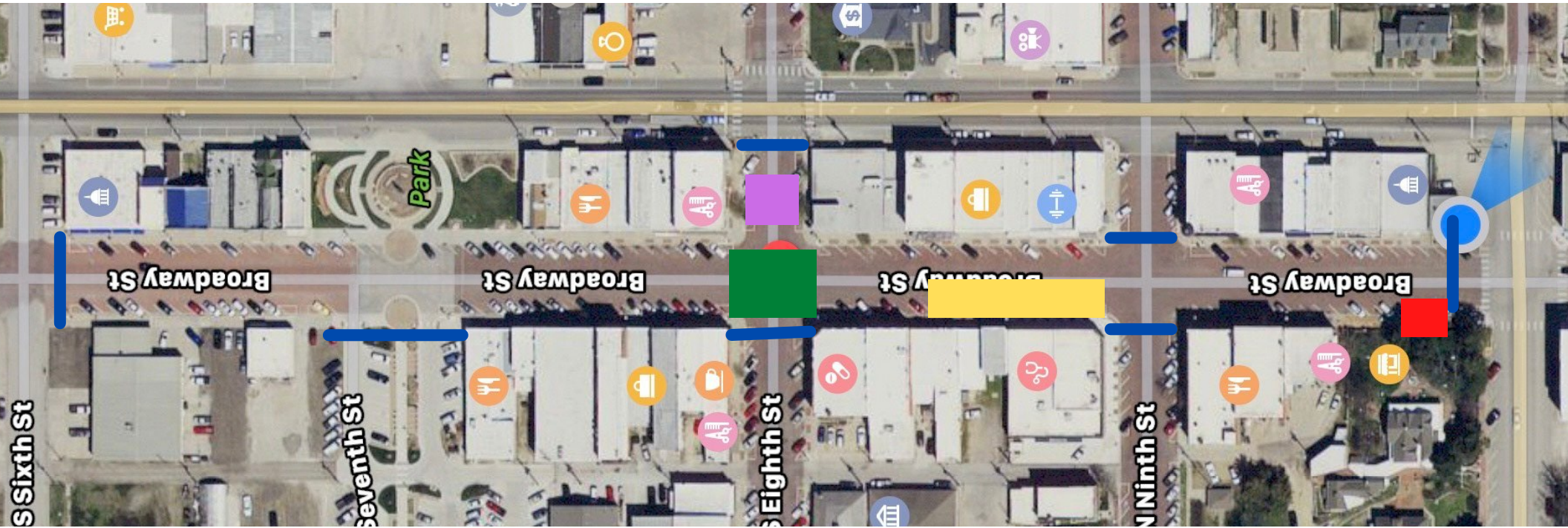
The first sentence of the Position Description of Police Chief that has been in effect since 2012, states:

Under the supervision of City Administrator, the Chief of Police is an exempt position that plans and directs the activities of the Police Department.

Black Squirrel Night Downtown Map

4:30 PM Blocked off

October 28th, 2021




 Street Barricades

 Footloose Dance Area

 PEPC Halloween Costume Area

 Entry for Black Squirrels on display (In Koester House Gardens)

 Trail Life Food stand & Landoll/MHS Football Boys/Cheerleaders

From: Toby Carrig [REDACTED]
Sent: Wednesday, October 6, 2021 10:33 AM
To: cityclk@bluevalley.net; Austin St. John
Cc: mwelch [REDACTED]
Subject: Agenda for October 11 meeting

A group representing the trail and depot would like to be on the agenda for the October 11 meeting to request the council's support in the application process for an American Rescue Plan Act Tourism grant that would be utilized for engineering work related to the Blue River Trail along the Seventh Street corridor from Center Street (US Highways 36/77) and Calhoun Street and additionally from Calhoun to North Street.

Mike Welch would be leading the presentation with others potentially speaking in support.

Representatives from Convention & Tourism and nearby businesses also have been part of the initial discussions and are supportive of this project.

The ARPA Tourism grant is designed to provide a wide-range of financial assistance to communities and regions to rebuild and strengthen their travel, tourism, and outdoor recreation industry through various infrastructure and non-infrastructure projects. It has a minimum award of \$100,000 and a maximum award of \$10,000,000.

Eligible applicants include cities or non-profit organizations acting with cooperation of the officials of a political subdivision. There is a potential that a 20 percent match could be required, as consideration will be given to each project to determine whether the applicant has exhausted its resources or been adversely affected by the pandemic.

The grant has three categories: construction, design and engineering, and non-construction.

At this point, it seems like engineering and design is the most appropriate. While it would be nice to apply for a larger amount of funds to tackle the reconstruction, that would require potentially more local funding and having a plan in place by the application deadline in January of 2022.

If the city is successful in a grant application for engineering, that work could include study and redesign of the stormwater situation in the Seventh Street Corridor, potential for RV parking, placement of electrical charging stations and other amenities, location of the trail and roadways, and beautification. In addition, the engineering could include a long-range plan for the trail along Seventh Street from Calhoun to North, including a pathway, potential retaining wall, curbs and gutters, and lighting.

Would it be helpful to have anything in writing for the agenda packet? Would the information in this email be sufficient if included in a Word document?

I don't want to speak for Mike on what the call to action is other than the city would provide the match in 2022 if the award is granted. I think there are further discussions to have about the grant-writing process that could begin on Monday evening.

<https://www.grants.gov/web/grants/view-opportunity.html?oppId=334748>

MCAC MANAGEMENT AGREEMENT

THIS AGREEMENT, entered into this 27th day of November 2021, by and between the City of Marysville, hereinafter referred to as “City,” and the Marshall County Arts Cooperative Co., a Kansas not for profit corporation, hereinafter referred to as “Manager,” for the purpose of the Management and Operation of the Lee Dam Art Center, hereinafter referred to as the “Property,” more fully described as.

Lot 1, in Block 24, in Ballard and Morrall’s Addition to the original town of Palmetto, now incorporated into and a part of the City of Marysville, Marshall County, Kansas.

In furtherance of this Agreement, the City and Manager hereby agree to the following terms and conditions:

Article 1. Public Use of Subject Property.

Manager shall be responsible for the management and operation of the Property, including scheduling and promoting cultural or other social events, negotiation with prospective lessees, the collection of payments and deposits for the use of the facilities and soliciting funds for the preservation, maintenance, and renovation of the Property, all in accordance with the laws and regulations of any federal, state, or municipal authority having jurisdiction over the subject property.

Manager shall make reasonable and best efforts to lease or otherwise make use of available space at the subject premises, consistent with the community or public purpose intended for the Property. No part of the net earnings attributable to the Property shall inure to the benefit of, or be distributable to Manager’s officers, members, or other private persons, except that the Manager shall be permitted to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the public purpose for which the subject property has been dedicated.

Article 2. Maintenance, Repairs Operations and Management Fee.

The City agrees to pay the Manager a management fee of \$2,000 annually to be paid upon approval and execution by the parties herein.

Manager shall use its best efforts to ensure that the Property is maintained in an attractive condition and in a good state of repair. In this regard, Manager shall use its best skills and efforts to serve the community or public use of the Property. Manager shall make or cause to be made and supervise necessary repairs and alterations and shall decorate and furnish the Property as it

deems appropriate. Manager shall keep the property free and clear of any and all liens for materials, supplies and labor.

Manager shall be responsible for costs or expenses attributable to the interior of the Property, including but not limited to, the following:

1. Utilities, including electric, gas, water, trash, and telecommunications.
2. Janitorial or custodial costs and general security of the building.
3. Materials and Supplies, including cleaning supplies and equipment, light bulbs, paper products, batteries, and furnace filters.
4. Repairs and Maintenance, including daily upkeep, routine maintenance, cleaning of flooring, bathrooms and kitchen facilities, maintenance of fire extinguishers and smoke detectors, interior painting, repairs to faucets, toilets and restrooms and shall otherwise keep the fixtures on or about the subject premises in good order and repair. In particular, Manager shall make all required repairs to the plumbing, heating apparatus, and electric and gas fixtures whenever such repairs are less than 50% of the replacement cost.

