

Regular Meeting
City Hall, Marysville, Kansas-August 23, 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 and Behrens. A quorum was present. CM Throm was absent.

The minutes from the August 9th regular meeting were presented for approval. CM Beikman moved; CM Pippia seconded to approve the minutes as presented. Motion carried by 7-0 voice vote.

PUBLIC COMMENTS:

HEARINGS:

1. **RESOLUTION 2021-18 APPLICATION TO SUBMIT CDB GRANT AND RESOLUTION 2021-19 ASSURANCE OF FUNDING TO MAINTAIN THE LAGOONS AND WETLANDS.** Amanda Horn from North Central Regional Planning Commission, who is assisting the City in the application process for the CDB grant for the Lagoon/Wetland project, presented the resolutions necessary to apply for the CDB grant and the Kansas Department of Health and Environment Loan Application. Amanda presented all the forms which will need to be signed and enclosed with the CDB Grant and the KDHE Loan Application. Amanda also presented the Administration Agreement with NCRPC to allow NCRPC to be the administrator of the grant, which will only take effect if the City receives the CDB grant. The City will sign a document that states the City will follow state regulations tied to Civil Rights Acts; labor standards; fair housing and conflict of interest and the grant funds will be used to conduct official city business; A Disclosure Report with an overview of the project with contracts and cost breakdowns; and Residential Anti-displacement and Relocation Plan which is not applicable in this project. CM Behrens moved to approve Resolution 2021-18 CDB Grant Application for \$1,727,000, CM Pippia seconded. Motion passed unanimously. CM Behrens moved to approve Resolution 2021-19 Assuring the City Will Provide for Operation and Maintenance of the New lagoon cell and wetlands and updates at \$155,000, CM Frye seconded. Motion carried unanimously. CM Behrens moved to approve the CDBG Administration Contract for \$20,000, the KDHE Application and Environmental Contract for \$1,000 and an application fee of \$500 and a KDHE Administration Contract for \$4,500. CM Price seconded. Motion carried unanimously. Amanda said the project will be completed in 2 phases. The new lagoon cell and the wetlands will be included in one project which the City will apply for CDBG funds of \$600,000. The screening station and lift station will be included in the other project. The two projects will run simultaneously. The total of both projects is estimated at \$3,787,400 and the City will seek funds through a loan with KDHE and ask for some loan forgiveness. The Mayor, the City Administrator and the City Clerk signed the appropriate forms and sent them with Amanda.

PUBLIC COMMENTS:

- 1. GRAVEL DASH REQUESTS.** Mark Hoffman a representative from the Gravel Dash Committee addressed the Council with additional requests for their event on September 11. The bike route has been changed and they are requesting the police escort be located at the corner of 8th Street and Center so the bikes can safely cross Highway 36. Mark also requested the City crew place the park bleachers on Broadway near the finish line and place some picnic tables downtown for extra seating.
- 2. CONCRETE DRIVEWAY ON EAST END OF CITY POOL.** Diane Schroller spoke to the Council as a volunteer at the City Park flower garden. There is a driveway on the east end of the City Pool used for emergencies. The driveway is for authorized vehicles only. Diane asked if the volunteers could park in the driveway when the pool is closed. The Council agreed to allow them access to the driveway when the pool is closed if the vehicles do not block the sidewalk or stick out into the street.

BUSINESS AND DISCUSSION ITEMS:

- 1. PLANTING RESTRICTIONS BY FIRE HYDRANTS-DENNIS KRAMER.** Dennis Kramer supplied pictures of the corner near his house where a fire hydrant is located. He has received a letter from the City informing him his plantings are too close to the fire hydrant according to the code. He has trimmed his bushes and cleared the site line. He is asking if he can keep the remaining plants although they do not meet the 10-foot requirement.
- 2. PLANTING RESTRICTIONS BY FIRE HYDRANTS-DEBBIE AND DALE HENDERSON.** Debbie Henderson spoke to the Council about the plantings she has near the fire hydrant on her corner. The Hendersons said they were not aware of the code when they planted the bushes and flowers near the hydrant. Debbie presented several pictures where there is not a 10-foot clearance around fire hydrants located in the City. The Hendersons said if the firemen needed access to the fire hydrant the plants near the fire hydrant could be trampled.

