

Regular Meeting
City Hall, Marysville, Kansas-April 11, 2022

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 Attorney, McNish, City Administer St. John and City Clerk Holle was 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 28th regular meeting were presented for approval. CM Throm moved, CM Behrens seconded to approve the minutes as presented. Motion carried by 8-0 voice vote.

PUBLIC COMMENTS:

1. **PROM WALK REQUEST.** Ashlyn Price, 1910 Jenkins, Ward 1 a MHS senior class representative asked the Council to close Broadway and the 7th Street Corridor for Prom activities on April 23. The Promenade on the 7th Street Corridor will begin at 7:30 p.m. and the Prom Walk beginning at 13th and Broadway will begin at 8:15 p.m. Only street legal vehicles will be allowed. CM Frye moved to approve the request to allow Broadway and the 7th Street Corridor to be closed on April 23 at 7:30 p.m. for the Prom activities, CM Goracke seconded. Motion carried unanimously. Ashlyn and PC Simpson will work out the details.

BUSINESS AND DISCUSSION ITEMS:

1. **GO-CAR WASH.** Jable Shelton Vice-President of Development of VIA Real Estate, LLC, Derek Merchant, 7B Building & Development and Ron Buck owner of the property at 1700 Center addressed the Council requesting the City sign a request by them to retain the highway access in front of the property. VIA Real Estate is proposing to build a car wash at this address and Mr. Buck will sell the property to them. KDOT and the City completed an Access Management plan in 2018 closing this access for future builds. The Council discussed the increased traffic flow and the estimated number of patrons who would use this car wash. The Access Management plan closes several private drives along Highway 36 but leave the street accesses open. CM Frye said the Council should look at the long term good and safety. CM Beikman moved to have the Mayor sign the request to KDOT for highway access, CM Behrens seconded. Motion carried 6-2 with CM Keating and CM Goracke voting no. KDOT will conduct a study before making a decision about the highway access.
2. **INTERLOCAL AGREEMENT BETWEEN CITY AND USD 364.** An interlocal agreement between the City and USD 364 regarding the use and maintenance of the proposed tennis courts in City Park. The agreement outlines USD 364, and Chad and Joy Kramer will each contribute \$5,000 per year for 10 years for maintenance to maintain and resurface the new tennis courts. USD 364 will have use of the courts during school tennis season for scheduled school events. USD 364 will put their contributions in the school's capital outlay fund and Kramer's may put their contributions into a Community Fund which can earn interest and other individuals may also donate to this fund. CM Keating moved to accept the interlocal agreement, CM Frye seconded. Motion carried unanimously. CA McNish reported the interlocal agreement has been sent to the State Attorney General for review also.
3. **MOSQUITO SQUAD QUOTE.** The Mosquito Squad presented a quote to treat City Park, \$3,838.33; Country Club Lake, \$525.00; Koester House Museum Gardens, \$525.00; Lions Park,

\$1,938.30; Dargatz Park free (worth \$1,400.00). The total will be paid in advance and the treatment will begin May 11 through September 14. CM Frye moved to approve the quote from Mosquito Squad for \$8,226.63, CM Keating seconded. Motion carried unanimously.

NOTICES AND HEARINGS:

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

1. Alcohol Consumption-Marshall County Arts Cooperative artist reception, April 28, 2022, at Lee Dam Art Center.
2. City Clerk's Report for March showed \$93,565.53 collected in receipts with a like amount being deposited with the City Treasurer.
3. Cash balances in funds as of March 31, 2022, were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through March 2022 showed unadjusted accumulated revenues in the General Fund of \$1,236,025 or 48% of budget; Water Revenue Fund, \$195,338 or 22% of budget, Sewer Revenue Fund, \$588,663 or 77% of budget. Unadjusted statement of expenditures in the General Fund totaled \$777,027 or 27% of budget, Water Revenue Fund, \$184,596 or 14% of budget, and Sewer Revenue Fund, \$136,882 or 13% of budget.
4. Municipal Judge's Report for March showed \$6,731.88 being deposited with the City Treasurer and \$532.00 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

APPROPRIATIONS ORDINANCE NO. 3770

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$137,291.36; Water Revenue Fund, \$21,961.77; Sewage Revenue Fund, \$11,301.55; Special Improvement Fund, \$38,720.00; Library Revolving Fund, \$5,295.61; Swim Pool Sales Tax, \$185.45; Koester Block Maintenance, \$539.35; Employee Benefits, \$7,562.08; Transient Guest Tax, \$2,754.73; Sales Tax Improvements, \$40.76; making a total of \$225,652.66.
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 \$225,652.66.
3. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3770.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **FIRE STATION FLOORING.** CA St. John included a quote from Feldkamp's Furniture, Marysville for \$10,921.80 for all options. This would include entry way \$232.80, carpet squares for meeting room \$5,558.00 installed in a pattern, 4" cove base \$1,050.00, additional supplies \$880.00 and labor \$3,201.00. This quote is to carpet the meeting room, office, and entry door in

the Fire Station. CM Behrens moved to approve the quote for carpet for \$10,921.80, CM Throm seconded. Motion carried unanimously.

2. **FINANCIALS.** CA St. John updated the Governing Body on the status of General Fund, Water Revenue Fund, Sewer Revenue Fund and Sales Tax Improvement Fund. A Capital Projects report was also included.