The City shall be responsible for costs and expenses attributable to the exterior, including but not limited to, the following:

1. Repair and maintenance of roof and guttering.
2. Snow removal and mowing.
3. Outside painting.
4. Windows repair or replacement.
5. Repair and replacement of plumbing, heating apparatus, and electric and gas fixtures where such repair costs exceed 50% of the cost to replace the unit.

Upon the execution of the agreement, the parties shall meet and inspect the Property and assess its condition and contents. The City shall be allowed to make reasonable inspections during the terms of this agreement.

Manager shall obtain written permission in advance for all interior structural changes or material alterations of the interior of the Property (i.e., removal or construction of new walls).

The parties agree that the appropriate city representative or committee shall meet with the executive director of Marshall County Arts Cooperative or a designated representative to meet annually to discuss a capital expenditure budget. In case of major repairs and/or remodeling, the parties to agree to meet and discuss funding options.

Article 3. Employees.

Manager shall employ, discharge, and supervise all on-site employees or contractors required for the efficient operation and maintenance of the Property. All on-site employees, except

independent contractors and employees of independent contractors, shall be the employees of the Manager. Manager shall pay the salaries of such employees and pay all charges for services rendered by independent contractors or employees of independent contractors. The City shall neither be responsible nor indemnify Manager for the payment of any employee of the Manager or independent contractor or employee of independent contractor.

Article 4. Insurance.

Manager shall obtain the following insurance at the expense of said Manager, and such insurance shall be maintained in force during the full term of this Agreement:

Comprehensive public liability Insurance of \$500,000 single limit of bodily injury, death, and property damage. Such policy shall name the City as an additional name insured. Manager shall deliver certificates, evidencing such insurance coverage to the City within 30 days after the execution and approval of the agreement by the parties.

Insurance for contents and other personal property items inside the subject premises, including without limitation, coverage for the artwork permanently located within the subject premises and artwork that is loaned to the Manager for display on the subject premises.

The City shall maintain its own comprehensive public liability insurance, covering the City interest in the subject premises. In addition, the City shall maintain property as casualty hazard insurance on the subject premises.

Article 5. Records and Reports.

Manager will keep books, accounts and records that reflect all revenues and expenditures incurred in connection with the management and operation of the Property. Manager shall make such books, accounts, and records available for inspection to the City upon request. Any audits of such books, records and accounts that may be required by the City shall be done at the expense of the City.

Manager shall furnish City quarterly financial reports detailing all revenues and expenditures for the preceding year that result from the management and operation of the Property.

Article 6. Term and Termination.

The term of this Agreement shall be for three (3) years from the date hereof and shall be automatically renewed and extended for similar periods thereafter unless terminated pursuant to this Article. Either party may terminate this Agreement for any reason by providing written notice sixty (60) days prior to the date of any renewal period. The City may terminate this Agreement

with thirty (30) days notice for failure of Manager to provide annual accounts or to maintain the Property in a condition adequate and reasonably safe for use by lessee, visitors, and the public generally. No notice shall be required for termination due to fraud or criminal act affecting the purpose of this Agreement by either party. The Property shall be returned at termination at the same or substantially same condition when it was occupied by the Manager.

Article 7. Notice.

All notices required or deemed necessary by the parties shall be written and shall be deemed effective upon personal delivery, mailing by registered or certified mail with return receipt requested or sending by national express delivery service with receipt. The addresses of City and Manager for notice purposes are as follows:

Address of City:	Address of Manager:
City Administrator	President
City Hall	Marshall Co. Arts. Coop.
209 N 8 th Street	PO Box 509
Marysville, Ks 66508	Marysville, Ks 66508

Article 8. Independent Contractor Status; Non-Assignability.

Manager acknowledges that it is an independent contractor and is not an agent, partner, joint venturer, or employee of City. Manager shall have no authority to bind or otherwise obligate City in any manner nor shall Manager represent to anyone that it has a right to do so. Manager further agrees that in the event that the City suffers any loss or damage as a result of a violation of this provision Manager shall indemnify and hold harmless the City from any such loss or damage.

Manager shall not assign any of its rights under this agreement or delegate the performance of any of its managerial duties hereunder, without the prior written consent of the City.

Article 9. Applicable Law and Construction.

This Agreement shall be deemed subject to the laws of the State of Kansas and the parties hereto consent to subject matter and personal jurisdiction of the courts of that state. This Agreement shall be construed in accordance with the laws of that state and no rule of strict construction shall be applied against either party to frustrate the intent and purpose expressed by this Agreement.

Article 10. Severability.

This Agreement sets forth the entire agreement of the parties and supersedes any other prior or contemporaneous discussions of the parties. If any part of this Agreement is set aside by a court

of competent jurisdiction, the parties agree that the remainder of the Agreement shall be valid and enforceable to the fullest extent possible under the circumstances.

Article 11. Miscellaneous Provisions.

The provisions of this Agreement shall be binding upon and inured to the benefit of the heirs, personal representatives, successors and assigns of the parties. Any provision hereof which imposes upon Manager or City an obligation after termination or expiration of this Agreement shall survive termination or expiration hereof and be binding upon the Manager or City.

In the event of a default under this Agreement, the defaulted party shall reimburse the non-defaulting party or parties for all costs and expenses reasonably incurred by the non-defaulting party or parties in connection with the default, including without limitation, attorney's fees. Additionally, in the event a suit or action is filed to enforce this Agreement or with respect to this Agreement, the prevailing party or parties shall be reimbursed by the other party for all costs and expenses incurred in connection with the suite or action, including without limitation, reasonable attorney's fees at the trail level and on appeal.

No waiver of any provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

AGREED TO, signed, and made effective this 27th day of November 2021.

City: CITY OF MARYSVILLE

MANAGER: MARSHALL COUNTY
ARTS COOPERATIVE CO.

By: _____
Jason Barnes, Mayor

By: _____
Wayne Kruse, President

Attest: _____
Lucinda Holle, City Clerk

Attest: _____
Hannah Malotte, Treasurer

LEASE PROPOSAL MARYSVILLE FIREHOUSE / LIGHTING PROJECT

The Citizens State Bank of Marysville, in conjunction with United Bank and Trust, Marysville and First Commerce Bank, Marysville hereby submit the following proposal to the City of Marysville for the Lease/Purchase of the Marysville Firehouse and Feldhausen Field lighting project.

Term: The offer is an option for four different terms and the city may select the option that best fits your ability to cashflow the project. Each term will be a semi-annual payment. This payment will begin 6 months from the date of initial draw. The annual amount is the amount needed to appropriate for this expense.

4 Year Term	2.79%	\$93,162.00 semi-annually	\$186,324.00 annually
5 Year Term	2.89%	\$75,765.51 semi-annually	\$151,531.02 annually
7 Year Term	3.08%	\$56,054.29 semi-annually	\$112,108.58 annually
10 Year Term	3.21%	\$41,288.65 semi-annually	\$ 82,577.30 annually

Financials: Two years of Financial Audits from the City of Marysville.

Authorizations: Resolution from the City Council authorizing Lease/Purchase including the terms and officials authorized to execute documents.


Legal Counsel: This Lease/Purchase contract is bid on a tax-exempt basis. Legal Counsel for the City of Marysville will sign and authorize a "Letter of Counsel" acting as bond counsel certifying the authorization by the City of Marysville, that the Lease/Purchase is a valid and legally binding obligation of the City of Marysville and the Lease/Purchase is designated as "qualified tax-exempt obligation" within the meaning of Internal Revenue Code 265(b)(3) and 265(b)(5). The cost of legal counsel will be paid by the City of Marysville.

