

Regular Meeting
City Hall, Marysville, Kansas-August 12, 2024

Members of the Governing Body of the City of Marysville were called to order in the regular session at 7:00 p.m. on the date and place noted above with Mayor Frye in the chair City Administrator Haverkamp and City Clerk Holle were also present.

After the Pledge of Allegiance, roll call was answered by the following council members: Snellings, Ferris, Behrens, Keating, Beikman, Schrater, Throm and Goracke. A quorum was present.

Mayor Frye asked if the Council would like to add item 9 to the agenda to discuss an ordinance to allow parking on right-a-ways and in alleyways. He also asked if the Council would add an additional item concerning an emergency water connection at 1175 Pony Express Highway. CM Keating moved, CM Throm seconded to add item 9 and 10 to the agenda. Motion carried 7-1 with CM Behrens voting no.

The minutes from the July 22nd regular meeting were presented for approval. CM Throm moved; CM Goracke seconded to approve the minutes as presented. Motion carried by 8-0 voice vote.

The minutes from the July 31st special meeting were presented for approval. CM Throm moved, CM Goracke seconded to approve the minutes as presented. Motion carried by 8-0 voice vote.

PUBLIC COMMENTS:

1. **WATER CONNECTION OUTSIDE CITY LIMITS.** Alan Feldhausen representing Mert Ott who owns and lives at 1175 Pony Express Highway (outside of city limits) has had his well fail. Alan is asking the City to allow the property at 1175 Pony Express to connect to city water. CC Holle provided the Council with information to explain the council's procedures if they approve the water connection.
2. **WEED NUISANCE 300 N 12TH STREET.** Sean Cohorst who owns the rental property at 300 N 12th Street said he and the renter had received a weed and clean-up notice. Sean said some progress was made by the renter but was not complete. The due date for completion was today, August 12th. Sean asked the Council to grant a 2-week extension so he could clean up the remaining nuisance. This extension would be concerning the weed and clean-up notice only. The car parked in violation was not included. CM Throm moved, CM Schrater seconded to give a 2-week extension for the grass only. Motion carried unanimously.

BUSINESS AND DISCUSSION ITEMS:

1. **SUGGESTED AMENDMENT TO FIREWORKS ORDINANCE.** Vernitta Peeks asked the Council to consider amending the fireworks ordinance to restrict discharging fireworks that would cause residue to fall on property not owned by the person igniting the fireworks. Council consensus is to set up a Police and Fire Committee meeting to discuss the issue. Vernitta will be informed when the meeting is scheduled.
2. **FFA BLUE & GOLD TRUCK & TRACTOR SHOW.** Marysville High School FFA would like to use the City Park for the truck and tractor show on September 28th. The City will supply the cones to block the entrances to the park. CM Throm moved; CM Goracke seconded to approve closing City Park September 28th. Motion carried 8-0.
3. **DOG SWIM.** Pool Manager, Courtney Luedders proposed an end-of-season event for dogs at the pool. This event will be held on Monday, September 2nd from 6:00 p.m. to 8:00 p.m. and a waiver

will be signed by all participants. CM Keating moved; CM Throm seconded to allow the end of season dog swim. Motion carried unanimously.