POLICE:

1. **LIEUTENANT POSITION.** Police Chief Simpson presented a proposal to restructure the police department employees. This proposal would add 3 Lieutenants at Range 20 and eliminate the 2 Sergeant positions which are Range 19 and the Assistant Chief at Range 21. The Police Chief would remain Range 28 and 4 Officers at Range 16. The Lieutenants would be lateral positions that rotate through duties over a three-year period to insure all are fully trained in all facets of the supervisory position. CM Frye moved to approve the new structure and approve the job description for Police Lieutenant, CM Keating seconded. Motion carried unanimously.
2. **FIRING RANGE.** CM Frye asked about public use of the firing range. PC Simpson said the berms have been pushed up and re-seeded. PC Simpson's opinion is if the range is open to the public the City should hire a part-time range master. CC Holle said the last time the City looked into opening the range up to the public, insurance was a large deterrent.

STANDING COMMITTEE REPORTS:

STREET:

1. **DUST CONTROL.** CM Keating reported the Street Committee met with the Marysville Township Board. The Township Board does not have funds for dust control and CM Keating said dust control would not be advantageous to the City.
2. **MAILBOXES ON S 11TH ROAD.** CM Frye asked the City to look at the shoulder of S 11th Road near the mailboxes. There is a large drop off on the side of the road.
3. **BUMP ON S 11TH ROAD.** CA St. John said the bump in the new concrete on S 11th Road will be repaired when the next phase is completed and CES will pay for the repair.
4. **CRACK SEAL.** CM Frye said the crack sealing is working well.
5. **TRASH CANS ON BROADWAY.** CM Keating and his crew at Landoll Company are brainstorming a way to rehabilitate the trash cans on Broadway at a lesser cost than purchasing new trash cans.
6. **CRACK SEAL PARKING LOT.** CM Price asked if the City maintained the Christian Church parking lot and if the Street crew could crack seal it. CA St. John reported the City does maintain the parking lot per our agreement and the Street crew has it on their list to complete.

WATER & WASTEWATER:

1. **WATER PROJECT ON N 11TH ROAD.** The Council commented the Water Department is making good progress with the new water services and pits on N 11th Road.

PARKS & RECREATION:

1. **TRASH CAN KOESTER MUSEUM.** The concrete pad for the trash can near the Koester Museum has been installed.
2. **BACKSTOP-DARGATZ PARK.** CM Goracke reported the backstop on the northeast corner of Dargatz Park needs to be repaired.
3. **SIGNS ON THE HIGHWAYS.** CA St. John said CES is pinpointing the location of the new signs on KDOT right of way and the entryway sign on S 10th Street. KDOT has more restrictive regulations which require the placement of signs to be engineered. CES is supplying this service at no charge.

CEMETERY & AIRPORT:

1. **AIRPORT BUILDING.** Council commented the improvements to the Airport Building look good.

POLICE & FIRE:

1. **COMMITTEE MEETING ON NUISANCES.** The Police & Fire Committee met and discussed who should handle nuisance violations. CM Keating said all council members should help facilitate the clean-up in their neighborhoods. Anyone can report nuisances to the City Hall. Creating a new full-time position for a code enforcer and floater in the off months will be discussed by the Admin & Finance Committee.

ADMINISTRATION & FINANCE:

1. **MURPHY PROPERTY.** Mayor Barnes said he, CA St. John, and City Attorney McNish had met with some county officials and bank officials about removing the Murphy Apartments at 205 N 10th Street. This property has been previously condemned and is a safety hazard. The next county sheriff's auction will be scheduled in two to five years. CA McNish will draft an agreement for a special sheriff's auction for this property only. The City could put a lien on the property for the cost of demolition to recoup costs.

APPOINTMENTS: City Prosecutor – Meghan Voracek - April 11, 2022, to Dec 31, 2022
City Judge – John McNish - April 11, 2022, to Dec 31, 2022

CM Frye clarified that John McNish after his appointment as City Prosecutor on March 28, 2022, had not worked on any case that would compromise his ability to serve as Municipal Judge. Mr. McNish said he had only looked at basic cases and there would not be any conflict. Mr. McNish also stated he has no budget authority as City Attorney and there will be no budget authority as City Judge. There is not a statute restricting someone from holding both positions simultaneously.

CM Frye moved to approve the mayor's appointments; CM Throm seconded. Motion carried unanimously.

CITY ATTORNEY: CA McNish said the City had a claim filed with the EEOC and there would be a meeting with the City's attorney with EMC Insurance and City Staff this week.

EXECUTIVE SESSION:

At 8:29 p.m. CM Goracke moved to recess in executive session to discuss possible acquisition of real estate pursuant to the acquisition of real estate exception K.S.A. 75-4319 (b) (6). This session will include the Mayor, the City Attorney, the City Administrator, and the City Council. The open meeting will resume in the city council chamber at 8:39 p.m. CM Throm seconded. Motion carried 8-0. At 8:39 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. **MAYORS OF MARSHALL COUNTY PROCLAMATION.** Mayor Barnes read a proclamation declaring March 29, 2022, was Vietnam Veteran's Day.
2. **KOESTER BLOCK LEASES.** CM Frye asked when the leases for the properties on the Koester Block renewed and if there were any restrictions on conducting business. CC Holle said they all renew the same time of the year, and she would send a copy of the leases to him. The Koester Block Advisory Board should meet before the new leases are sent out.
3. **ART CENTER.** CM Frye said the next time the Art Center is remodeled there should be plywood installed behind the carpeted walls, so exhibits don't fall off the wall.
4. **BOBBI PRICE.** CM Keating said Bobbi Price was an outstanding person and public servant and her family had held a great celebration her life. She will be missed.
5. **LORI SNELLINGS.** CM Snellings reported she would not be at the meeting on April 25.

There being no further business, at 8:46 p.m. CM Frye moved to adjourn, CM Keating seconded. Motion carried unanimously.

Cindy Holle
City Clerk