Collateral for Lease/Purchase: Lender will file UCC1 on improvements, including all project improvements for this lease/purchase.

Appropriation: It is the expectation that the City of Marysville will annually appropriate funding for this Lease/Purchase agreement.

The proposal shall be valid through October 15, 2021. Please feel free to contact our office at your convenience with any questions you may have.

Sincerely,
THE CITIZENS STATE BANK


Lynn W Mayer
CEO

Accepted: City of Marysville, Kansas

AIA Document G701

Change Order

Project: Marysville Fire Station 405 20 th St. Marysville, KS 66508	Contract Information: Contract For: The City of Marysville Date: 01/29/2021	Change Order Information: Change Order Number: #5 Date: 10/5/21
Owner: The City of Marysville 209 N 8 th St. Marysville, KS 66508	Architect: BG Consultants 4806 Vu Du Lac Place Manhattan, KS 66503	Contractor: Inline Construction 930 Jayhawk Rd Marysville, KS 66508

The Contract is Changed as Follows:

Adding the letter N to 405 20th Street


- Requires new metal panels where lettering/numbers will shift
- Labor to remove existing lettering/numbers
- Labor to install new metal panels
- Labor to re-install lettering/numbers

The original Contract Sum was	<u>\$1,100,000.00</u>
The net change by previously authorized Change Orders	<u>\$73,200.00</u>
The Contract Sum prior to this Change Order was	<u>\$1,173,200.00</u>
The Contract Sum will be increased by this Change Order in the amount of	<u>\$1,760.00</u>
The new Contract Sum including this Change order will be	<u>\$1,174,960,000.00</u>

The Contract Time will be increased by Zero (0) days.
The new date of substantial Completion will be 11/07/2021

NOTE: This Change Order does not include adjustments to the Contractor Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER

	Inline Construction	
_____ ARCHITECT	_____ CONTRACTOR	_____ OWNER
_____ SIGNATURE	 SIGNATURE	_____ SIGNATURE
_____ PRINTED NAME AND TITLE	Jeff Blumer/ President _____ PRINTED NAME AND TITLE	_____ PRINTED NAME AND TITLE
_____ DATE	10/5/2021 _____ DATE	_____ DATE

AIA Document G701

Change Order

Project: Marysville Fire Station 405 20 th St. Marysville, KS 66508	Contract Information: Contract For: The City of Marysville Date: 01/29/2021	Change Order Information: Change Order Number: #6 Date: 10/5/21
Owner: The City of Marysville 209 N 8 th St. Marysville, KS 66508	Architect: BG Consultants 4806 Vu Du Lac Place Manhattan, KS 66503	Contractor: Inline Construction 930 Jayhawk Rd Marysville, KS 66508

The Contract is Changed as Follows:

Option #1 for "fast fill lines"

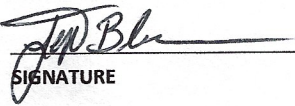
-Due to constant changes in material cost change order #6 is good for 5 days after proposal date.

The original Contract Sum was	<u>\$1,100,000.00</u>
The net change by previously authorized Change Orders	<u>\$73,200.00</u>
The Contract Sum prior to this Change Order was	<u>\$1,173,200.00</u>
The Contract Sum will be increased by this Change Order in the amount of	<u>\$10,084.00</u>
The new Contract Sum including this Change order will be	<u>\$1,183,284.00</u>

The Contract Time will be increased by Zero (2) days.
 The new date of substantial Completion will be 11/09/2021

NOTE: This Change Order does not include adjustments to the Contractor Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER

	Inline Construction <hr/> CONTRACTOR	
	 SIGNATURE	
	Jeff Blumer/ President PRINTED NAME AND TITLE	
	10/5/2021 DATE	

AIA Document G701

Change Order

Project: Marysville Fire Station 405 20 th St. Marysville, KS 66508	Contract Information: Contract For: The City of Marysville Date: 01/29/2021	Change Order Information: Change Order Number: #7 Date: 10/5/21
Owner: The City of Marysville 209 N 8 th St. Marysville, KS 66508	Architect: BG Consultants 4806 Vu Du Lac Place Manhattan, KS 66503	Contractor: Inline Construction 930 Jayhawk Rd Marysville, KS 66508

The Contract is Changed as Follows:

Option #2 for "fast fill lines"

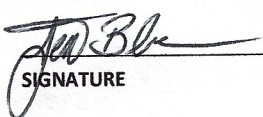
-Due to constant changes in material cost change order #7 is good for 5 days after proposal date.

The original Contract Sum was	<u>\$1,100,000.00</u>
The net change by previously authorized Change Orders	<u>\$73,200.00</u>
The Contract Sum prior to this Change Order was	<u>\$1,173,200.00</u>
The Contract Sum will be increased by this Change Order in the amount of	<u>\$23,043.00</u>
The new Contract Sum including this Change order will be	<u>\$1,196,243.00</u>

The Contract Time will be increased by Zero (5) days.
 The new date of substantial Completion will be 11/12/2021

NOTE: This Change Order does not include adjustments to the Contractor Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER

	Inline Construction <hr/>	
ARCHITECT	CONTRACTOR	OWNER
SIGNATURE	 SIGNATURE	SIGNATURE
PRINTED NAME AND TITLE	Jeff Blumer/ President <hr/> PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
DATE	10/5/2021 <hr/> DATE	DATE

BALANCE IN FUNDS AS OF SEPTEMBER 30, 2021

General	\$ 1,067,550.92	Cemetery Endowment	\$ 37,481.62
Water Revenue	\$ 471,139.38	Library Revolving	\$ 11,304.28
Sewage Revenue	\$ 190,728.83	Library	\$ -
Street & Highway	\$ 95,722.41	Library Employee Benefit	\$ -
Airport Revolving	\$ 84,791.56	Swimming Pool Sales Tax	\$ 295,557.67
Sewer Replacement	\$ 915,559.30	Special Law Enforcement	\$ 11,420.24
Bond & Interest	\$ 34,699.26	Special Parks & Recreation	\$ 29,109.27
Bond & Interest #1	\$ 109,400.72	Koester Block Maintenance	\$ 57,861.96
Bond & Interest #1A	\$ 37,216.87	Employee Benefit	\$ 383,685.11
Special Improvements	\$ 186,247.76	Transient Guest Tax	\$ 53,997.77
Industrial	\$ 196,600.98	Mun. Equip Reserve	\$ 393,943.29
Economic Development	\$ 30,391.97	Capital Improvements	\$ 61,237.61
Fire Equipment Reserve	\$ 233,413.75	Sales Tax Improvements Fund	\$ 801,088.48
Fire Insurance Proceeds	\$ 5,700.00	Water Utility Reserve	\$ 414,452.18
			<u>\$6,210,303.19</u>

Bonds of City Outstanding	\$ 1,075,000.00
Revolving Loans	\$ 487,872.84
Swim Pool Internal Loan Outstanding (Swimming Pool)	\$ 354,573.67
Water Collection - SEPT	\$ 98,982.57
Sewage Collection - SEPT	\$ 65,570.22
Investment of Idle Funds	\$ -

Sept 2021 Rent -- Main Dish \$175.00 & Las Cabanas \$700

Outstanding Collections:	State Set Off	Collections Bureau(CBK)	Outstandings	Total	
Water/Sewer	\$ 38,284.83	\$ 7,223.13	\$ 10,880.90	\$ 56,388.86	
Municipal Court	\$ 5,621.12	\$ 31,824.93	\$ 27,336.51	\$ 64,782.56	10 Yr Total

Respectively Submitted,

CINDY HOLLE
City Clerk

CITY CLERK'S FINANCIAL REPORT
FOR SEPT 2021

RECEIPTS:

SEPT	1 DAVE FRIEDRICHS	WATER CONN FEE -- 1276 ASHBERRY LN	\$	100.00
	2 JADWIN CONST	SEWER CLEANING, HANOVER, INV 4427	\$	588.80
	2 HANNAH HALL	WATER CONN FEE -- 206 S 11TH	\$	100.00
	2 SOUTH HILL POTTERY	SEPT 2021 RENT - 911 BROADWAY	\$	175.00
	3 TODD ACKERMAN	BOOT OVERAGE	\$	88.99
	7 AMY DETIMORE	IMPOUND FEE & CARE FEE FOR 2 DOGS	\$	220.00
	7 MCNISH	METER PIT 501 N 13TH / PRESS-CRIST	\$	543.00
	7 MAIN DISH	AUG 2021 RENT - 913 BROADWAY	\$	175.00
	8 BRIAN GORDON	DOG TAG - 257	\$	10.00
	9 ACME PLUMBING	GAS INSP - 411 MAY - INV 4430	\$	30.00
	10 KINSLEY	BURIAL ORDERS RUTH LOVELL - INV 4433	\$	475.00
	10 DANIEL SCHELL	ELEC INSP - 1011 N 13TH - INV 4428	\$	30.00
	10 ARGO CONSTRUCTION	BLDG PERMIT 2129 - DALE NESTER - 1504 MAY	\$	25.00
	10 ROBER FORBES	2021 CAT TAG - 31	\$	15.00
	13 KOESTER HOUSE	ADMISSIONS	\$	105.00
	13 KIRK MARTIN	BLDG PERMIT 2130 - 1110 OTOE	\$	45.00
	13 PARK DONATIONS	PARK DONATIONS	\$	163.00
	13 A CUT ABOVE	SEPT 2021 RENT - 909 BROADWAY	\$	300.00
	13 PRAIRIE STONE	2022 LICENSE	\$	75.00
	13 THOMAS MCCOWN	PARK DONATIONS	\$	10.00
	15 DEBORAH BELL	OPEN SPACE RENTAL - 307 LARAMIE 2021 & 2022	\$	2.00
	15 KANSAS GAS	AUG 2021 FRANCHISE FEE	\$	3,411.70
	15 REBECCA BELL	WATER CONN FEE - 102 ALSTON	\$	100.00
	15 MAYA RETTELE	SEPT 2021 RENT - 909H BROADWAY	\$	500.00
	16 ROBERT FOX	BLDG PERMIT - 609 N 6TH	\$	42.00
	17 ISAIAH WEEERS	WATER CONN FEE - 1011 OAK	\$	100.00
	17 VAN EATON READY MIX	WINDMILL FARM USAGE INV 4439	\$	8,368.00
	17 SOUTHWESTERN BELL	AUG 2021 FRANCHISE FEE	\$	436.00
	17 REFLECTIONS	SEPT 2021 RENT - 901 BROADWAY	\$	620.00
	20 PARK DONATIONS	PARK DONATIONS	\$	27.00
	20 NEMAHA MARSHALL	AUG 2021 FRANCHISE FEE	\$	157.74
	20 MARSHALL COUNTY	DONATION RED RIBBON WEEK	\$	5,000.00
	20 JOYCE MILLER	2021 DOG TAG - 259	\$	10.00
	20 JAMIE ANDERSON	2021 DOG TAG - 260	\$	15.00
	20 LOY O'BRIEN	2021 DOG TAG - 261	\$	10.00
	20 LAS CABANAS	JULY & AUG 2021 RENT - 908 ELM	\$	1,400.00
	21 MARYSVILLE PD	EVIDENCE CASE #20-211	\$	20.00
	22 KOESTER HOUSE	ADMISSIONS	\$	65.00
	23 JENNIFER HAVERKAMP	2021 DOG TAG - 262, 263, 264	\$	30.00
	24 HUMANITIES KANSAS	GRANT FOR SPEAKER 10/24/21	\$	300.00
	24 MELISSA BAKER	WATER CONN FEE -- 1806 LARAMIE	\$	100.00
	24 DON ARGO	BLDG PERMIT - 1813 FRANK MARSHALL DR	\$	25.00
	27 KOESTER HOUSE	ADMISSIONS	\$	20.00
	27 PARK DONATIONS	PARK DONATIONS	\$	42.00
	27 RYAN MORTUARY	BURIAL ORDER - ARTHUR ADAMS	\$	475.00
	27 POSTROCK TRADING LLC	5 GUNS FOR CRIMINAL 4 PD GUNS SOLD	\$	1,520.00
	27 PAUL CABARON	WATER CONN FEE - 1303 CALHOUN	\$	100.00
	28 BRANDON WILSON	WATER CONN FEE - 1204 WALNUT	\$	100.00
	29 AARON WESTBROOK	WATER CONN FEE - 910 ANN	\$	100.00
	29 KYLE BEASLEY	WATER CONN FEE - 1709 CAROLINA	\$	100.00
	30 BOLTON & MCNISH	METER PIT 1806 LARAMIE	\$	543.00
	30 EVERGY	AUG 2021 FRANCHISE FEE	\$	33,288.01
	30 H & R BLOCK	SEPT 2021 RENT - 907 BROADWAY	\$	375.00
	30 PARK DONATIONS	PARK DONATIONS	\$	60.00
			\$	<u>60,736.24</u>

DEPOSITED IN CITIZENS STATE BANK FOR
ACCOUNT OF CITY TREASURER

General Fund	\$ 44,396.44
Water Revenue Fund	\$ 10,354.00
Koester Block Maintenance Fund	\$ 3,735.00
Pool	\$ -
Airport Revenue	\$ -
Sewer Revenue Fund	\$ -
Transient Guest Tax	\$ 300.00
Special Law	\$ 1,060.00
Special Parks	\$ 302.00
Sewer Replacement	\$ 588.80
Water Utility Reserve	\$ -
MER	\$ -
	<hr/>
	\$ 60,736.24

**ADJUSTED STATEMENT OF REVENUES
AND
BUDGET APPROPRIATIONS
AS OF SEPTEMBER 30, 2021**

FUND	BUDGETED	REC'D TO DATE	BUDGET BALANCE	PERCENT RECEIVED
GENERAL:				
TAX DISTRIBUTIONS	1,499,816	1,502,304	2,488	100%
ASSESSMENTS (weed/st)	2,500	3,901	1,401	156%
INTEREST	1,900	1,559	(341)	82%
FRANCHISE FEES	463,000	336,809	(126,191)	73%
LICENSES	10,950	3,590	(7,360)	33%
PERMITS	12,050	6,868	(5,182)	57%
GRANTS	1,000	41,040	40,040	4104%
HIGHWAY MAINTENANCE	10,000	10,484	484	105%
RURAL FIRES	42,000	52,539	10,539	125%
BURIAL ORDERS	10,850	8,300	(2,550)	76%
CEMETERY DEEDS	1,200	700	(500)	58%
MUNICIPAL COURT	43,400	25,188	(18,212)	58%
IMPOUNDING FEES	1,000	2,215	1,215	222%
CONTRACT/RENTS	8,300	13,270	4,970	160%
GIFTS-DONATIONS	1,725	0	(1,725)	0%
REIMBURSEMENTS	3,200	29,711	26,511	928%
MISC/SPARK	18,000	65,405	47,405	363%
TRANSFERS	435,000	347,512	(87,488)	80%
TOTAL	2,565,891	2,451,395	(114,496)	96%

2020 CASH CARRYOVER	707,282
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WATER REVENUE:				
WATER SALES	830,000	653,884	(176,116)	79%
INSTALL CHARGES/RECONNEC	33,500	19,664	(13,836)	59%
PENALTIES	6,800	4,782	(2,018)	70%
SALES TAX	12,000	10,097	(1,903)	84%
INTEREST	4,000	686	(3,314)	17%
MISCELLANEOUS	5,000	29	(4,971)	1%
TOTAL	891,300	689,143	(202,157)	77%