4. **REZONING 832 PONY EXPRESS HIGHWAY ORDINANCE 1929.** The Marysville Planning Commission recommended the property owned by Jim and Stacie Ellenbecker at 832 Pony Express Highway be re-zoned from A-1 Agricultural to SR-3 Suburban Residential-3 District. No valid protest against the proposed rezoning was filed. *ORDINANCE NO. 1929 AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT CODE BY REZONING A TRACT OF LAND DESCRIBED IN SECTION 1 HEREIN FROM A-1 (AGRICULTURAL DISTRICT) TO SR-3 (SUBURBAN RESIDENTIAL-3 DISTRICT) WITHIN THE ZONING LIMITS OF THE CITY OF MARYSVILLE, KS.* CM Throm moved; CM Snellings seconded to approve Ordinance 1929. Motion carried 8-0 voice vote.
5. **LKM VOTING DELEGATES.** The City needs two voting delegates and two alternates to vote at the League of Kansas Municipality Conference. The City has four people attending. By consensus, the Council appointed CM Behrens and CM Throm voting delegates and CM Ferris and CA Haverkamp as alternates at the League of Kansas Municipalities conference in October.
6. **CITY EMPLOYEE PICNIC & ALCOHOL CONSUMPTION REQUEST.** The City of Marysville would like to reserve the shelters in the City Park for an employee party and would like to barricade the area to allow alcohol consumption. CM Keating moved, CM Throm seconded to allow alcohol consumption in the City Park for the employee party September 14th, from 4:00 p.m. to 7:00 p.m. Motion carried unanimously.
7. **RESOLUTION 2024-14 GRAVEL DASH ALCOHOL CONSUMPTION.** Resolution 2024-14 *A RESOLUTION TEMPORARILY EXEMPTING CERTAIN PORTIONS OF THE CITY OF MARYSVILLE, KANSAS FROM THE PROHIBITIONS ON THE DRINKING OR CONSUMPTION OF ALCOHOLIC LIQUOR AND/OR CEREAL MALT BEVERAGE WITHIN THE CORPORATE LIMITS OF MARYSVILLE, KANSAS* was presented for approval. The Gravel Dash and Pony Express Festival Event sponsored by the Marysville Chamber Main Street has asked to sell alcohol at 8th and Broadway and allow alcohol consumption in the barricaded area on Saturday September 7 from 10:00 a.m. to 11:00 p.m. CM Snellings moved, CM Schrater seconded to approve Resolution 2024-14. Motion carried unanimously.
8. **HEALTH INSURANCE PROPOSAL.** CA Haverkamp told the Council the City had again applied to KMIT (Kansas Municipal Insurance Trust) Health Pool for group health insurance. The City has been accepted if the Council approves. The insurance will still be with Blue Cross Blue Shield of Kansas, but the City would now belong to a large group of cities, counties, and libraries. The City's current plan has a \$1,500 deductible and the renewal will cost the City \$406,759.56 annually which is an increase of \$38,132.76. The plan with KMIT for a \$500 deductible will cost the city \$326,663.52 annually which is a reduction of \$80,096.04. CM Keating moved; CM Behrens seconded to approve renewing the health insurance plan through KMIT at the \$500 deductible level. Motion carried unanimously. The dental insurance will remain with the Blue Cross Blue Shield carrier.
9. **ORDINANCE 1930 ALLEY PARKING.** Ordinance No. 1930 was presented as requested by the Council. *AN ORDINANCE ALLOWING PARKING ALONG ALLEYWAYS WITHIN CITY LIMITS OF MARYSVILLE, KANSAS, ENSURING ALLEYWAYS REMAIN SAFE AND ACCESSIBLE FOR ALL RESIDENTS AND EMERGENCY VEHICLES, AND EXCLUDING THE CITY FROM THE STANDARD TRAFFIC ORDINANCE SECTION 92* was presented for approval. This ordinance will change alleyways from a loading/unloading zone. A minimum of twelve (12) feet of clearance must be maintained in an alleyway and parking in alleyways may not impede traffic flow. CM Keating moved; CM Snellings seconded to approve Ordinance 1930. Motion carried 5-3 with CM Behrens, CM Ferris and CM Beikman voting no.

10. SERVICE EXTENSION-ANNEXATION AGREEMENT 1175 PONY EXPRESS HIGHWAY. Alan Feldhausen, representative of Mert Ott asked the City to grant a service extension for water to Ott's property at 1175 Pony Express Highway as his well has quit. As the city code 15-128 states the applicant will be required to sign an agreement with the City giving full and complete consent to the City to annex serviced property at any time after the date of the agreement. Mert will pay all the applicable fees. CM Keating moved; CM Behrens seconded to grant a service extension for water at 1175 Pony Express Highway with the owner signing the Service Extension-Annexation Agreement. Motion carried unanimously.

