

Regular Meeting
City Hall, Marysville, Kansas-June 27, 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 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 June 13th regular meeting were presented for approval. CM Throm moved; CM Behrens seconded to approve the minutes as presented. Motion carried 8-0 voice vote.

PUBLIC COMMENTS:

BUSINESS AND DISCUSSION ITEMS:

1. **EXTEND FIREWORKS HOURS.** A memo was presented for discussion regarding the extension of hours to discharge fireworks on the weekend prior to the 4th of July. CM Price moved to extend fireworks discharge hours on July 1st, July 2nd and July 3rd from 10:00 p.m. to midnight. CM Snellings seconded. Motion carried 7-1 with CM Frye voting no.
2. **LATTA WEDDING FIREWORKS.** Sterling Clark who will shoot fireworks for the Lister/Latta wedding reception at the American Legion is requesting to use the gravel road to the north of Hedstrom Hall to discharge the fireworks on Saturday, July 2 at 10:00 p.m. The City owns the neighboring properties and Marshall County Sports and Recreation does not have any games scheduled on Saturday, July 2 at the Lakeview Complex or Feldhausen Field. Sterling is also requesting trash barrels and use of a fire truck. CM Frye moved to allow Sterling to close and use the gravel lot beside Hedstrom Hall. CM Throm seconded. Motion carried unanimously.
3. **FIRE DEPARTMENT WATER FUN.** Don Ballman Fire Chief and David Bruna fireman have requested to use the City Park between the Swimming Pool and the Wooden Playground to set up "Cool Off with Marysville Fire Department" The firemen would set up their water curtains and the kids could run through them. The kids would be required to be accompanied by an adult. Their plan is to set-up a couple times a week in the evening with the first one on July 4th. CM Throm moved to allow the firemen to set-up their proposed water fun, CM Keating seconded. Motion carried unanimously. The Council asked the firemen to inform the City staff of dates and times to coordinate mowing and park maintenance.
4. **BLACK SQUIRREL STATUE PLACEMENT.** Mandy Cook Convention & Tourism president presented the locations of the black squirrel statues which will be placed on City right-of-way. Seven of the 16 squirrels will be on the right-of way. There was a letter presented from Country Place Senior Living allowing a squirrel to be placed on their property. The MOUs have not been signed yet. Mandy will complete a map of all the squirrels in the future. CM Throm moved, CM Frye seconded to accept the placement of the squirrels on the City right-of-way. Motion carried unanimously.
5. **CONVENTION & TOURISM DIRECTOR REQUEST.** The C & T Committee requested the City appoint Mandy Cook as Interim C & T Director at \$400 per month for five hours a week worked until a permanent director is hired. This would be for July, August and September.



Because Mandy is a City employee of the Library and the C & T Director is a contract employee the Auditor advised this is not allowed unless Mandy has a separate company engaged in this type of work. Both the IRS and the Kansas Department of Labor do not allow this type of arrangement to issue a W-2 and a 1099 to an employee.

NOTICES AND HEARINGS:

CONSENT AGENDA.

APPROPRIATIONS ORDINANCE NO. 3775

1. Claims against the funds of the City were submitted for Council consideration as follows:
General Fund, \$119,086.51; Water Revenue Fund, \$121,864.33; Sewage Revenue Fund, \$24,100.70; Street & Highway Fund, \$19,005.54; Sewage Replacement Fund, \$83,635.00; Library Revolving, \$7,293.71; Library, \$69,832.65; Library Employee Benefit Fund, \$13,300.99; Swim Pool Sales Tax, \$3,712.39; Koester Block Maintenance, \$1,315.22; Employee Benefit Fund, \$32,256.97; Transient Guest Tax, \$5,655.68; Sales Tax Improvements, \$35,348.84; making a total of \$536,408.53.
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 \$536,408.53. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3775.