2020 CASH CARRYOVER	704,907
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SEWAGE REVENUE:				
SEWAGE CHARGES	748,800	574,314	(174,486)	77%
PERMITS	2,500	0	(2,500)	0%
PENALTIES	9,609	7,174	(2,435)	75%
ASSESSMENTS		2,100		
INTEREST	4,000	258	(3,742)	6%
REIMBURSED EXPENSE	100	0	(100)	0%
MISCELLANEOUS	1,000	8,127	7,127	813%
TOTAL	766,009	591,972	(176,137)	77%

2020 CASH CARRYOVER	234,330
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**ADJUSTED STATEMENT OF EXPENDITURES
AND
BUDGET APPROPRIATIONS
AS OF SEPTEMBER 30, 2021**

FUND	BUDGET APPROPRIATION	EXPENDITURES TO DATE	BUDGET BALANCE	PERCENT EXPENDED
GENERAL:				
ADMINISTRATION	474,562	327,923	146,639	69%
POLICE	707,297	470,694	236,603	67%
MUNICIPAL COURT	73,806	37,209	36,597	50%
FIRE	542,765	269,983	272,782	50%
STREET	455,976	397,637	58,339	87%
PARKS	194,986	142,137	52,849	73%
RECREATION	129,085	62,596	66,489	48%
CEMETERY	148,219	104,923	43,296	71%
TRAFFIC CONTROL	50,000	39,390	10,610	79%
HEALTH & SAN.	172,689	119,918	52,771	69%
STREET LIGHTING	80,800	52,017	28,783	64%
FORESTRY	2,150	0	2,150	0%
AIRPORT	17,491	56,777	(39,286)	325%
TRANSFERS	68,000	56,250	11,750	83%
ART CENTER/MAIN STREET	17,200	16,601	599	97%
GRANTS/GIFTS	8,500	31,362	(22,862)	369%
TORT LIABILITY	128,747	14,507	114,240	11%
NOXIOUS WEED	900	0	900	0%
TOTAL	3,273,173	2,199,924	958,109	67%
WATER REVENUE:				
PRODUCTION	249,675	66,773	182,902	27%
T & D	750,134	594,613	155,521	79%
COMMERCIAL & GENERAL	116,447	59,103	57,344	51%
NON-OP. EXPENSE+TORT	220,951	14,365	206,586	7%
TRANSFER TO B&I #1	159,000	119,250	39,750	75%
TRANSFER TO W. UTIL. RES	60,000	45,000	15,000	75%
TRANSFER TO GENERAL	40,000	30,001	9,999	75%
TOTAL	1,596,207	929,105	667,102	58%
SEWAGE REVENUE:				
COMMERCIAL & GENERAL	60,553	42,978	17,575	71%
COLLECTIONS	618,966	345,300	273,666	56%
PROCESSING	130,441	75,515	54,926	58%
TRANSFER TO SEW REPL.	100,000	75,001	24,999	75%
TRANSFER TO B&I #1 A	49,379	37,034	12,345	75%
TRANSFER TO GENERAL	40,000	30,001	9,999	75%
NON-OP TORT	1,000	1,606	0	161%
NON-OP GEN/ADMIN	0	0	0	0%
TOTAL	1,000,339	607,435	393,510	61%

09/30/2021

Receipts Report for the period 09/01/2021 to 09/30/2021

Page 1

Date	Case #	Name	NSF Receipt #	Pay Type	Reference #	Received By	Total Paid
9/2/2021	21TR14025	Behrens, Travis M	<input type="checkbox"/> 5392	Check	6368	Ruth	\$135.00
	JBEF		\$1.00	LETC			\$22.50
	Municipal Court Fees		\$61.50	Fines			\$50.00
	21CR13902	Dean, Jerome	<input type="checkbox"/> 5393	Bond Applied	Bond ID = 781	Ruth	\$100.00
	JBEF		\$1.00	LETC			\$22.50
	Municipal Court Fees		\$61.50	Fines			\$15.00
	21CR13284	Jordan, Trisha A	<input type="checkbox"/> 5391	Credit Card	65487896	Ruth	\$50.00
	Fines		\$50.00				
	21TCR13686	Miller, Matthew G	<input type="checkbox"/> 5394	Cash		Ruth	\$50.00
	Fines		\$50.00				
	20CR13581	Parmenter, Kimberly S	<input type="checkbox"/> 5395	Cash		Ruth	\$50.00
	Fines		\$50.00				
Totals for 9/2/2021:						\$385.00	
9/3/2021	20TR13158	King, Kayla M	<input type="checkbox"/> 5397	Cash		Ruth	\$385.00
	Fines		\$185.00	Restitution			\$200.00
	17CR11838	Lackey, Steven A	<input type="checkbox"/> 5396	Cash		Ruth	\$20.00
	Municipal Court Fees		\$20.00				
Totals for 9/3/2021:						\$405.00	
9/7/2021	20CR4266	Busch, Anita K	<input type="checkbox"/> 5398	Cash		Ruth	\$25.00
	JBEF		\$1.00	LETC			\$22.50
	Municipal Court Fees		\$1.50				
	17CR10593	Carter, Andrew T	<input type="checkbox"/> 5401	Bond Applied	Bond ID = 788	Ruth	\$40.00
	Fines		\$25.00	Restitution			\$10.00
	30 Day Letter Fee		\$5.00				
	17TR12024	Crow, Christopher C	<input type="checkbox"/> 5402	Credit Card		Ruth	\$25.00
	Fines		\$25.00				
	20CR13557	Mendenhall, Charles D	<input type="checkbox"/> 5399	Money Order	7061	Ruth	\$100.00
	Municipal Court Fees		\$60.00	Fines			\$40.00
	21CR13797	Price, Robert K	<input type="checkbox"/> 5400	Money Order	2871	Ruth	\$60.00
	Municipal Court Fees		\$25.00	Fines			\$35.00
Totals for 9/7/2021:						\$250.00	
9/15/2021	17CR6381	Schoenhofer *, Holly	<input type="checkbox"/> 5404	Money Order	27661	Ruth	\$25.00
	Restitution		\$25.00				
	17CR6375	Schoenhofer * SR, Charles R	<input type="checkbox"/> 5403	Money Order	27661	Ruth	\$25.00
	Restitution		\$25.00				
Totals for 9/15/2021:						\$50.00	
9/16/2021	17TR12585	Flower, Shasta M	<input type="checkbox"/> 5407	CBK Collection	44508	Ruth	\$116.19
	JBEF		\$1.00	LETC			\$17.50
	Municipal Court Fees		\$41.50	Fines			\$56.19
	11TR5712	Lewis, Randall William	<input type="checkbox"/> 5406	CBK Collection	44508	Ruth	\$315.62
	Fines		\$315.62				
	05TR2250	Stocksen, Justin Ray	<input type="checkbox"/> 5408	CBK Collection	44508	Ruth	\$31.70
	JBEF		\$1.00	LETC			\$10.17
	Municipal Court Fees		\$20.53				