After Council discussion no action was taken to remove the plantings and the request to change the city code 13-410 was tabled.

- 3. TRAIL LIFE AND AMERICAN HERITAGE GIRLS RECRUITMENT NIGHT.** Ben Throm representing these two groups asked the City to suspend Standard Public Offense Code Sec. 10.6 on August 25, 2021, from 5:30 p.m. to 8:00 p.m. at the Country Club Lake. The code restricts BB guns and bow and arrow operation to indoor facilities. Ben is presenting the same request as last year. During recruitment night the participants will have the opportunity to shoot single pump BB guns and 15 lb. draw bows outside near Country Club Lake. There will be kayaking/canoeing and other stations. The participating clubs have adult leaders who are certified as safety officers in gun and archery. Ben noted PC Ackerman approved the event. Police tape will mark the boundaries. There will be numerous leaders to supervise the attendees and to help ensure safety. CM Frye moved, CM Price seconded to suspend the code on August 25 from 5:30 to 8:00 p.m. at Country Club Lake. Motion carried 7-0 vote.

- 4. MARSHALL COUNTY SPORTS & RECREATION CONTRACT.** A contract to extend the Marshall County Sports and Recreation contract for 3 years at \$68,000 per year to run the recreation program in the City was presented. CM Hughes moved to approve the contract as presented, CM Pippia seconded. Motion passed 6-1. CM Price voted no.

NOTICES AND HEARINGS:

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

1. Sadie Goepfert request to serve alcohol at a baby shower at the Lee Dam Art Center November 6, 2021.
2. Marysville Advocate-Sarah Kessinger request to serve alcohol at Chamber/Main Street mixer at the Koester Block Gazebo Park September 23, 2021.
3. C&T request for funds sponsor Boss Nationals \$250; sponsor Gravel Dash \$250; request to pay speaker Leo Oliva "Railroaded: The Industry That Shaped Kansas" \$300; speaker Ron Wilson "Ruralpreneurs: Tumbleweeds and Talents in Kansas Communities" \$300. The \$600 for the speakers will be reimbursed to the City by a grant from Humanities Kansas.

APPROPRIATIONS ORDINANCE NO. 3754

1. Claims against the funds of the City were submitted for Council consideration as follows: General Fund, \$83,049.31; Water Revenue Fund, \$106,529.58; Sewage Revenue Fund, \$42,847.13; Bond & Interest #1A, \$24,689.78; Special Improvement, \$5,800.00; Economic Development, \$2,414.75; Library Revolving, \$9,231.98; Swimming Pool Sales Tax, \$229,758.60; Koester Block Maintenance, \$774.22; Employee Benefit Fund, \$31,251.45; Transient Guest Tax, \$644.35; Sales Tax Improvements, \$32,728.22; Water Utility Reserve, \$95,492.50; making a total of \$665,211.87.
2. An appropriations ordinance was introduced and considered to honor claims against the funds of the City as audited by the Finance Committee. CM Behrens moved, CM Pippia seconded to approve the appropriations ordinance totaling \$665,211.87. Motion to approve the appropriations ordinance carried by 7-0 roll call vote. City Clerk Holle assigned Ordinance No. 3754.

STAFF REPORTS:

CITY ADMINISTRATOR:

1. **CHARLIE FRIEDRICHS BUILDING AT 610 BROADWAY.** CA St. John displayed a picture of the east side of the building at 610 Broadway owned by Charles Friedrichs. CA St. John reported the building has some structural issues. The original plan was for the City to have stucco applied to the building to improve the appearance, but Inline Construction said the

building will not hold the stucco. After Council discussion they directed CA St. John to speak with Charles about retaining a structural engineer to assess the building and discuss repairs to the building.

STANDING COMMITTEE REPORTS:

STREET:

- 1. CROSSWALK LIGHTS 15TH/CENTER.** CM Frye reported the crosswalk lights were not working at the 15th and Center intersection.
- 2. 12TH ROAD.** CM Schroller asked if the City could remove the asphalt from 12th Road and put gravel down instead because it could be better maintained. The Council discussed that many residents who live on the road do not want the dust from gravel. Also, the gravel would only be a short-term fix and the City is planning to repair 12th Road and the 12th Road/Hwy 36 intersection.
- 3. N. 16TH STREET BY CEMETERY.** There is a ridge forming in the asphalt in the street in front of the City Cemetery on North 16th Street.
- 4. GRASS IN THE STREETS.** The Council discussed the grass in the brick street and in the curb areas of other streets around town.