NOTICES AND HEARINGS:

- 1. CONDEMNATION HEARING 904 MAY.** Mayor Frye conducted a condemnation hearing for the house at 904 May which had a fire February 27, 2024. Steve Boren, the owner of the house, was not in attendance. The building inspector submitted a report as follows: The top of the door is black from fire damage. The front corner of the living room area, the siding and boxing was removed to fight the fire. The rim joist was cut and is severely charred. The picture window is missing and there is smoke/heat damage to the soffit and gutter. There is extensive damage to the walls and ceiling. There is water damage throughout the house and the paint is peeling. This property is a dangerous/unsafe structure and is unfit for human habitation. With no further comment the hearing was closed.
- 2. RESOLUTION 2024-15 CONDEMNING PROPERTY AT 904 MAY.** A resolution for condemnation of the property at 904 May was presented. *A RESOLUTION FINDING THAT THE STRUCTURES SITUATED ON LOTS 9-10, IN BLOCK 7, IN THE PALMETTO ADDITION, NOW INCORPORATED AND A PART OF THE CITY OF MARYSVILLE, MARSHALL COUNTY, KANSAS (STREET ADDRESS: 904 MAY STREET, MARYSVILLE, KANSAS 66508) IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURES BE REMOVED AND THE PREMISES MADE SAFE AND SECURE.* CM Throm moved; CM Snellings seconded to approve Resolution 2024-15 condemning the property at 904 May. Motion carried unanimously.

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

1. Alcohol Consumption Request-Lee Dam art Center August 31, 2024, Donna Mazour wedding reception.
2. Convention & Tourism funding request: Travel Kansas Magazine ad, \$525; Kansas Tourism Conference expenses, \$815, \$2,000 totaling \$1,340.00.
3. The City Clerk's Report for July showed \$94,009.48 collected in receipts with a like amount being deposited with the City Treasurer.
4. Cash balances in funds were presented as well as outstanding debt and receivable balances. Revenue/Expenditure Budget Reports through July 2024 showed unadjusted accumulated revenues in the General Fund of \$2,539,144 or 87% of budget; Water Revenue Fund, \$494,222 or 55% of budget, Sewer Revenue Fund, \$459,603 or 60% of budget. The unadjusted statement of expenditures in the General Fund totaled \$1,851,390 or 56% of budget, Water Revenue Fund, \$633,098 or 49% of budget, and Sewer Revenue Fund, \$472,723 or 38% of budget.

5. The Municipal Judge's Report for July showed \$3,371.50 being deposited with the City Treasurer and \$508.50 being forwarded to the State Treasurer for Judicial Branch Education, court costs and law enforcement training.

APPROPRIATIONS ORDINANCE NO. 3828

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$159,947.21; Water Revenue Fund, \$23,358.17; Sewer Revenue, \$17,584.77; Sewer Replacement Fund, \$227,567.25; Industrial Fund, \$3,125.00; Library Revolving Fund, \$14,852.92; Swim Pool Sales Tax Fund, \$58,747.80; Special Law, \$330.00; Koester Block Maintenance, \$1,511.42; Employee Benefit Fund, \$19,438.00; Transient Guest Tax, \$4,138.00; Sales Tax Improvement Fund, \$185.08 making a total of \$530,785.62.
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 Schrater seconded to approve the appropriations ordinance totaling \$530,785.62.
3. Motion to approve the appropriations ordinance carried by 8-0 roll call vote. City Clerk Holle assigned Ordinance No. 3828.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **STREET MARKINGS.** CA Haverkamp reported the street department have almost completed the parking stalls and cross walks.
2. **POOL HOURS.** The pool will not be open every day during the final weeks of the season. You will need to check their Facebook page for current details.