09/30/2021

Receipts Report for the period 09/01/2021 to 09/30/2021

Page 2

Date	Case #	Name	NSF Receipt #	Pay Type	Reference #	Received By	Total Paid
9/16/2021	21TR13281	Willey, Johnny T	<input type="checkbox"/> 5405	Bond Applied	Bond ID = 764	Ruth	\$800.00
	JBEF		\$1.00	LETC		\$22.50	
	Municipal Court Fees		\$61.50	Fines		\$550.00	
	DUI Diversion		\$100.00	Community Corrections		\$65.00	
	Totals for 9/16/2021:						\$1,263.51
9/17/2021	17CR11838	Lackey, Steven A	<input type="checkbox"/> 5409	Credit Card	65736328	Ruth	\$20.00
	Municipal Court Fees		\$5.00	Fines		\$15.00	
	21TR13623	Rink, Hollie R	<input type="checkbox"/> 5410	Cash		Ruth	\$160.00
	JBEF		\$1.00	LETC		\$22.50	
	Municipal Court Fees		\$61.50	Fines		\$75.00	
	Totals for 9/17/2021:						\$180.00
9/20/2021	21TR13896	Harvey 2nd, Marcus E	<input type="checkbox"/> 5411	Check	30020	Ruth	\$272.00
	JBEF		\$1.00	LETC		\$22.50	
	Municipal Court Fees		\$61.50	Fines		\$87.00	
	Traffic Diversion		\$100.00				
	Totals for 9/20/2021:						\$272.00
9/27/2021	21TR14013	Atkin, Kenneth P	<input type="checkbox"/> 5412	Cash		Ruth	\$50.00
	JBEF		\$1.00	LETC		\$22.50	
	Municipal Court Fees		\$26.50				
	21TR14019	Ground, Jason T	<input type="checkbox"/> 5414	Cash		Ruth	\$135.00
	JBEF		\$1.00	LETC		\$22.50	
	Municipal Court Fees		\$61.50	Fines		\$50.00	
	21CR13293	Perry, Sierra M	<input type="checkbox"/> 5413	Cash		Ruth	\$50.00
	JBEF		\$1.00	LETC		\$22.50	
	Municipal Court Fees		\$26.50				
	Totals for 9/27/2021:						\$235.00
9/30/2021	21TR14010	Rodriguez, Miguel A	<input type="checkbox"/> 4	Cash		Ruth	\$460.00
	JBEF		\$1.00	LETC		\$22.50	
	Municipal Court Fees		\$61.50	Fines		\$375.00	
	Totals for 9/30/2021:						\$460.00

Receipts Report for the period 09/01/2021 to 09/30/2021

Date Case # Name NSF Receipt # Pay Type Reference # Received By Total Paid

Date	Case #	Name	NSF Receipt #	Pay Type	Reference #	Received By	Total Paid
		<i>State</i>	<i>\$282.00</i>			<i>City</i>	<i>\$3218.51</i>
Grand Totals by Fee:			Grand Totals by Payment Type:			Grand Total:	\$3,500.51
		JBEF	\$12.00	Bond Applied			\$940.00
		LETC	\$252.67	Cash			\$1,385.00
		Municipal Court Fees	\$657.03	CBK Collection			\$463.51
		Fines	\$2,048.81	Check		NSF Adjustment:	\$0.00
		ADSAP	\$0.00	Credit Card			\$95.00
		Restitution	\$260.00	Money Order			\$210.00
		DUI Diversion	\$100.00				
		Traffic Diversion	\$100.00				
		Bond	\$0.00				
		Defense Attorney Fees	\$0.00				
		Returned Check Charge	\$0.00				
		In State Reinstatement	\$0.00				
		Expungement Fee	\$0.00				
		KBI Fee	\$0.00				
		Community Service	\$0.00				
		Warrant Fee	\$0.00				
		UA Fee	\$0.00				
		UA Lab Fee	\$0.00				
		Insufficient Funds	\$0.00				
		Criminal Diversion	\$0.00				
		JBS Fee	\$0.00				
		30 Day Letter Fee	\$5.00				
		Community Corrections	\$65.00				
		Seatbelt Safety Fund	\$0.00				
		Collections	\$0.00				
		NJ Sal Adj	\$0.00				
		Ks-Setoff	\$0.00				



JUDGES REPORT

SEPTEMBER REPORT	\$3500.51
BOND REPORT	\$5420.56
TOTAL	\$8921.07
CK BOOK TOTAL	\$8921.07
TOTAL	\$ 00.00

ROBERTA PRICE, MUNICIPAL COURT JUDGE

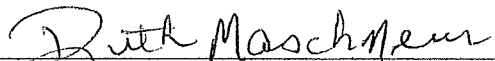
REPORT AND PAYMENT OF MUNICIPAL COURT REVENUE

A.	REINSTATEMENT FEES	<u>\$0.00</u>
A1.	\$15.00 Fixed Reinstatement Fees	<u>\$0.00</u>
B.	JUDICIAL BRANCH SURCHARGE	<u>\$0.00</u>
C.	JUDICIAL BRANCH EDUCATION FUND	<u>\$12.00</u>
D.	LAW ENFORCEMENT TRAINING CENTER FUND	<u>\$270.00</u>
E.	COMMUNITY CORRECTIONS SUPERVISION FEE FUND (DUI Fine)	<u>\$0.00</u>
F.	HUMAN TRAFFICKING VICTIM ASSISTANCE FUND (Human Trafficking Fine)	<u>\$0.00</u>
G.	SEAT BELT SAFETY FUND	<u>\$0.00</u>
	TOTAL REMITTANCE	<u>\$282.00</u>

I hereby certify the above to be a true, complete, and accurate report and payment of municipal court revenue as required to be remitted to the State Treasurer by K.S.A. 8-2110 as amended by 2011 Senate Bill 97; 12-4114, 12-4115 and 12-4116, as amended and Kansas Supreme Court Order 91 SC 1 and 1992 House Bill No. 2832; 12-4117 as amended by 2010 Senate Bill No. 434 and 2012 Senate Bill No. 60, Sec. 1; 2013 Sen Sub. For House Bill No. 2034, K.S.A. 2016 Supp 74-7336 and amendments thereto.

For the Month of September, 2021

Municipal Court of Marysville

Authorized Signature  Date: 09/30/2021

Treasurer's Use Only:

Check# _____

Date _____

Please remit to: **Kansas State Treasurer**
900 SW Jackson
Suite 201
Topeka, KS 66612-1235
785-296-4153

OCTOBER 11, 2021 -----ORDINANCE NO. 3757

TOTAL OF EXPENDITURES IN FUNDS AS FOLLOWS:

FUND		
100	GENERAL	\$ 96,375.85
200	WATER REVENUE	12,782.53
300	SEWAGE REVENUE	7,552.22
400	STREET & HIGHWAY	14,482.39
503	INDUSTRIAL	5,000.00
512	LIBRARY REVOLVING	6,485.00
600	SWIMMING POOL SALES TAX	2,804.77
707	KOESTER BLOCK MAINTENANCE	993.12
711	EMPLOYEE BENEFIT	7,296.32
715	TRANSIENT GUEST TAX	3,072.62
800	SALES TAX IMPROVEMENTS	73,038.82
875	WATER UTILITY RESERVE	<u>27,351.40</u>
	TOTAL ORDINANCE	\$ 257,235.04

