

Regular Meeting
City Hall, Marysville, Kansas-July 26, 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, Schroller, Hughes, Price, Behrens and Throm. A quorum was present.

The minutes from the July 12th regular meeting were presented for approval. CM Throm moved; CM Behrens seconded to approve the minutes as presented. Motion carried by 6-0 voice vote.

PUBLIC COMMENTS:

BUSINESS AND DISCUSSION ITEMS:

- 1. ORDINANCE NO. 1901-UNIFORM PUBLIC OFFENSE.** An Ordinance was presented as follows: AN ORDINANCE AMENDING SECTION 11-101 OF THE 2020 CODE OF THE CITY OF MARYSVILLE. CM Throm moved, CM Pippia seconded to approve Ordinance No. 1901. Motion carried 6-0.
- 2. ORDINANCE NO. 1902-STANDARD TRAFFIC ORDINANCE.** An Ordinance was presented as follows: AN ORDINANCE AMENDING SECTION 14-101 OF THE 2020 CODE OF THE CITY OF MARYSVILLE. CM Throm moved, CM Behrens seconded to approve Ordinance No. 1902. Motion carried 6-0.
- 3. NOTICE OF HEARING TO EXCEED REVENUE NEUTRAL RATE AND BUDGET HEARING.** The advertising for Notice to Exceed RNR and the Budget Hearing Summary was presented to council. CM Throm moved, CM Pippia seconded to publish the notice of hearing for the Budget Hearing and the notice of hearing to exceed the RNR. Motion carried unanimously.
- 4. GRAVE OPENING AGREEMENT WITH B&W ELECTRIC.** An agreement to open graves at the City Cemetery with B & W Electric was presented. The grave opening fees are \$275.00 for adult grave and \$100.00 for a child/infant grave. This agreement begins October 2021 and will continue for 1 year and may be extended for two years to terminate on September 30, 2024. CM Throm moved, CM Behrens seconded to approve the grave opening agreement with B & W Electric. Motion carried unanimously.
- 5. RESOLUTION 2021-12 EXTEND PREMISES-SQUIRREL CRAWL.** The Wagon Wheel presented a request to extend their premises to sell alcohol on August 13, 2021, near the 7th Street Corridor in the alley directly behind their building and in the Helvering Parking Lot owned by the City. The area will be barricaded with proper signage and only people over 21 may attend. The event is sponsored by the Chamber/Main Street the annual “Squirrels Just Wanna Have Fun” which begins at 4:00 p.m. and ends at midnight. CM Pippia moved, CM Schroller seconded to approve Resolution 2021-12 extending the Wagon Wheel premises on August 13, 2021. Motion carried unanimously.

- 6. RESOLUTION 2021-13 EXEMPT PORTIONS OF CITY STREETS ALCOHOL CONSUMPTION-BOSS NATIONALS.** The Wagon Wheel presented a request to extend their premises to sell alcohol during the Boss Nationals Car Show event at the intersection at 7th Street and Broadway. Alcohol consumption will be allowed on the barricaded streets 10th Street to 5th Street on Broadway. From Center Street to the alley south of Broadway on 9th Street, 8th Street, and 6th Street and the 7th Street Corridor from Center to Elm. This exemption will be from 8:00 a.m. Friday, August 27, 2021, until midnight and from 8:00 a.m. until midnight Saturday, August 28, 2021. CM Throm moved to approve Resolution 2021-13, CM Pippia seconded. Motion passed unanimously.
- 7. GRAVEL DASH REQUESTS.** Mark Hoffman a representative from the Black Squirrel Cycling League presented requests for the Pony Express Gravel Dash scheduled for September 10th and 11th. The club asks the City provide barricades the club will erect to block a portion of Hedrix Avenue, a portion of Broadway and the 7th Street Corridor north of Elm Street to the Pony Park. They are also requesting a police escort on Saturday at 7:30 a.m. The City crew is asked to erect the Main Street tent in the CES lot east of the old Police Department building on Broadway. CM Throm moved to approve the requests from the Black Squirrel Cycling League, CM Behrens seconded. Motion carried unanimously.
- 8. RESOLUTION 2021-14 GRAVEL DASH ALCOHOL CONSUMPTION.** The Wagon Wheel presented a request to extend their premises to sell alcohol during the Gravel Dash. Alcohol consumption will be allowed in the barricaded area on Hedrix Avenue and on Broadway and 7th Street. CM Throm moved to approve Resolution 2021-14, CM Pippia seconded. Motion carried unanimously.
- 9. CHAMBER/MAIN STREET UPDATE-KATE TOMMER.** Kate Tommer presented a update of the activities the Chamber/Main Street group have completed in the first six months of this year and an overview of the next 6-months of scheduled events.
- 10. CM HUGHES REQUESTS THE COUNCIL OBTAIN AN ATTORNEY GENERAL OPINION.** CM Hughes presented information concerning Ordinance 1900. He would like the City to have our attorney request an attorney general's opinion regarding charter ordinances. CM Schroller moved to instruct City Attorney McNish to request an Attorney General Opinion regarding Ordinance 1900 and charter ordinances. CM Hughes seconded. Motion failed 2-4. CM Pippia, CM Price, CM Behrens and CM Throm voting no.

NOTICES AND HEARINGS:

- 1.** The P & Z Commission approved a Use Permitted Upon Review for Adventure Real Estate LLC owned by Rick Stoll to establish a camper/RV park on his property at 1374 Highway 77 which is in the extraterritorial area of the City.
- 2.** The P & Z Commission approved a Use Permitted Upon Review for Little Lambs Daycare located at 206 S. 17th Street which is childcare for 6 persons or more.

