

Regular Meeting  
City Hall, Marysville, Kansas-June 28, 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, Price, Behrens and Throm. A quorum was present.

The minutes from the June 14<sup>th</sup> regular meeting were presented for approval. CM Throm moved; CM Pippia seconded to approve the minutes as presented. Motion carried by 8-0 voice vote.

**PUBLIC COMMENTS:**

**BUSINESS AND DISCUSSION ITEMS:**

1. **PARTNERSHIP 4 GROWTH BUSINESS PARK.** Ellen Barber director at Partnership 4 Growth presented a business park impact study of the City's Industrial Park on S.17<sup>th</sup> Street completed by MarksNelson Company. She encouraged the Council to consider help funding another business park. Ellen reported Marshall County did not get the cost share KDOT grant for the road near subway. Ellen also asked the Council to help downtown businesses rehabilitate the apartments above their businesses.
2. **INTERMODAL CONTAINER RECOMMENDATION FROM P&Z COMMISSION.** Will Ralph included in the agenda the recommendation of the June 10 Planning & Zoning Commission regarding intermodal containers. The P&Z commission recommended to leave the moratorium in place to not allow containers in Marysville. The Commission believes containers do not fit in any residential setting. If the containers are allowed, they recommended they be allowed in Rural Residential, Industrial and Extra-Territorial only. The Council asked for the two original options be brought back to Council for discussion. One option would add the regulations to the Code Book and be governed by police powers and the second option would be to add the regulations to the ULDC governed by the Planning and Zoning Commission.
3. **DEMOLITION REIMBURSEMENT 305 N. 2ND ST.** CI Ralph included pictures and an application for the Economic Development Incentive for a blighted property at 305 N. 2<sup>nd</sup> Street owned by Phil Cohorst. Cohorst will utilize the existing garage and is only removing the house. CM Throm moved to reimburse up to \$2,500 to Phil Cohorst to demolish a house at 305 N. 2<sup>nd</sup> Street, CM Frye seconded. Motion carried unanimously.
4. **BG CONSULTANTS-LAGOON PROJECT.** Thaniel Monaco engineer at BG Consultants who is designing our lagoon update project distributed a map of the lagoons and the proposed wetlands site. He also distributed a memo with details of the existing system and the proposed system. The memo included the potential budget impact of the project which is estimated to cost between \$3.8 million and \$4.2 million. When the new lagoon cell is completed the existing first cell can be dried out and dredged to increase the capacity of the lagoon system. The cost to desludge the first cell is not included in the estimate. With the help of grants and pay-off of

existing debt, the project should not increase the sewer rates. Thaniel will move forward with the project and will begin the process with the State of Kansas for design and grant approval.

#### **NOTICES AND HEARINGS:**

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

1. Convention and Tourism requests totaling \$2,875.00. Big Blue BBQ sponsor, \$2,500.00; Advocate-Tourism Guide; \$375.00.

#### **APPROPRIATIONS ORDINANCE NO. 3750**

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$80,951.66; Water Revenue Fund, \$44,851.78; Sewage Revenue Fund, \$28,349.58; Special Improvement, \$8,495.00; Library Revolving, \$8,538.27; Swimming Pool Sales Tax, \$17,165.66; Koester Block Maintenance, \$765.19; Employee Benefit Fund, \$33,516.30; Transient Guest Tax, \$1,905.85; Sales Tax Improvements, \$36,651.14; making a total of \$261,190.43.
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 \$261,190.43. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3750.

#### **STAFF REPORTS:**

##### **CITY ADMINISTRATOR:**

1. **DEMOLITION BIDS.** CA St. John included in the agenda a table of bid results to remove the City owned buildings. Each contractor must bid all buildings in the category. Inline Construction presented the lowest bid of \$74,500 to remove the structures at 612-618 Broadway, 307 Broadway and 101 S. 4<sup>th</sup> Street. CM Throm moved to award the bid to Inline Construction to demolish the City owned properties for \$74,500, CM Beikman seconded. Motion carried unanimously. The lowest bid results for the nuisance properties were presented by Kruse Dozer Service for \$38,000 to remove the structures at 205 N. 10<sup>th</sup> Street (Murphy Apartments) and 1205 Carolina (Mlnarik). After much Council discussion on methods of recovering the City's cost of removal of the structures and debris from nuisance properties the City does not own, Mayor Barnes suggested he and CA St. John discuss sheriff's auctions with County Attorney Jason Brinegar. Council consensus was to speak with the County Attorney and table this discussion.