INVOICE APPROVAL LIST REPORT - SUMMARY BY VENDOR

ORD #3757 10/11/21

Date: 10/06/2021

Time: 3:52 pm

Page: 1

City of Marysville

Vendor Name	Vendor No.	Invoice Description	Check No.	Check Date	Check Amount
ACME PLUMBING	2268	LABOR-RELACE TOILETS AIRPORT, MOVE LINE, & RPL STOP VALVE	0	00/00/0000	223.91
				Vendor Total:	223.91
ARBOR INK	1723	10 MIRANDA WARNING PADS & 100 TRESPASS NOTICES	0	00/00/0000	103.61
				Vendor Total:	103.61
B & W ELECTRIC INC	481	GRAVE OPENINGS SEPTEMBER ARTHUR ADAMS	0	00/00/0000	275.00
				Vendor Total:	275.00
BLUE VALLEY TECHNOLOGIES	1380	PHONE SERVICE/SYSTEM,INTERNET, & SECURITY	47313	10/06/2021	1,444.04 H
				Vendor Total:	1,444.04
BOILER INSPECTOR,CHIEF STATE	0146	BOILER CERTIFICATE&INSPECTION FEES-POOL-9/13/21-9/13/22	0	00/00/0000	80.00
				Vendor Total:	80.00
CITIZENS STATE BANK	0050	FIRE STATION INTEREST AS OF 9/26/21	0	00/00/0000	3,910.00
CITIZENS STATE BANK	0050	EMPLOYEE PAYROLL #631	47307	10/06/2021	44,189.40 H
				Vendor Total:	48,099.40
CITYCODE FINANCIAL LLC	2613	ONLINE AD FOR POLICE CHIEF	0	00/00/0000	50.00
				Vendor Total:	50.00
CNH CAPITAL	1783	NEW POLE SAW, TRIMMER BLADES, & NUTS	47311	10/06/2021	619.49 H
				Vendor Total:	619.49
CONVENTION & TOURISM	0680	GRANT-HUMANITIES KS FOR SPEAK- ER LEO OLIVA 10/24/21-RAILROAD	0	00/00/0000	899.88
				Vendor Total:	899.88
DEEP CREEK CONSTRUCTION, LL	2598	WATER LINE PJT-JENKINS/LARAMIE PAYMENT #5-FINAL, <i>Feld Field Service Line, + Service Line 20th Jenkins</i>	0	00/00/0000	27,351.40
				Vendor Total:	27,351.40
EFT-FEDERAL TAX,FICA,MEDICAR	2025	FEDERAL TAX, FICA, & MEDICARE	0	00/00/0000	13,690.53
				Vendor Total:	13,690.53
EVERGY	1401	ELECTRICITY	47314	10/06/2021	15,349.50 H
				Vendor Total:	15,349.50
FRANKFORT PORTA POTTY INC.	2247	2 PORTA POTTIES-SOCCER CAMP FELD FIELD 9/28-9/30	0	00/00/0000	200.00
				Vendor Total:	200.00
GALLS, AN ARAMARK COMPANY	0266	(500) ALCO SENSOR MOUTHPIECES FOR BREATHALIZER-DISPOSABLE	0	00/00/0000	130.99
				Vendor Total:	130.99
HALL BROTHERS INC	0200	22.62 TON FILL SAND	0	00/00/0000	116.50
				Vendor Total:	116.50
HOTSY EQUIPMENT CO	1486	HOSTY PRESSURE WASHER HOSE 100',POWER SHINE&BREAKTHROUGH	0	00/00/0000	454.54
				Vendor Total:	454.54
INLINE CONSTRUCTION	2321	DEMOLITION 612-618 BROADWAY, 307 BROADWAY, & 101 S 4TH ST	0	00/00/0000	73,000.00
				Vendor Total:	73,000.00
J & M AIRCRAFT SUPPLY	2049	(60) 45 WATT BULBS,BLUE LENS', & CLAMP BANDS	0	00/00/0000	769.00
				Vendor Total:	769.00
JOHN DEERE FINANCIAL	2322	WRENCH SETS,BOOTS,LIGHTS,RAKES GOGGLES,BLADE SET,ETC	47308	10/06/2021	898.81 H

INVOICE APPROVAL LIST REPORT - SUMMARY BY VENDOR

ORD #3757 10/11/21

Date: 10/06/2021

Time: 3:52 pm

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City of Marysville

Vendor Name	Vendor No.	Invoice Description	Check No.	Check Date	Check Amount
				Vendor Total:	<u>898.81</u>
K.P.E.R.S. EFT	0103	RETIREMENT CONTRIBUTIONS * optional Group Life	0	00/00/0000	<u>9,310.17</u>
				Vendor Total:	<u>9,310.17</u>
KANSAS DEPT OF HEALTH & ENVI	689	WASTEWATER OPER LICENSE CLASS SS CERT #9814-DELMAR GROSS	0	00/00/0000	<u>20.00</u>
				Vendor Total:	<u>20.00</u>
KANSAS GAS SERVICE	1201	GAS SERVICE	47312	10/06/2021	<u>1,441.96</u> H
				Vendor Total:	<u>1,441.96</u>
KANSAS PAYMENT CENTER	1238	WITHOLDING ORDER MS21DM000017	0	00/00/0000	<u>946.16</u>
				Vendor Total:	<u>946.16</u>
KANSAS WITHHOLDING TAX	0299	STATE TAX WITHHELD	0	00/00/0000	<u>2,455.95</u>
				Vendor Total:	<u>2,455.95</u>
LEAGUE KANSAS MUNICIPALITIES	0047	CHIEF OF POLICE JOB LISTING	0	00/00/0000	<u>200.00</u>
				Vendor Total:	<u>200.00</u>
LINK MEDIA OUTDOOR	2786	BILLBOARD RENT HWY 24-OCTOBER	0	00/00/0000	<u>190.00</u>
				Vendor Total:	<u>190.00</u>
LOYAL AMERICAN	1935	INSURANCE PREMIUM-OCTOBER EMPLOYEE WITHHELD	0	00/00/0000	<u>184.63</u>
				Vendor Total:	<u>184.63</u>
MARSHALL CO TRANSFER STATIC	664	LANDFILL FEES-1 NUISSANCE & CLEAN UP SHOP-PALLETS, ETC	0	00/00/0000	<u>103.35</u>
				Vendor Total:	<u>103.35</u>
MARSHALL COUNTY SPORTS & RE	3303	RECREATION SERVICES 4TH QTR	0	00/00/0000	<u>16,250.00</u>
				Vendor Total:	<u>16,250.00</u>
MARYSVILLE AMBULANCE SERVICE	0072	AMBULANCE CONTRACT PAYMENT	0	00/00/0000	<u>13,016.00</u>
				Vendor Total:	<u>13,016.00</u>
MARYSVILLE CHAMBER & MAIN ST	0013	2021 CONTRIBUTION PER BUDGET 4TH QTR	0	00/00/0000	<u>5,000.00</u>
				Vendor Total:	<u>5,000.00</u>
MARYSVILLE HEALTH & FITNESS	1738	EMPLOYEE MEMBERSHIPS	0	00/00/0000	<u>210.00</u>
				Vendor Total:	<u>210.00</u>
MARYSVILLE POSTMASTER	0340	BULK POSTAGE 1328 WATER BILLS	47315	10/06/2021	<u>444.88</u> H
				Vendor Total:	<u>444.88</u>
MILEAGE & MEAL REIMBURSEMENT	2428	MILEAGE-TOPEKA FOR TAC CERT TRAINING-RUTH MASCHMEIER	0	00/00/0000	<u>123.20</u>
				Vendor Total:	<u>123.20</u>
MUNICIPAL EMERGENCY SERVICE	1360	RESCUE EQPMNT-PULLEY,RIG PLATE HARNESS,DESCENDER,CARBINER,ETC	0	00/00/0000	<u>709.97</u>
				Vendor Total:	<u>709.97</u>
NATIONAL SIGN CO, INC	1383	BARR SHEETING-BARRICADES	0	00/00/0000	<u>1,026.92</u>
				Vendor Total:	<u>1,026.92</u>
NEBRASKA CHILD SUPPORT PAYM	1399	WITHOLDING ORDER AR2EQ4LJX2CMK	0	00/00/0000	<u>227.08</u>
				Vendor Total:	<u>227.08</u>
NETWORKS PLUS	2736	MONTHLY REMOTE MONITORING & MANAGEMENT & MANAGE FIREWALL	0	00/00/0000	<u>483.00</u>
				Vendor Total:	<u>483.00</u>
O'REILLY AUTOMOTIVE, INC	2668	BATTERY, WIPER BLADES, & BRAKE FLUID	0	00/00/0000	<u>191.13</u>
				Vendor Total:	<u>191.13</u>