STANDING COMMITTEE REPORTS: PARKS & RECREATION

1. **RECREATION CONTRACT.** There was a Parks and Recreation Committee meeting. CM Goracke reported that the committee has met with Marshall County Sports and Rec (Vince and Jacey Pacha owners) to discuss renewing their contract for recreation in Marysville. Pacha's would like to eliminate the requirement to keep an office space. Most business is conducted at ball diamonds, and they would like to leave brochures and registrations at the Chamber Main Street office. CC Holle will contact CMS Director Wayne Kruse about the proposed arrangement. The Marshall County Sports and Rec asked the compensation be raised to \$70,000.00 annually and would like to extend the renewal for five years. CM Behrens moved, CM Throm seconded to renew the recreation contract for five years at \$70,000.00 annually with Marshall County Sports and Recreation and eliminate the requirement for an office space if Chamber Main Street agrees. A contract will be amended and presented with the changes. Motion carried unanimously.
2. **LOCOMOTIVE IN CITY PARK.** Trey Shaw, President of the Kansas Steam Heritage Association gave a presentation to the Committee. He explained their desire to preserve historic rail equipment across the State of Kansas. They would like to acquire the "460" engine in the City Park and make it functional. By consensus, the Council agreed to allow the group to bring in an expert to access the engine and asked them to share the information with the City.
3. **STORAGE SHED AT POOL.** Michael Pilsl met with the Committee at the pool to discuss his Eagle Scout project to build a storage shed for swim team equipment. The project will not cost the City anything. He is proposing to place the shed on the north side of slides in the grassy area. He will bring a proposal to Council.

4. **FITNESS COURT.** Mayor Frye said he and CA Haverkamp have been speaking with a representative from Blue Cross and Blue Shield who would give the City a grant of \$70,000.00 to build an outdoor fitness court. The court would be approximately 10 yards X 10 yards. The City's share would be upwards of \$170,000.00.
5. **SPLASH PAD.** Mayor Frye said the committee had discussed building a splash pad as suggested by some residents. The cost would be anywhere from \$60 a square foot to \$150 a square foot.

ADMINISTRATIVE AND FINANCE.

1. **CONVENTION & TOURISM CONTRACT.** The Admin/Finance Committee met with the Chamber Main Street board to discuss the proposed contract for them to conduct convention and tourism in Marysville. The contract is being reviewed by their attorney. The proposed amount for this service is \$80,000.00 which is most of the funds the City will receive in Transient Guest Tax for this year.

APPOINTMENTS:

EXECUTIVE SESSION:

COUNCIL COMMENTS:

1. **RAMPS ON BROADWAY.** CM Snellings asked if the City built ramps for stores on Broadway. The City does not.
2. **SQUIRRELS JUST WANNA HAVE FUN.** CM Snellings said Squirrels Just Wanna Have Fun event was a success and there were about 225 women who attended.
3. **GO CAR WASH.** CM Behrens wants to report publicly that the City or the Council did not recruit Go Car Wash to Marysville.
4. **LOW HANGING BRANCHES.** CM Behrens said there are low hanging branches blocking vision of the intersection from 5th to 6th on Alston. CM Schrater also reported the corner of 9th and May and 10th and Calhoun.
5. **205 CALHOUN CONDEMNATION.** Council members reported there has been burning after 10:00 p.m. at 205 Calhoun and asked how the condemnation process is going. They were told CA Westbrook is in the process of having the original condemnation dismissed in court as a new person now owns the house.
6. **WATER/SEWER PARTY LINES.** CM Schrater asked if the Water/Sewer Committee could talk about allowing party lines for water and sewer. This was discussed earlier in a council meeting. This would require several changes to City Code and the Unified Land Development Code.
7. **GET GREAT RATES REPORT.** CM Throm said the meeting with Carl from Get Great Rates was postponed. He suggested the report be presented at a special meeting so there would be more time to discuss the results. Council consensus was to set up a special meeting.
8. **NPI REPAIRING ALLEYS.** Mayor Frye asked if NPI, the company replacing service lines for Kansas Gas was done. The service lines are in, but their concrete crew is working on repairing sidewalks, alleys, and streets.
9. **12TH ROAD PLANS.** Mayor Frye said he would like to make 12th Road repairs a priority. He would like to get funding options and plans. He would also like to put ongoing projects the Council needs to work on, on the back of the agenda.

10. YOUTH INVOLVEMENT. Mayor Frye suggested the City create a youth board to bring ideas to the Council.

11. NATIONAL NIGHT OUT. National Night Out was a success again.

There being no further business, at 8:44 p.m. CM Schrater moved to adjourn, CM Snellings seconded. Motion carried unanimously.

Cindy Holle
City Clerk