

Regular Meeting
City Hall, Marysville, Kansas-June 14, 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, and City Clerk Holle were also present.

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

The minutes from the May 24th regular meeting were presented for approval. CM Throm moved, CM Beikman seconded to approve the minutes as presented. Motion carried by 7-0 voice vote.

PUBLIC COMMENTS:

CM Hughes entered the Council Chamber at 7:03 p.m.

JAKE BRAKES-TERRY FOUST. Terry Foust who owns Towne Apartments asked the City to replace the present compression brakes prohibited signs with new jake brake prohibited signs or additional signs. The Council discussed the issue was unmuffled jake brakes.

VICKY GROSS SHIPPING CONTAINERS AND JAKE BRAKES. Vicky Gross, 301 Carolina, 3rd Ward spoke to the Council about shipping containers. She is on the Planning & Zoning Commission, and she said “at the meeting Thursday, June 10 the Commission voted unanimously to not allow shipping containers in the city limits. She said she does not want shipping containers near her property lines and her opinion is no other resident would want them near them.” Vicky would like the Council to make the moratorium not allowing shipping containers permanent. She said they are cheap and questioned how long the containers will last.

Vicky also spoke in support of enforcing the jake brake ordinance.

BUSINESS AND DISCUSSION ITEMS:

1. **DEMOLITION REIMBURSEMENT 210 JENKINS ST.** CI Ralph included pictures and an application for the Economic Development Incentive for a blighted property at 210 Jenkins Street owned by Josh Blumer. CM Throm moved to reimburse up to \$2,500 to Josh Blumer to demolish a structure at 210 Jenkins Street, CM Pippia seconded. Motion carried unanimously.
2. **N. 7th STREET FROM CAROLINA TO CALHOUN AND HEDRIX AVE FROM CAROLINA TO CALHOUN CLOSING REQUEST.** Leo Jr. and Laurie Cudney requested N. 7th Street be closed from Carolina to Calhoun and Hedrix Avenue from Carolina to Calhoun on June 19th from 9 a.m. until midnight for a wedding reception which will be held at the Historic UP Depot. CM Throm moved to approve closing N. 7th Street from Carolina to Calhoun and Hedrix Avenue from Carolina to Calhoun June 19 from 9 a.m. until midnight, CM Frye seconded. Motion carried unanimously.
3. **DOWNTOWN SPEAKER SYSTEM.** Dennis Mason and Greg Boss addressed the Council about the downtown speaker system. They would like underground conduit installed from 605 Broadway west across the street to 519 Broadway. Also they would like the City to install conduit

from the light pole at 503 Broadway to the subsurface box at 407 Broadway. Greg said the system was not working correctly at the car show and Pat Boss had opened some boxes and tried to repair it. When he could not repair the system, Greg called Dennis Mason to make repairs. There are now only 3 speakers working. CA St. John said he and BI Ralph had worked on the system and at noon on Friday all, but 3 speakers were working. It is unclear why the speakers were not working on Saturday morning. A wireless system was discussed. Greg asked that jacks be placed on the poles at the Pony Statue to hook into the system before the Boss Nationals in August. Presently you can hook into the speaker system at the pole on the west side of the Pony Statue, United Bank & Trust, Ott Electric and the Old Police Department Building. CM Hughes moved to pay Dennis Mason \$120.00 for repairs he made June 5, CM Schroller seconded. Motion carried 5-3 with CM Price, CM Behrens and CM Throm voting no.

4. **CONVENTION AND TOURISM DIRECTOR TOBY CARRIG.** Toby Carrig the Convention and Tourism Director introduced himself to the Council.
5. **BLACK SQUIRRELS ON PARADE MAINTENANCE.** April Spicer from the Convention and Tourism committee presented a letter that the committee will send to Black Squirrels on Parade sponsors asking them to maintain their statues. There is a survey attached for them to evaluate their statues. The C&T Committee would like to use Transient Guest Funds to pay for the clear coat after the squirrels have been repaired. The cost to clear coat is approximately \$100 per statue. Not all the of the 34 squirrels will need to be repaired or clear coated. The Council questioned how the squirrels would be moved and how long the statues should last. The committee will bring a list to Council after the survey determining how many sponsors do not want to maintain their squirrels and what should be done with unrepaired squirrels.
6. **LAGOON PROJECT.** Thaniel Monaco from BG Consultants presented a memo and a map on the proposed Lagoon Project and Wetlands. The proposed site for the wetlands would need to be approved by the Kansas Department of Agriculture-Division of Water Resources. The wetlands will require yearly maintenance and funds will need to be set aside each year for that purpose, but the wetlands would change our current system to non-discharging which is a goal of the EPA at the present time. A new cell at the lagoon site is recommended also, which will correct some of the current issues with the lagoons and increase the City's capacity. This project should be done by October 2023. Potential funding sources are CDBG for up to \$600,000 (our last LMI survey would still qualify us at this time), KDHE DRF Program which is a 20-year loan program which may have some loan forgiveness and USDA Rural Development Program which is a federal program that is a 40-year loan and may have grant dollars available. The project may be done in phases to best utilize the funding grants and sources. The Council would like BG Consultants to plan the project with a potential average daily flow of 400,000 gpd and a 425,000 gpd. Thaniel will be at the next Council Meeting, June 28 to answer questions and finalize the plans before BG Consultants completes pre-application for KDHE, and KIAC which is due July 1.