INVOICE APPROVAL LIST REPORT - SUMMARY BY VENDOR

ORD #3757 10/11/21

Date: 10/06/2021

Time: 3:52 pm

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City of Marysville

Vendor Name	Vendor No.	Invoice Description	Check No.	Check Date	Check Amount
PETTY CASH FUND (GENERAL)	0063	WATER APPROPRIATION-WELLS,TAGS &INSPECTIONS-4010&4011&POSTAGE	0	00/00/0000	341.80
				Vendor Total:	<u>341.80</u>
PITNEY BOWES RESERVE ACCOU	2477	POSTAGE FOR METER	0	00/00/0000	1,000.00
				Vendor Total:	<u>1,000.00</u>
POSITIVE PROMOTIONS, INC	2748	RED RIBBON WEEK-BRACELETS & PENCILS	0	00/00/0000	561.38
				Vendor Total:	<u>561.38</u>
PRAIRIE STONE	2634	RED OAK TREE 2.5-3"-ARBOR DAY DARGATZ PARK	0	00/00/0000	300.00
				Vendor Total:	<u>300.00</u>
REIMBURSE FLOWERS & SHRUBS	2689	REIMBURSE SHRUBS/FLOWERS-BETH SKINNER(APPROVED 9/27/21)	0	00/00/0000	261.15
				Vendor Total:	<u>261.15</u>
ROSEBAUGH JANITORIAL SERVIC	2043	JANITORIAL SERVICES AT POLICE DEPT-SEPTEMBER X9	0	00/00/0000	675.00
				Vendor Total:	<u>675.00</u>
TEMPS DISPOSAL SERVICE INC	0012	TRASH SERVICES-SEPTEMBER	0	00/00/0000	447.50
				Vendor Total:	<u>447.50</u>
TOBY M. CARRIG	2788	CONVENTION & TOURISM SALARY MONTHLY	0	00/00/0000	1,833.33
				Vendor Total:	<u>1,833.33</u>
VANCE BROTHERS	2127	5,837 GALLON ROAD OIL-CHIP & SEAL	0	00/00/0000	14,482.39
				Vendor Total:	<u>14,482.39</u>
VERIZON WIRELESS	2146	CELL PHONE & TABLET SERVICE	47310	10/06/2021	213.74 H
				Vendor Total:	<u>213.74</u>
WAL-MART COMMUNITY	1254	TENT,USB PORT/CABLE,RATCHET STRAP,OIL,OFFICE/CLEAN SUP,ETC	47309	10/06/2021	827.75 H
				Vendor Total:	<u>827.75</u>
				Grand Total:	<u>257,235.04</u>
				Less Credit Memos:	<u>0.00</u>
				Net Total:	<u>257,235.04</u>
				Less Hand Check Total:	<u>65,429.57</u>
				Outstanding Invoice Total :	<u>191,805.47</u>
	Total Invoices:	59			

MEMORANDUM

DATE: October 6, 2021
TO: Mayor and City Council
FR: City Attorney
RE: Unsafe Properties

Please find attached a Memorandum prepared by the City Attorney of Lawrence, Kansas that was circulated on a listserv for city attorneys. Generally, cities do not have the legal authority to condemn property for transfer, sale or lease to private entities. The City of Lawrence Memorandum points out an exception to the general rule and discusses the application of K.S.A. 26-501b(e) to property that is unsafe for occupation by humans under the existing building codes. As far as the discussion went, there has been only one city in Kansas using the statute to obtain title to real estate.

Please note that compensation to the landowner would be determined through the eminent domain process.

Memorandum

City of Lawrence

City Attorney's Office

TO: David L. Corliss, City Manager

FROM: Toni R. Wheeler, City Attorney

**CC: Diane Stoddard and Cynthia Wagner, Assistant City Managers
Jonathan Douglass, Assistant to the City Manager
Scott McCullough, Director – Planning and Development Services
Brian Jimenez, Code Enforcement Manager**

Date: April 25, 2013

RE: 1106 Rhode Island Street

On February 5, 2013, the Governing Body received an update from Planning and Development Services regarding the status of 1106 Rhode Island Street. This property has been in a dilapidated state and is in violation of the City Code. Staff attempted to work with the owner's family to bring the property into compliance with the code, however, those efforts were unsuccessful. Staff reported that little progress had been made by the property owners regarding implementation of Resolution No. 6972 which ordered the repair or demolition of 1106 Rhode Island Street by July 17, 2012. The Governing Body on February 5, 2013, directed staff to initiate condemnation proceedings in order to obtain title to the property. Upon obtaining title to the real property, the City can determine how to best bring the property into compliance with city codes.

Once the condemnation process is complete, and the city has paid just compensation for the property, the City will have fee simple title to the land. Staff will likely recommend that the property be sold or transferred to a third party so it can be rehabilitated, if appropriate. While municipalities generally do not have legal authority to condemn property for transfer, sale, or lease to private entities, K.S.A. 26-501b(e) provides an exception to this general rule. It authorizes the taking of "property which is unsafe for occupation by humans under the building codes of the jurisdiction where the structure is situated." The property at 1106 Rhode Island satisfies this exception. Therefore, condemnation is appropriate in this situation.

Condemnation Process:

Pursuant to K.S.A. 26-201 the City has the authority to acquire by condemnation, interests in real property, including fee simple title thereto. The first step in the condemnation process is for the Governing Body to adopt a resolution declaring the necessity of use of the City's condemnation powers for such purposes and ordering a survey of the land to be condemned. On March 26, 2013, the Governing Body adopted Resolution No. 7013 and a survey was completed and filed.

Following the filing of a survey with the City Clerk, the Governing Body must then adopt an ordinance authorizing the taking and ordering the land condemned. The ordinance further authorizes the filing of a petition in Douglas County District Court. The rest of the eminent domain proceedings are governed by a statutory process. The main elements of the process are as follows:

- Court approves or disapproves of the use of the City's condemnation authority.
- If the Court approves, three residents of Douglas County with knowledge of real estate, are appointed as appraisers to provide a value of the lands or interests to be condemned.
- The appraisers must provide notice to the parties of interest which must be published at least 14 days before a hearing.
- At the hearing of the appraisers, the appraisers view the real property and provide a report on the value of the interests condemned.
- The Court must approve the report of the appraisers.
- Either party has 30 days after the filing of the report to appeal.
- Upon payment of the amount determined as just compensation to the Clerk of the Court, the City obtains title to the property.

Action Requested:

Adopt on first reading Ordinance No. 8856 ordering through the exercise of eminent domain the condemnation of fee simple title to private property interests commonly located at 1106 Rhode Island Street, and authorizing the filing of a petition in Douglas County District Court.

26-501b. Eminent domain; transfer to private entity authorized, when. On and after July 1, 2007, the taking of private property by eminent domain for the purpose of selling, leasing, or otherwise transferring such property to any private entity is authorized if the taking is:

(a) By the Kansas department of transportation or a municipality and the property is deemed excess real property that was taken lawfully and incidental to the acquisition of right-of-way for a public road, bridge or public improvement project including, but not limited to a public building, park, recreation facility, water supply project, wastewater and waste disposal project, storm water project and flood control and drainage project;

(b) by any public utility, as defined in K.S.A. 66-104, and amendments thereto, gas gathering service, as defined in K.S.A. 55-1,101, and amendments thereto, pipe-line companies, railroads and all persons and associations of persons, whether incorporated or not, operating such agencies for public use in the conveyance of persons or property within this state, but only to the extent such property is used for the operation of facilities necessary for the provision of services;

(c) by any municipality when the private property owner has acquiesced in writing to the taking;

(d) by any municipality for the purpose of acquiring property which has defective or unusual conditions of title including, but not limited to, clouded or defective title or unknown ownership interests in the property;

(e) by any municipality for the purpose of acquiring property which is unsafe for occupation by humans under the building codes of the jurisdiction where the structure is situated;

(f) expressly authorized by the legislature on or after July 1, 2007, by enactment of law that identifies the specific tract or tracts to be taken. If the legislature authorizes eminent domain for private economic development purposes, the legislature shall consider requiring compensation of at least 200% of fair market value to property owners.

(g) This section shall be part of and supplemental to the eminent domain procedure act.

History: L. 2006, ch. 192, § 2; May 25.