WATER & WASTEWATER:

- 1. 509 S. 14TH ST.** CM Schroller asked if the hole by the driveway of 509 S. 14th would be repaired before winter.
- 2. RETAINING WALL AT 13TH/BROADWAY.** The hole by the new water meter pit at the Eye Doctors has been open for about a month. CA St. John said the City will need to repair the limestone retaining wall to repair the hole.

PARKS & RECREATION:

- 1. LIFEGUARD CERTIFICATION POOL MANAGER.** CM Beikman said the pool policy states the pool manager is required to have a lifeguard certification. One of the two current managers do not have a certification. CM Beikman would like the managers to be certified as the policy states. The Council would like swim lessons to be conducted next year.
- 2. MORNING SWIM WEATHER CLOSING.** CM Schroller asked if the City could inform the morning swim participants when the pool is not open due to weather before they leave home as some live out of town. The Council discussed some of the participants who live in town could make a calling tree or inform their friends who live outside of town. CM Frye said the City

should not be responsible for contacting people. The City will consider pool policies after January 1.

CEMETERY & AIRPORT:

POLICE & FIRE:

ADMINISTRATION & FINANCE:

- 1. FIRE HYDRANT CODE.** CM Hughes said he would like the Admin & Finance committee review the fire hydrant distance in the City Code and change it to three-foot. CA St. John reported staff has researched several cities and many cities also have a 10-foot distance around fire hydrants. CA St. John said when he spoke to the Fire Chief, the Chief said the Fire Department needs the ten-foot clearance. If the firemen need to remove objects or plants within the perimeter of the hydrant the code allows for that. The Council set the 10-foot distance in the 2011 code book update. Some Council members stated they thought we should leave the Code as is and show fairness and discretion if there is a compliance issue.
- 2. CHARTER ORDINANCE RESEARCH.** CM Hughes asked City Attorney McNish if he had seen his request to the League of Municipalities and the response from Amanda Stanley one of the League's attorneys. CA McNish said he had received copies of the documents CM Hughes had presented at the July 28th meeting. CA McNish said the email from Ms. Stanley does not apply. Ordinance 1900 has not been protested in more than 60 days in district court so there does not appear to be conflict. CA McNish said, "I stand by my opinion." CA McNish also said the City had complied with the regulations although there may have been a better way, but this is a matter of administration, and the code book states who supervises who. CM Hughes asked if it was wise for the City Council to delegate away their authority. CA McNish replied it was too risky for the Governing Body to supervise employees on a day-to-day basis.
- 3. HEALTH OFFICER.** The Mayor is still working to find a Health Officer. Marshall County has found someone to be the Health Director but has not found a Health Officer yet.

APPOINTMENTS:

CITY ATTORNEY:

ROUND TABLE DISCUSSION:

- 1. WALL THAT HEALS.** CM Schroller reported there will be a shuttle from the north side of the Pony Plaza to take people from downtown to Feldhausen Field to see the Wall That Heals. The shuttle will run from 9 a.m.-4 p.m. on Thursday, Friday, and Saturday August 28, 29 and 30. The event still needs volunteers.

2. **THANK YOU -DR. JOHN RYAN.** CM Hughes asked for a letter to be sent to Dr. John Ryan for serving the City as our Health Officer. He also reminded everyone a plaque needs to be erected for the property given to the City by the Patterson Trust.
3. **STENGLEMEIER THANK YOU.** CM Schroller said the City needs to place a plaque in the City Cemetery for Don and LeAnna Stenglemeir's donation of flags. Several council members said the plaque is included in the donor sign for the flag poles which will be located at the entrance to the cemetery.
4. **2011 CITY CODE.** CA McNish said in researching Charter Ordinance 6 about chartering out of K.S.A14-103 and K.S.A14-201 relating to election and appointment of City Officers from 1987, the intent was to allow the Governing Body to change how the Council would delegate supervision of employees. This concerns the internal workings of the City and is general in nature which the Code Book states.

There being no further business, at 8:59 p.m. CM Frye moved to adjourn, CM Pippia seconded. Motion carried 7-0.

Cindy Holle
City Clerk