- 7. POOL OPENING AIR TEMPERATURE POLICY.** The agenda included the inclement weather policy. The Council discussed the cool weather portion of the policy. If the air temperature is not 70 degrees with a clear sky by noon and it is forecasted not to reach 70 degrees by 2:30 p.m. the pool will not open. If the water temperature is below 70 degrees, the pool will not open. Adult morning swim and Swim team practice in the morning before the temperature reaches 70 degrees was discussed. The temperature policy only affects the pool opening for the general public at 1:00 p.m. There were examples of 10 cities who used the 70-degree or above rule. All the surrounding towns, Blue Rapids, Waterville and Frankfort all use the 70-degree rule. CM Schroller moved to change the pool temperature policy to eliminate air temperature for morning swim and swim team. After council discussion CM Hughes seconded. Motion failed 2-6 with CM Pippia, CM Frye, CM Beikman, CM Price, CM Behrens and CM Throm voting no. CM Schroller said swim team is practicing at 8:00 a.m. CM Frye said they practice at 8:00 a.m. and 10:30 a.m. CA St. John will check with the pool manager as this was not an arrangement the Council was informed about. The pool policy states swim team will practice from 11:15 a.m. – 12:30 p.m. Monday through Friday. The time following morning swim was to be used to clean the pool. CA St. John will follow-up.
- 8. POOL PASS.** The pool pass page from the pool policy was included in the agenda. The policy defines the price of a single pass, a family pass and a daycare pass. It also states who is eligible for each pass. Several scenarios and other cities policies were discussed. The Council will discuss pool policies in January or February before next year’s pool opening.
- 9. SWIMSUIT POLICY AT THE POOL.** A proposal to change the pool policy regulation No. 19 regarding swimming attire was included in the agenda. CM Throm moved to change regulation No. 19 to read “All swimmers must wear appropriate swimming attire. The swim wear must cover all anatomical areas of the body. No see-through tops or bottoms and no thong/Brazilian bottoms. No one shall ride the slides if there is exposed metal or rivets on their swim attire.” CM Pippia seconded. Motion passed unanimously.
- 10. AIRPORT HANGAR LAND LEASE.** The proposed Airport Hangar Land Lease was presented to the council with the requested changes and current FAA language. A proposed rent rate was also enclosed which included a 2% COLA raise which equals .01 per square foot annual raise for each hangar. An airport committee member proposed to CC Holle the Cooksey Trust would like to pay \$10,000 toward the Airport Hangar Land Leases. The Council would like to have the offer on paper before making a decision. CM Pippia moved to approve the preliminary Airport Hangar Land Lease to be mailed to the hangar owners for their feedback. CM Frye seconded. Motion carried 8-0.
- 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

City Code passed in May of 2020. This ordinance will not change the Code. After discussion Council decided to move this item to the June 28th meeting.

NOTICES AND HEARINGS:

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

1. City Clerk's Report for May showed \$56,787.32 collected in receipts with a like amount being deposited with the City Treasurer.
2. Cash balances in funds as of May 31, 2021, were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through May 2021 showed unadjusted accumulated revenues in the General Fund of \$1,470,888 or 57% of budget; Water Revenue Fund, \$315,508 or 35% of budget, Sewer Revenue Fund, \$324,645 or 42% of budget. Unadjusted statement of expenditures in the General Fund totaled \$1,361,918 or 42% of budget, Water Revenue Fund, \$490,420 or 31% of budget, and Sewer Revenue Fund, \$271,963 or 27% of budget.
3. Municipal Judge's Report for May showed \$3,317.15 being deposited with the City Treasurer and \$367.50 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