- 2. POLICE SERVICE AIDE POSITION.** CA St. John included a request from the Police Department to create a new position for a Police Service Aide. This position will not be a certified police officer. The Police Service Aide will be part-time with no benefits. The Aide may be used to sit at the hospital or during transports and will be called in occasionally. The Aide cannot carry a gun or transport people alone. The Aide will be provided only polo shirts with the Police logo. This position is a range 7 starting pay at \$15.22 per hour and will not exceed 1000 hours per year. The required training will be provided in-house by the Police Department. This position should help reduce overtime of the certified Police Officers. CM Price moved to create the Police Service Aide Position, CM Throm seconded. Motion carried 7-1 with CM Hughes voting no.

#### **STANDING COMMITTEE REPORTS:**

##### **STREET:**

- 1. DUMP TRUCK.** CM Beikman asked if CA St. John had found a used dump truck for the Street Department. CA St. John said the current online auction ends July 12.

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

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

- 1. POOL.** CM Schroller asked if the pool heater was fixed. CA St. John said we have the heater and Lexington was here Friday to install it, but they needed some additional parts that were not here. It should be fixed this week. It was also discussed the water is too warm in the afternoons when the heater is on. Mayor Barnes said he had some calls on day passes at the pool. The policy is, "if you leave the pool, you must pay again to come back later". After Council discussion no decisions were made, and this will be discussed before the next season when the entire pool policy is reviewed.

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

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

- 1. VEHICLES BEHIND THE POLICE DEPARTMENT.** CM Schroller asked why there are vehicles behind the Police Department. The two minivans are seizure vehicles and will be sold on the City's PurpleWave Auction. The SUV is the Police vehicle that will be traded when the new truck arrives. The SUV needs tires, and the department did not want to waste money on the new tires because the new truck should arrive soon.

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

- 1. INSPECTIONS OF RENTAL PROPERTIES.** CM Schroller suggested the City create an inspection program for rental properties. PC Ackerman said the Police Department enforces unsafe and unsanitary conditions in homes as they remove children from those homes. This is under the Child In Need of Care act and Department of Children is also involved. CM Frye

said when this was discussed years ago there was a lot of backlash about all the bureaucracy from the “good” landlords. There was Council discussion about which conditions to regulate and how to fund this program and who would administer the program. City Attorney McNish said when the code book was updated in 2011 the City included a minimum housing code which would address many of the issues. The Governing Body is the body responsible for upholding the code. CA St. John said the successful programs he has seen had been if the community buys-in to the program. The Council formed an ad hoc committee to investigate a rental property inspection program. CM Schroller, CM Beikman and CM Pippia volunteered to sit on the committee.

2. **EXTENDED FIREWORKS DISCHARGE TIMES.** CM Price moved, CM Throm seconded to extend discharge times on July 2<sup>nd</sup> and July 3<sup>rd</sup> from 10:00 p.m. to midnight. Motion carried 6-2 with CM Schroller and CM Frye voting no.

**APPOINTMENTS:** CM Frye moved, CM Throm seconded to approve the Mayor’s appointment: Bobbi Pippia-Tree Board January 1, 2021, thru December 31, 2023. Motion carried 7-0-1. CM Pippia abstained.

**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.

**EXECUTIVE SESSION:**

**ROUND TABLE DISCUSSION:**

There being no further business, at 9:57 p.m. CM Frye moved to adjourn, CM Pippia seconded. Motion carried 7-1. CM Hughes voted no.

Cindy Holle  
City Clerk