

Regular Meeting  
City Hall, Marysville, Kansas-March 27, 2023

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: Frye, Keating, Snellings, Beikman, Goracke, Price, Behrens, and Throm. A quorum was present.

The minutes from the March 13, 2023, regular meeting were presented for approval. CM Throm moved; CM Price seconded to approve the minutes as presented. Motion carried 8-0 voice vote.

**PUBLIC COMMENTS:**

1. **INTERMODAL CONTAINERS.** Karen Hughes, Ward 2, addressed the Council concerning the text amendment to the ULDC in regard to intermodal containers. She was not in favor of approving the intermodal containers and asked the Council to vote no as the Planning & Zoning Commission recommended.
2. **TIME ALLOWED FOR PUBLIC COMMENT.** Mayor Barnes informed the public that when they spoke during public comment if they had requested to be on the agenda they were allowed 15 minutes. If a Council Member was addressed the Council Member would be allowed to respond and that time would be counted towards the 15 minutes maximum.
3. **COUNTRY CLUB LAKE.** Steve Prell, 1042 Pony Express Highway, presented in the agenda and spoke about information he has previously given to the Council about the ownership and access of the Country Club Lake. He asked the Council to vote separately on quiet title and eminent domain if the Council chose to take the land for a public park.
4. **COUNTRY CLUB LAKE.** Kris Schrater, 1040 Pony Express Highway, presented in the agenda past speeches he made to Council and additional information concerning his opinion about the Country Club Lake access for open public fishing.
5. **PUBLIC ACCEESS TO THE LAKE.** Mayor Barnes stated that Country Club Lake has been used for public purposes for more than 70 years.

**BUSINESS AND DISCUSSION ITEMS:**

1. **MHS PROM WALK REQUEST.** Cole Nolte and Maddie Capp representing the senior class asked the Council to allow them to use the 7<sup>th</sup> Street Corridor for the Promenade at 7:30 p.m. on April 22<sup>nd</sup> and to also block Broadway at 8:15 p.m. for the Senior Walk. The seniors will walk and drive both street legal and non-street legal vehicles. The class representatives will contact the PD to help with traffic control and blocking intersections. CM Frye moved, CM Goracke seconded to approve closing the streets for the MHS prom and to allow non-street legal vehicles during the walk. Motion carried unanimously.
2. **MARYSVILLE FFA TRUCK & TRACTOR SHOW.** MHS FFA would like to use the City Park near the band stand for a truck and tractor show. They asked for the park to be blocked for the event from 8:30 a.m. to 3:00 p.m. on April 15. The City will provide cones for the FFA to block the park and the City will place signs not allowing campers there during the event. CM Throm moved, CM Goracke seconded to allow the FFA to use the park and block the streets. Motion carried unanimously. They were told if they want to use the downtown speaker

system, they would need to sign up for it at City Hall and the equipment would be at the Chamber/Main Street Office.

3. **2022 AUDIT REVIEW VARNEY & ASSOCIATES.** April Swartz from Varney & Associates presented the 2022 Audit. She reported the City had a clean audit with no violations.
4. **INSURANCE RENEWAL** Jen Sedlacek from Alliance Insurance presented the renewal for the City's insurance from EMC. The property values have increased significantly, especially at the Koester Block which has raised our insurance. EMC no longer offers a \$1000 deductible on property so the deductible will increase to \$5,000 or \$10,000. The two options are as follows: \$170,207 is \$5,000 deductible for all peril and \$10,000 wind-hail; \$167,191 is \$10,000 deductible for all peril and wind-hail. Vehicle and Inland Marine remains at \$1000 deductible unless the vehicle or equipment is valued at \$100,000 or more then the deductible will be \$3,000 if it is not part of a larger wind-hail claim. CM Throm moved, CM Keating seconded to approve the renewal for \$170,207. Motion carried 7-1 with CM Behrens voting no.
5. **ZONING TEXT AMENDMENT INTERMODAL CONTAINERS.** CM Frye said he appreciated the work the P&Z Commission had done on this issue, but he thought the containers should be allowed. CM Frye moved, CM Price seconded to approve the text amendment to allow intermodal containers in the City. Roll call vote was taken. Motion failed 3-5 with CM Snellings, CM Beikman, CM Price, CM Behrens and CM Throm voting no. CM Frye asked to look at writing an ordinance allowing containers in limited zoning areas such as Industrial and Commercial.
6. **KIWANIS EASTER EGG HUNT CITY PARK.** Ryan Smith, a representative from the Kiwanis Club requested the City close the City Park on April 8<sup>th</sup> from 2:00 p.m. to 4:00 p.m. for their annual Easter Egg Hunt. CM Throm moved, CM Keating seconded to approve the request to close the park entrances on April 8<sup>th</sup>. Motion carried unanimously.
7. **C&T HOT AIR BALLOON REQUEST.** Mandy Cook from the C&T Committee presented a request for \$15,000 to bring Kansas City AeroSports to the July 8<sup>th</sup> Celebration. This company has 6 hot air balloons which will perform a "glow event" for a fee of \$10,000 and the C&T Committee asks for an additional \$5,000 for advertising. CM Price moved, CM Snellings seconded to approve the \$15,000 request. Motion carried 7-1 with CM Beikman voting no.