APPROPRIATIONS ORDINANCE NO. 3749

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$86,201.53; Water Revenue Fund, \$28,610.11; Sewage Revenue Fund, \$14,802.84; Economic Development, \$3,308.40; Library Revolving Fund, \$4,744.71; Library, \$68,746.06; Library Employee Benefit, \$12,635.64; Swim Pool Sales Tax \$12,954.39; Koester Block Maintenance, \$1,471.47; Employee Benefit, \$7,982.79; Transient Guest Tax, \$2,371.72; Sales Tax Improvements, \$33,149.56; making a total of \$276,979.22.
2. An appropriations ordinance was introduced and considered to honor claims against the funds of the City as audited by the Finance Committee. CM Frye moved, CM Throm seconded to approve the appropriations ordinance totaling \$276,979.22. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3749.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **11th ROAD SOUTH PROJECT BID.** CA St. John reported the City had received one bid to concrete a portion of 11th Road south. The City policy is not to open only one bid unless the Council approves to do so. The lone bid is from Inline Construction and CA St. John spoke to the

company and they agreed to allow the Council to open the bid. CM Beikman moved, CM Throm seconded to open the lone bid from Inline Construction. Motion carried unanimously. The bid was for \$187,813 which is less than the engineer's estimate of \$202,623. CM Frye moved to accept the bid from Inline Construction for \$187,813 to replace with concrete 11th Road from Kramer Oil to the south side of Keating Street to be paid from the Sales Tax Fund. CM Throm seconded. Motion carried unanimously.

2. **12th ROAD REPAIR.** Street Supervisor Gundelfinger proposed the City should do a 3 inch mill and overlay on the asphalt from Highway 36 through the driveway into Hometown Lumber. This would repair major issues in this portion of the road for several years. This repair would cost between \$10,106 and \$13,364 depending on the depth of the overlay and the company doing the project. The Council discussed they would rather spend money on a more permanent repair. No action was taken.
3. **DUMP TRUCK FOR THE STREET DEPARTMENT.** CA St. John said the City did not get the dump truck on PurpleWave he had been authorized to bid on. Staff is still looking for a replacement in our price range. CM Throm moved to give CA St. John authority to bid up to \$60,000 for a dump truck, CM Behrens seconded. Motion carried unanimously.
4. **FIREWORKS SHOW.** CA St. John spoke with several fireworks contractors about doing a show for the City on the 4th of July or August 27 during the Veterans Wall That Heals display. The Council consensus was not to have a show this year because there is not enough time to make all the arrangements. CA St. John said he would pursue helping Sterling Clark, a local citizen, acquire the proper licenses so he could conduct shows for the City.
5. **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.
6. **BUDGET WORKSHOP.** CA St. John said he is planning a budget workshop. Thaniel from BG Consultants may need to get additional information after the June 28 Council meeting before he completes the KIAC application on July 1. CA St. John suggested June 30th at 6:00 p.m. Council agreed to the date and time.
7. **POOL HEAT EXCHANGER.** CA St. John presented a quote from Lexington Plumbing & Heating Co Inc. to replace the upper heat exchanger in the Lochinvar Aquas pool heater. The quote for \$23,810 will include temp sensors, 2 ignitors and 2 flame sensors. CM Throm moved to repair the pool heater for \$23,810, CM Pippia seconded. Motion carried unanimously.

STANDING COMMITTEE REPORTS:

STREET:

1. **CURB AND GUTTER.** CM Throm said he has seen the Street Department working on several catch basins and curbs.
2. **JAKE BRAKES.** The Council discussed the jake brake issue brought to the Council by Terry Foust during public comments. Several members of the Council said they drive trucks with jake brakes and use them in town. They said if the trucks have mufflers jake brake usage is not loud.
3. **STOPLIGHT SYNCHRONIZING.** CM Price asked why the stoplights were no longer synchronized. Staff said the light at 10th Street needed to be changed to enable it to flash from 11 p.m. to 7 a.m. The light had stopped working and our department worked with Gades Sales (the company that installed the lights) to get them to flash again. This changed the synchronization.
4. **GOUGES IN ASPHALT.** Several Council Members reported there are gouges in the street at the 10th Street stoplight. The gouges were made by trucks hauling generators for the wind turbines.

WATER & WASTEWATER:

1. **WATERLINE PROJECT.** The Council reported Deep Creek was making good progress on the waterline project on Jenkins.