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

1. Amanda Cook request to serve alcohol at a gathering at the Lee Dam Art Center August 6, 2021.

APPROPRIATIONS ORDINANCE NO. 3752

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$84,028.43; Water Revenue Fund, \$41,333.05; Sewage Revenue Fund, \$24,930.93; Sewer Replacement, \$730.00; Special Improvement, \$251,452.50; Library Revolving, \$6,410.69; Swimming Pool Sales Tax, \$48,072.02; Koester Block Maintenance, \$2,897.17; Employee Benefit Fund, \$8,642.68; Transient Guest Tax, \$92.53; Sales Tax Improvements, \$35,084.41; making a total of \$503,674.41.
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 6-0 roll call vote. City Clerk Holle assigned Ordinance No. 3752.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **OUTFITTING NEW POLICE VEHICLE.** CA St. John presented an estimate of \$10,672.51 from Superior Emergency Response Vehicles Andover, Kansas to purchase and install lights, a prisoner cage, a shelving system and a command center console for the new Ford Police Vehicle. After clarification of the proposed system CM Throm moved to purchase the lights, cage, shelving and installation for the new F150 Police truck from Superior Emergency Response Vehicles for \$10,672.51, CM Pippia seconded. Motion carried 5-1 with CM Hughes voting no.
2. **POOL CLOSING SCHEDULE.** CA St. John included a schedule showing the last full week the pool will be open ending on August 15. The pool will be open on the weekend of August 21 and 22 and the following Saturday, August 28 will be the last day the pool is open. Morning swim will continue from August 16 through August 28.
3. **RENTAL INSPECTIONS.** CA St. John said City Attorney McNish had sent a copy of the 2020 Kansas Statute 12-16,138 which states no city may adopt an ordinance to require interior residential inspections. The City has a brochure that informs new customers general information about utilities and services in the City which tells residents their rights to ask for an inspection and references City Code Article 6 Minimum Housing Code. CM Schroller would still like to have the Ad Hoc Committee meet to discuss possible incentives for residents to improve the outside of their homes for example painting or landscaping. CM Schroller moved to add Jeff and

Jane Sandstrom and Bud Schuette (landlords who own several properties) to the Ad Hoc Committee. CM Hughes seconded. Motion carried 5-1 with CM Throm voting no. Ad Hoc Committee meetings are open to the public as all City meetings are required by KOMA. FEMA lots were discussed, and the requirements have not changed the lots may not be sold and can only be used as a green space. The FEMA lots are regulated by Federal Legislation.

STANDING COMMITTEE REPORTS:

STREET:

WATER & WASTEWATER:

1. **WATERLINE AT NEW FIRE STATION.** CM Throm asked if the Water Department had installed the waterline at the new Fire Station on North 20th Street. CA St. John said they have not. CM Price said it needs to be done so the concrete can be poured and the City does not cause a delay for Inline to complete the project. The Council questioned if the City should hire out the project.

PARKS & RECREATION:

1. **DISC GOLF TOURNAMENT.** CM Throm reported Marshall County Sports and Recreation will have a disc golf tournament in the City Park Sunday, August 29 at 9:30 a.m.
2. **POOL.** CM Throm asked if the autofill at the pool has been repaired. The replacement part is here but it has not been installed. CM Price asked if the metal gutter has been welded. CA St. John said the areas will be marked and the City will schedule a time for repairs when the pool is empty. Crystal Leis the pool manager will make a list of needed repairs for next season.

CEMETERY & AIRPORT:

1. **CEMETERY FLAGS POLES.** CM Throm reported the new flag poles at the City Cemetery look wonderful.
2. **AIRPORT RUNWAY.** CM Price asked if the runway and runway light were repaired. CA St. John said the light has been fixed and the runway was fine.

POLICE & FIRE:

1. **FIRE HYDRANTS.** CM Hughes reported there are some fire hydrants that are covered with branches or weeds. One is east of his house on Jayhawk Rd., and one is on N 8th Street. He also said there is a fire hydrant on N 12th Street and Jayhawk Rd that is not accessible because the street has not been completed. CA St. John said that hydrant is for future use. CM Price, who is a fireman, said the fire trucks can easily access the hydrant through the grass. CI Ralph will look at fire hydrants when he is looking for nuisance violations to make sure they are maintained properly by the property owners.

ADMINISTRATION & FINANCE:

- 1. HEALTH OFFICER.** CM Hughes said he would like the City to appoint a health officer as soon as possible because the previous health officer for the City resigned and moved out of town. Mayor Barnes said he has spoken with the County Health Nurse and the county will also need to appoint a new health officer. Mayor Barnes said he thought we should wait to see who the County appointed and the City should try to appoint the same person for consistency.
- 2. CONTACT INFORMATION FOR CITY COUNCIL MEMBERS.** CM Schroller stated she thought all council members should provide their phone numbers for residents to be able to contact them. Several Council Members said they provide emails or phones however they prefer to be contacted as many are at their jobs during the day and cannot answer their phones.

APPOINTMENTS:

CITY ATTORNEY:

EXECUTIVE SESSION: At 8:27 p.m. CM Pippia moved, CM Throm seconded to recess in executive session to discuss personnel matters of non-elected personnel, discussion on specific personnel matters, not general personnel policies, exception K.S.A. 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 8:45 p.m. Motion carried unanimously. At 8:45 p.m. council reconvened. Mayor Barnes reported no action was taken during the executive session and the regular session was continuing.

ROUND TABLE DISCUSSION:

There being no further business, at 8:45 p.m. CM Throm moved to adjourn, CM Pippia seconded. Motion carried 6-0.

Cindy Holle
City Clerk