**CONSENT AGENDA.** The Consent Agenda was presented for consideration. CM Frye moved, CM Goracke seconded to approve the Consent Agenda. Motion carried 8-0. The Consent Agenda consisted of the following:

1. Convention & Tourism requests as follows: Freight on Downtown Christmas Lights, \$500.00; Web Hosting Fees from Middle.co, \$600.00; Totaling \$1,100.00.
2. Alcohol Consumption at Lee Dam Art Center-MCAC "Poetry Celebration" April 19 6 p.m. to 8 p.m.

**APPROPRIATIONS ORDINANCE NO. 3794**

1. Claims against the funds of the City were submitted for Council consideration as follows:  
General Fund, \$105,929.78; Water Revenue Fund, \$43,454.07; Sewage Revenue Fund, \$21,741.01; Airport Revolving Fund, \$1,500.00; Sewage Replacement Fund, \$41,000.00; Library Revolving, \$10,248.43; Swim Pool Sales Tax, \$11,548.00; Special Law Enforcement Fund, \$3,072.88; Koester Block Maintenance, \$11,407.48; Employee Benefit Fund, \$32,371.09; Transient Guest Tax, \$262.60; Sales Tax Improvements, \$40,015.87; making a total of \$322,551.21.
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 Beikman seconded to approve the appropriations ordinance totaling \$322,551.21. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3794.

**STAFF REPORTS:**

**CITY ADMINISTRATOR:**

1. **MILL AND OVERLAY PROJECTS.** CA St. John presented bids from Hall Brothers for three additional projects (the projects from 2022 were not completed) as follows: N 9<sup>th</sup> Street Calhoun to Jenkins 1.5” mill and overlay \$43,524.00; Elm Street 3<sup>rd</sup> to 4<sup>th</sup> Street 1.5” edge mill and overlay \$23,111.55; Airport Hangar Road asphalt, \$24,092.55. CM Frye moved to accept the bids for all three projects, CM Throm seconded. Motion carried unanimously.
2. **WATER TOWER CLEANOUT & INSPECTION.** CA St. John included two bids to inspect and clean both water towers and the storage tank. The bids for the combine towers are as follows: Maguire Iron, Inc. \$7,700; Utility Service Co., Inc.\$5,700.00. CM Throm moved to approve the low bid from Utility Service Co. for \$5,700.00, CM Behrens seconded. Motion carried unanimously.

**POLICE:**

1. **FIRING RANGE POLICY.** PC Simpson presented a suggested Firing Range Policy if the City opens up the firing range to the public. The rental of the firing range would be handled through the Police Department. It was suggested that the City not hire a Range Master. The Council asked for the proposed regulations be sent to the insurance company’s underwriter to see if they will cover the firing range and at what the cost would be. Adding an archery range was also discussed.

**STANDING COMMITTEE REPORTS:**

**STREET:**

1. **20<sup>th</sup> ROAD MARKINGS.** CM Frye asked if street markings would be repainted on 20<sup>th</sup> Street after the overlay. CA St. John reported the markings are part of the project.
2. **JAYHAWK ROAD.** CM Goracke said he had some complaints about Jayhawk Road from 11<sup>th</sup> to 13<sup>th</sup>. They were asking for a better crown on the road and more rock.