PARKS & RECREATION:

1. **COVER AT THE POOL FOR FLUSH PIT.** CM Throm asked why the pit by the pool had a blue tarp. CA St. John said it keeps leaves and debris out during the off-season. The Council discussed making a more durable cover maybe out of metal tread plate which can be removed when the pool is open.
2. **SPEAKER DIRECTION AT THE POOL.** CM Frye asked if the speakers on the north side of the pool could be turned during swim meets. CM Frye said it is difficult to hear. The speakers do not move currently. Could the speakers be put on a swivel? If a new system is purchased it could be considered or it was suggested the swim team could possibly purchase the new system.
3. **SIGNS ON 7TH STREET CORRIDOR COVERED BY TREES.** CM Frye reported 2 signs for “No Motorized Vehicles” on the 7th Street Corridor trail are blocked by trees. City staff will move them.
4. **SUMMERTIME HOURS AT OLD POLICE DEPARTMENT RESTROOMS.** CM Frye said the downtown restrooms at the old police department building were not open early on a weekend morning. He asked if the hours could be expanded in the summer.
5. **FOUL BALL PROTECTION/SHADE STRUCTURE AT LAKEVIEW.** CM Frye asked when the City would have a plan for the foul ball protection at Lakeview. There has been

money donated through the Pony Up Community Foundation for the foul ball protection. CA St. John asked which plan the Council wishes to pursue. Originally the plan was for shade and foul ball protection over the playground. The Council has also discussed protection over the bleachers. Several plans were discussed. No decision was made.

- 6. TREE BOARD.** CM Schroller asked if the City still had a tree board and who the members were. CC Holle said the members of the Tree Board are Sharon Kramer and Rick Cudney. There is one position open. CM Pippia said she would like to serve on the Tree Board.

CEMETERY & AIRPORT:

POLICE & FIRE:

ADMINISTRATION & FINANCE:

- 1. REZONING.** CM Hughes asked why the Council had not received a report by the Planning Commission on the proposed rezoning discussed at the last P & Z meeting. CM Hughes said the Council had received an email about the meeting from the Building Inspector. CA St. John said the email was a report. CC Holle said the meeting took place Thursday evening after the agendas were printed Thursday noon. When the meetings fall on that day in conjunction to the Council meeting the report is presented at the next council meeting. CM Hughes also asked why the City had not hired a Code Enforcement Officer. CA St. John said no one has applied.
- 2. ELECTRIC CAR CHARGING STATION.** Mayor Barnes said he had a request to write a letter of support for Nemaha-Marshall Electric to get a grant from the Department of Energy to put an electric charging station in Marysville. Nemaha-Marshall Electric's proposed site is at the United Bank's branch on Pony Express Highway and 18th Street. The Council agreed to have the letter written and to suggest to Nemaha-Marshall Electric the City would offer a space near downtown at the Pony Statue if they needed another location.

APPOINTMENTS: *Library Board* Christine Wheeler-first term thru April 30, 2025; Ali Busch-second term thru April 30, 2025. CM Throm moved, CM Pippia seconded to approve the Mayor's appointments. Motion carried unanimously.

CITY ATTORNEY:

EXECUTIVE SESSION: At 10:29 p.m. CM Beikman moved, CM Price seconded 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, city council, and the city administrator. The open meeting will resume in the city council chamber at 10:39 p.m. Motion carried unanimously. At 10:39 p.m. council reconvened. Mayor Barnes reported no action was taken during the executive session and the regular session was continuing.

At 10:40 p.m. CM Schroller moved, CM Behrens seconded to recess in executive session 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 and the city administrator. The open meeting will resume in the city council chamber at 10:55 p.m. Motion carried 6-2 with CM Frye and CM Pippia voting no. At 10:55 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. **VERIZON WIRELESS SERVICE.** CM Frye asked if the City would write a letter complaining to Verizon Wireless about their poor service in Marysville. Marysville has a large population of workers who commute to the City causing the service to be overloaded. No action was taken.
2. **MEMORIAL DAY SERVICE.** CM Schroller said the Memorial Day Service was very nice and was held in the American Legion due to the weather. The City Cemetery looked good.
3. **PUBLIC ROOM ENTRANCE.** CM Hughes asked if the Public Meeting room would only have one entrance available for meetings. CM Hughes would like the entrance into City Hall to also be available. CA St. John said the Public Meeting room would use the entrance directly into the room to better monitor people entering and for health restrictions. CM Beikman agreed with CM Hughes.
4. **MOSQUITO CONTROL AT FELDHAUSEN FIELD.** CM Price reported there were mosquitos at Feldhausen Field near the outfield. CA St. John said Alex Schulz manager of the Astro 3 Theatre was not going to use the outfield this year for outdoor movies so we cancelled the Mosquito Squad application for the year.
5. **12TH AND SPRING STREET.** CM Behrens asked when AHRS would start the street project at 12th and Spring east of the High School. CA St. John said it would be completed by August 13.

There being no further business, at 11:05 p.m. CM Beikman moved to adjourn, CM Frye seconded. Motion carried unanimously.

Cindy Holle
City Clerk