STAFF REPORTS:

ADMINISTRATOR:

1. **HISTORIC PRESERVATION GRANT KOESTER BLOCK.** CA St. John presented 2 contracts to make improvements to the Post Office Building in the Koester Block. The grant pays 80% of the cost. The first contract is with CJ Commercial Roofing to replace the roof membrane on the Post Office Building which is the building farthest to the east on the Koester Block. The cost including materials is \$16,800. The second contract is with Rohr the Handy Man to rebuild the damaged wood on the three-bay windows on the east side of the Post Office Building. The cost including material is \$21,900. CM Throm moved, to approve the contract with CJ Commercial Roofing and the contract with Rohr the Handyman, CM Price seconded. Motion carried unanimously. Both projects have a completion date of December 31, 2022. The Council asked City Staff to seek quotes to repair the soffit on the Masonic Building in the Koester Block.
2. **BUDGET WORKSHOP.** The budget workshop will be Wednesday, June 29, 2022, at 6:00 p.m. at City Hall. CA St. John provided a budget proposal to be discussed at the workshop.

STANDING COMMITTEE REPORTS:

STREET:

- 1. CORNER 10TH/CENTER.** Several Council members commented on the updated stop light at the corner of 10th/Center. The new lights and timers controlled by cameras at 10th/Center and 8th/Center are working well. There were some cones at 10th/Center that need to be removed and the light is tilted and needs to be straightened. CM Frye asked about the crosswalk lights on the new stop lights. They are controlled by the pedestrian pushing the crosswalk button on the light.
- 2. STREET SWEEPER.** CM Throm asked if the street sweeper had been running to clean up storm debris. CA St. John said it has been out and the skid steer with a broom ran the streets first to pick up the large sticks and other debris that the sweeper will not pick up.
- 3. STORM CLEAN UP.** The last run to pick up branches off the curbs will be completed on Tuesday. The Mayor and Council thanked the employees and all the other people and organizations who helped clean up after the storm. They especially mentioned Don Bruna who brought his bulldozer to the dump to push up piles. Without his help it would not have been possible to clean up as quickly as we did. Also, the KDOT employees with their equipment helped tremendously.

WATER & WASTEWATER:

- 1. LAGOON PROJECT.** Mayor Barnes asked how far BG Consultants were with the engineering on the Lagoon Project. CA St. John said we are in the paperwork stage.
- 2. NEW SEWER TRUCK.** The Council asked staff to have a written policy pertaining to the care and draining of the new sewer truck to prevent damage to the truck.

PARKS & RECREATION:

- 1. SWIM POOL REPAIRS.** Kevin Miller and Tim Rockwell from Landoll Company LLC at the direction of CM Keating (also a Landoll employee) removed 2 slabs of concrete from the pool deck to expose a leaking pipe. They removed the broken end of the pipe. Lexington Plumbing will bring parts and repair the leaks at the end of the week.
- 2. FOUL BALL PROTECTION.** CM Frye and CM Snellings asked how much money was raised for foul ball and shade protection in the 2019 Pony Up and who has the money. CC Holle said the money is in the Community Foundation and she will contact Ryan Smith regarding the amount.
- 3. WOODEN PLAYGROUND AT CITY PARK.** CM Behrens said someone had reported to her there is a hole in the wooden playground. Staff told the Council the wooden playground had lots of damage from the storm and insurance has been informed.

- 4. PARKING LOT AND SIDEWALK AT TENNIS COURTS.** CM Frye asked if the City knew the timeline for the new courts. CM Frye also asked if the City has any plans to replace the sidewalk and the parking lot when the new tennis courts are completed.

CEMETERY & AIRPORT:

- 1. BEACONS AT THE HELIPAD.** CM Frye reported the beacons on the NE and the SE corners of the helipad at the airport were broken.
- 2. KIOSK AT CEMETERY.** CM Snellings said the kiosk/directory at the Cemetery was destroyed in the storm.