3. **ROAD ROCK.** CM Price said there were two more quarries that are owned by Bayer Construction that may have road rock as availability to get product has been difficult.
4. **DUST AT LAKEVIEW.** CM Frye reported sometimes there is a lot of dust at the entrance and in the parking lot at Lakeview making it difficult to see children in the area.
5. **5<sup>th</sup> AND CALHOUN STREET COLLAPSE.** Mayor Barnes reported there was a storm drain collapse creating a large hole in the street on the corner of 5<sup>th</sup> and Calhoun Street which the City has barricaded.

#### **WATER & WASTEWATER:**

#### **PARKS & RECREATION:**

1. **COUNTRY CLUB LAKE.** CM Beikman reported the handrails on the dock at the Country Club Lake are loose and there is a pack rat nest near the dock.
2. **SWIMMING ALLOWED AT COUNTRY CLUB LAKE.** CM Frye said there are signs at the Country Club Lake that say, 'No Swimming Allowed.' There is no ordinance restricting swimming. CM Frye moved, CM Throm seconded to remove the "No Swimming" signs and replace them with "Swim at Your Own Risk" signs. Motion carried unanimously.
3. **SIDEWALKS AT TENNIS COURTS.** CM Throm reported the new sidewalks at the tennis courts look good.

#### **CEMETERY & AIRPORT:**

1. **KIOSK AT CITY CEMETERY.** CM Snellings asked when the kiosk would be installed at the City Cemetery. The check was mailed immediately after Council approval, but no delivery date has been given.
2. **TAXIWAY AT AIRPORT.** CM Frye asked if the City had received costs on surfacing the gravel taxiways to the hangars. CA St. John said the company had not responded yet.

#### **POLICE & FIRE:**

#### **ADMINISTRATION & FINANCE:**

1. **CONVENTION & TOURISM MEETING.** Mayor Barnes said there had been an Admin & Finance meeting with the C&T Committee. CM Behrens reported the meeting went well and another meeting has been scheduled to include MCDC and Chamber/Main Street. These groups will be asked to bring the things they are responsible for in the community so there is no overlap. The meeting is scheduled for Monday, April 3 at 7:00 p.m. at City Hall.

**APPOINTMENTS:** Mayor Barnes presented Andrew Lohmann to the City Prosecutor position to begin April 1, 2023 thru December 31, 2023. CM Throm moved, CM Beikman seconded to approve the Mayor's appointment. Motion carried unanimously.

**CITY ATTORNEY:** CA McNish reported the sale of the condemned property at 10<sup>th</sup> and Center for \$50,000 had been completed and the City has received the accessed amount of \$33,500 plus its share of back taxes.

**EXECUTIVE SESSION:** At 8:38 p.m. CM Goracke moved to recess in executive session to discuss possible acquisition of real estate exception KSA 75-4319 (b) (6). This session will include the Mayor, City Council, City Administrator, and the City Attorney. The open meeting will resume in the city council chamber at 8:48 p.m. CM Behrens seconded. Motion carried 8-0. At 8:48 p.m. the council reconvened. Mayor Barnes reported no action was taken during the executive session and the regular session was continuing.

At 8:48 p.m. CM Price moved to recess in executive session to discuss possible 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, City Administrator, and the City Attorney. The open meeting will resume in the city council chamber at 9:10 p.m. CM Throm seconded. Motion carried 8-0. At 9:10 p.m. the council reconvened. Mayor Barnes reported no action was taken during the executive session and the regular session was continuing.

**ROUND TABLE DISCUSSION:**

- 1. COUNTRY CLUB LAKE SEPARATE VOTES.** CM Frye asked CA McNish if there was a reason for the Council to combine the quiet title and eminent domain into the same resolution concerning the Country Club Lake. CA McNish said Steve Prell had accurately given the reason for this method. If the City gives up eminent domain, it will inversely affect the property value which will be substantially more than a parcel strip. CM Frye said the Council should make a decision regarding the lake. CM Snellings said it should be brought back to the next council meeting for a decision. CM Keating agreed.
- 2. CAMERAS AT THE COUNCIL MEETING.** CM Beikman said there should be a “crash course” given on running the camera system in the Council Chamber.

There being no further business, at 9:13 p.m. CM Frye moved to adjourn, CM Keating seconded. Motion carried unanimously.

Cindy Holle  
City Clerk