POLICE & FIRE:

ADMINISTRATION & FINANCE:

APPOINTMENTS:

CITY ATTORNEY:

- 1. CONDEMNED APARTMENT BUILDING 205 N 10TH ST.** City Attorney McNish presented a memorandum of understanding between the City and Marshall County facilitating the collection of real estate taxes and special assessments on the real estate at 205 N 10th Street. CA McNish will be appointed Special County Counselor for this purpose only. The City will be responsible for the cost of tax foreclosure procedures. The City has an agreement with a third party who will pay \$50,000 for the property after the demolition and tax sale. CM Throm moved to approve the MOU with Marshall County, CM Beikman seconded. Motion carried unanimously. This is contingent on the Marshall County Commissioners approval of this memorandum. The City can also sue in civil court to recoup taxes after six years.
- 2. MOU TENNIS COURTS USD #364.** CA McNish presented a resolution and an updated MOU with USD #364. The Attorney General requested the following sentence be added to the previously approved MOU, "The City Administrator and Superintendent will jointly administer the agreement for their respective governing bodies." CM Throm moved, CM Frye seconded to approve Resolution 2022-07. Motion carried unanimously. The interlocal agreement and the Attorney General's letter will be filed with the Marshall County Register of Deeds and the Kansas Secretary of State.
- 3. AHRS CONTRACT FOR SPRING STREET.** Mayor Barnes asked CA McNish about awarding the contract for the street replacement on 17th and Spring Street. The City did not take the lowest bid and therefore in his opinion violated the City's Procurement Policy. CA McNish said the City did violate this policy. There is an exception in the policy which allows the City to give a 5% advantage to local businesses but that did not apply to this contract. Council discussed ways to remedy this violation. CM Price moved to rescind the motion awarding the

17th Street project to AHRS, CM Behrens seconded. After discussion concerning who could make the motion to rescind a motion it was decided the motion would need to be made by a council member who had attended the previous meeting voting in the affirmative. The motioned to rescind was removed from the table. CM Frye moved, CM Snellings seconded to rescind the motion awarding the contract with AHRS. Motion carried unanimously. CM Price moved to award the contract to replace the street at 17th and Spring to Inline Construction for \$90,767 the low bidder, CM Beikman seconded. Motion carried unanimously. CA St. John will talk to AHRS.

EXECUTIVE SESSION:

ROUND TABLE DISCUSSION:

- 1. ALLEY 9TH TO 10TH NORTH OF CENTER.** CM Frye said the alley behind the old Firestone Building has large limbs blocking it. It was discussed the property owners are responsible for the trees. It was also discussed when the apartments at 205 N 10th Street are demolished maybe the trees could be removed by the contractor. CA St. John said CES is working on the easement at Jerry Murphy's property on the curve of the street at 900 Carolina.
- 2. TREE STUMPS.** CM Frye said there are a lot of stumps left on City property. The City has a stump grinder and will grind them out when the City crews have time. Council suggested the City encourage new trees be planted in our City after the storm. The trees planted downtown were also discussed.
- 3. SIDEWALK AND PARKING LOT AT TENNIS COURTS.** CM Price said he would like the City to get a price to complete a new sidewalk and the parking lot by the tennis courts.
- 4. RESURFACING ALLEYS.** CM Price asked if any alleys would be repaired this year. CA St. John said if there is time and money left the City will consider a project. CM Price suggested the alley behind the Art Center between 8th and 9th Street Walnut to Elm. CM Frye mentioned the large holes in the alley from 9th to 10th between Elm and Walnut by the Police Department.
- 5. STORM SIREN TESTING.** CM Throm asked if the City is testing the storm sirens. Marshall County has been testing. Some citizens were questioning if all the sirens went off during the storm. CA St. John said the storm sirens have recently been serviced by a contracted company.

There being no further business, at 8:45 p.m. CM Frye moved to adjourn, CM Price seconded. Motion carried unanimously.

Cindy Holle
City Clerk